

SENATE JOURNAL
SIXTY-THIRD LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2014 Regular Session Convened January 13, 2014
Adjourned Sine Die March 13, 2014

Official Record of All Senate Actions Compiled, Edited and Indexed
Pursuant to Article II, Section 11 of the Constitution of the State of
Washington, by Hunter G. Goodman, Secretary of the Senate

Volume 1



Linda Jansson,
Minute and Journal Clerk

Lieutenant Governor Brad Owen, *President of the Senate*
Senator Tim Sheldon, *President Pro Tempore*
Senator Sharon Brown, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

2014

MAJORITY COALITION CAUCUS

Majority Coalition Leader.....Rodney Tom
Republican Leader.....Mark Schoesler
Majority Caucus Chair.....Linda Evans Parlette
Majority Floor Leader.....Joe Fain
Majority Whip.....Ann Rivers
Majority Caucus Deputy Leader.....Don Benton
Majority Caucus Vice Chair.....Bruce Dammeier
Majority Assistant Floor Leader.....Jim Honeyford
Majority Assistant Whip.....John Braun

DEMOCRATIC CAUCUS

Democratic Leader.....Sharon Nelson
Democratic Deputy Leader.....David Frockt
Democratic Caucus Chair.....Karen Fraser
Democratic Vice Caucus Chair.....Mark Mullet
Democratic Floor Leader.....Christine Rolfes
Democratic WhipAndy Billig
Democratic Assistant Floor LeaderAnnette Cleveland

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Secretary of the Senate Hunter G. Goodman
Deputy Secretary Brad Hendrickson
Minute and Journal Clerk Linda Jansson
Readers Kenneth Edmonds and Bill Martin

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FIRST DAY

NOON SESSION

MOTION 14039

Senate Chamber, Olympia, Monday, January 13, 2014

Proposed No. 2013-0528.2

At 12:00 noon, pursuant to law, the Senate of the 2014 Regular Session of the Sixty-Third Legislature of the State of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order. The Secretary called the roll and announced to the President that all members were present with the exception of Senator Holmquist Newbry.

A MOTION making an appointment to fill the vacancy in the position of state senator for the 43rd legislative district.

WHEREAS, a vacancy exists in the position of state senator for the 43rd legislative district due to the resignation of Senator Ed Murray following his election as Mayor of Seattle, and

WHEREAS, the 43rd legislative district Democratic precinct committee officers have met to consider candidates for the position and,

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

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

Jamie Pedersen is hereby appointed to the position of state senator for the 43rd legislative district.

Motion 14039 was introduced on 12/16/2013 and passed as amended by the Metropolitan King County Council on 12/16/2013, by the following vote:

Yeas: 8 – Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. Dunn, Mr. McDermott and Mr. Dembowski

No: 0

Excused: 1 – Ms. Hague

RESIGNATION LETTER

December 12, 2013

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Inslee:

Due to my recent election as the next Mayor of Seattle, I am writing to you today submit my notice of resignation from the Legislature. The effective date of my resignation as the Senator of the 43rd Legislative District will be at 12:00 p.m. on December 16, 2013.

Even though I will not assume office as Mayor of Seattle until January 1, the demands of the transition into office are considerable and deserve my full time and attention. In addition, the residents of the 43rd District deserve sufficient time and opportunity to select my replacement before the 2014 Legislative Session begins in January.

My 18-year career as a legislator, first as a member of the House and then as a member of the Senate, has been an honor and a privilege, and has provided me experiences under nearly every legislative scenario. I have served in the majority in both chambers, in the minority in both chambers, and in an effective tie in both chambers. As chair of all three budget committees, I have written Operating, Capital and Transportation budget proposals. And I have had the great opportunity of sponsoring and passing difficult but critical legislation that has made a positive difference in the lives of Washingtonians: from passing the largest transportation funding package in state history, doubling funding for low-income housing, and passing the highest emission standards in the nation, to achieving civil rights protections for gays and lesbians, securing three successive years of domestic partnership rights and, finally, passage marriage equality for all.

These are experiences I am proud of, humbled to have had, and will never forget. I look forward to keeping open lines of communication with you and with the Legislature in my new capacity as Mayor of Seattle, and to working collaboratively and productively to make progress on behalf of residents all across the great state of Washington.

Sincerely,
Edward B. Murray

KING COUNTY SIGNATURE SHEET
DECEMBER 17, 2013

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON
Larry Gossett, Chair

ATTEST:
Anne Noris, Clerk of the Council

RESIGANTION LETTER

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

November 11, 2013

Dear Governor Inslee:

It is with sadness but without reservation, that I submit to you my notice of resignation as Senator of the 38th Legislative District effective immediately.

I have come to realize that my constituents and the people of our state would be better served by someone who can fully commit their time to a job that requires undivided dedication. The combination of legislative session, a series of special sessions and interim responsibilities are important, exciting work, but require full time attention. As a husband, father of two girls and an attorney, I feel that I am unable to meet that requirement.

I am proud of my time here in Olympia. It was an honor to be asked to work on bringing WSU to Everett as one of my first responsibilities. I was proud to lead the fight against gun violence and the fight for education funding and small businesses.

My three years as Senator are an experience I will never forget. Unfortunately my work in Olympia takes me away from my family far too much. They deserve a full-time husband and

father just as the people of the 38th deserve a full-time Senator. I feel that I cannot be both at this time.

Thank you for your leadership and your understanding.

Nick Harper

RESIGNATION LETTER

January 7, 2014

The Honorable Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Inslee,

It is with deep regret that I must inform you of my decision to resign from the Washington State Senate, effective immediately. Although I had planned to retire from the Legislature at the end of my term later this year, I have reluctantly determined with the assistance of my family that recent health problems including my age, memory problems, and a recent diagnosis of Alzheimer's make it impossible for me to represent my constituents in the manner in which they deserve. I believe it is in everyone's best interest—my family, my constituents, the Senate, and the great State of Washington – for me to step down at this time.

I would like to take this opportunity to thank you for your help and support over the years. It has been a tremendous privilege to be a member of the State Senate and work with such wonderful colleagues.

Sincerely,
Paul Shin
Washington State Senator
21st Legislative District

REMARKS BY THE PRESIDENT

President Owen: “Ladies and Gentleman of the Senate, as we begin the President would like to welcome all the new members. I think this might be some kind of, some sort of record for the second year of the biennium for new members but we are very pleased and privileged to have you here serving with us today.”

The Washington State Patrol Honor Guard consisting of Lieutenant Zach Elmore; Lieutenant Johnny Alexander; Trooper Heather Axtman; Trooper Matt Fehler; Trooper Melissa Walstad and Trooper Ethan Wynecoop presented the Colors.

The President led the Senate in the Pledge of Allegiance.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Auburn High School Chamber Choir Double Quartet members Jessica Alley; Sylvia Jones; Keishawna Smith; Lillian Karout; Reymart Balmes; Marco Antonio Garcia; Ethan Hinze and Kirkland Strickland who performed the National Anthem under the direction of Ms. Kandy Gilbert.

The Washington State Patrol Honor Guard retired from the chamber.

REMARKS BY THE PRESIDENT

President Owen: “Senator Fain, thank you for suggesting the Choir. They were outstanding, outstanding.”

Pastor Matt Krachunis of Faith and Victory church, Auburn offer the prayer.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Katt Nguyen, 2014 Lakefair Queen, who was seated at the rostrum.

With the permission of the Senate, business was suspended to allow Lakefair Queen Katt Nguyen to address the Senate and welcome the senators to Olympia.

REMARKS BY MISS KATT NGUYEN

Miss Katt Nguyen: “Good afternoon everyone. As the 2013-2014 Capital Lakefair Queen I'm actually here today to welcome all of you to a new legislative session. My name is Katt Nguyen, short and sweet for Katherine, I am an International Bachelorette senior at Capital High School. As graduation seems to be coming closer and closer, I feel like I'm one step closer to pursuing my aspirations which is to be a pediatrician. I hope to attend the University of Washington this upcoming fall and I hope to major in bio chemistry. So, it's going to be a very long and hard journey but definitely very worthwhile one. Actually being a part of the Capital Lakefair program has helped me in regards as to my aspirations. The Capital Lakefair program offers twenty-eight thousand dollars in scholarships to its recipients each year and I, as the Capital Lakefair Queen, received five thousand dollars in scholarship while each of the other Princesses received twenty-five hundred dollars in scholarships. So on behalf of my Lakefair Court I would like to thank the Capital Lakefair program for its generosity and rewarding experiences. So, being a Capital Lakefair Queen I have learned that with the crown comes a lot of responsibilities. I represent not only my school but my community as I venture out throughout our community in Washington, Oregon and Canada. So, this Lakefair experience has opened not only my eyes but also my heart to all of the events and festivals that go on throughout the northwest I have been able to be a part of such things like the downtown Arts walk here in Olympia and various other events that go on throughout our northwest. This experience has taught me that the Lakefair experience is not just about myself but it's about what I can do to make the experiences of other people a lot better and more positive. So, I thank the Capital Lakefair program and because of the Capital Lakefair program I am honored to be here today. I have the privilege to welcome all of you to a new legislative session and it's not an experience every seventeen year-old can talk about. So, once again I would just like to say thank you for having me here. It is definitely quite an honor and I wish you all a very successful legislative session. Thank you.”

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Bob Barnes, Executive Director and Mrs. Serry Barnes, Capital Lakefair President, Ms. Peggy Brink, 2014 Royalty Chair; Mr. Thomas Nguyen, and Mrs. Angela Nguyen parents of Miss Nguyen who were all present in the gallery.

MOTION

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

FIRST DAY, JANUARY 13, 2014

2014 REGULAR SESSION

MESSAGE FROM THE SECRETARY OF STATE

PROVISIONAL CERTIFICATION
INITIATIVE TO THE LEGISLATURE NO. 591

Pursuant to Article II, Section 1, of the Washington State Constitution and RCW 29A.72.230, prior to the deadline of January 3, the Office of the Secretary of the State received signature petitions submitted in support of Initiative to the Legislature No. 591, "Protect Our Gun Rights."

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

I hereby attach a true and correct copy of Initiative to the Legislature No. 591.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 7th day of January, 2014.

Seal

KIM WYMAN,
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

PROVISIONAL CERTIFICATION

MESSAGE FROM SECRETARY OF STATE

The Honorable Brad Owen
President of the Senate
P.O. Box 40482
Olympia, WA 98504-0482

Dear President Owen:

The returns of the November 5, 2013, General Election have been certified. My office certifies the results for statewide measures, federal offices, statewide offices, and any legislative or judicial office crossing county lines. Legislative and judicial offices located entirely within one county were certified by the respective county canvassing board on November 26, 2013.

Enclosed please find copies of the measures and races certified by my office, as well as a list of all new senators. Please feel free to contact my office if you have any questions.

Sincerely,
KIM WYMAN
Secretary of State
State of Washington

The Honorable Brad Owen
President of the Senate
The Legislature of the State of Washington
Olympia, Washington

Mr. President:

I, Kim Wyman, Secretary of the state of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the Office of State Senator at the General Election held in the state of Washington on the 5th day of November, 2013, as shown by the official returns of said election now on file in the office of the Secretary of State.

STATE SENATORS ELECTED NOVEMBER 5, 2013

INITIATIVE TO THE LEGISLATURE NO. 594

Pursuant to Article II, Section 1, of the Washington State Constitution and RCW 29A.72.230, prior to the deadline of January 3, the Office of the Secretary of the State received signature petitions submitted in support of Initiative to the Legislature No. 594, "Background Check for Gun Sales and Transfers."

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

I hereby attach a true and correct copy of Initiative to the Legislature No. 594.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 7th day of January, 2014.

Seal

KIM WYMAN,
Secretary of State

December 4, 2013

District	Counties Represented	Name	Party Preference
7	Ferry, Okanogan, Pend Oreille, Spokane, Stevens	Brian Dansel	Prefers Republican Party
8	Benton	Sharon R. Brown	Prefers Republican Party
26	Kitsap, Pierce	Jan Angel	Prefers Republican Party

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this 4th day of December, 2013.

KIM WYMAN,
Secretary of State

**CANVASS OF THE RETURNS
OF THE GENERAL ELECTION
HELD ON NOVEMBER 5, 2013**

I, Kim Wyman, Secretary of State of the state of Washington, do hereby certify that according to the provisions of RCW 29A.60.250 and RCW 29A.60.260, I have canvassed the returns of the 1,772,290 ballots cast by the 3,914,786 registered voters of the state for and against the initiatives and advisory measures, and for those legislative and judicial offices whose jurisdiction encompasses more than one county, which were submitted to the vote of the people at the November 5, 2013, General Election as received from the County Auditors.

Initiatives to the Legislature

Initiative Measure No. 517

Initiative Measure No. 517 concerns initiative and referendum measures. This measure would set penalties for interfering with or retaliating against signature-gatherers and petition-signers; require that all measures receiving sufficient signatures appear on the ballot; and extend time for gathering initiative petition signatures. Should this measure be enacted into law?

Yes	629,584
No	1,058,572

Initiative Measure No. 522

Initiative Measure No. 522 concerns labeling of genetically-engineered foods. This measure would require most raw agricultural commodities, processed foods, and seeds and seed stocks, if produced using genetic engineering, as defined, to be labeled as genetically engineered when offered for retail sale. Should this measure be enacted into law?

Yes	857,511
No	895,557

Advisory Votes

Advisory Vote No. 3

Substitute Senate Bill 5444

The legislature eliminated, without a vote of the people, a leasehold excise tax credit for taxpayers who lease publicly-owned property, costing approximately \$2,000,000 in the first ten years, for government spending. This tax increase should be:

Repealed	737,365
Maintained	813,990

Advisory Vote No. 4

Senate Bill 5627

The legislature imposed, without a vote of the people, an aircraft excise tax on commuter air carriers in lieu of property tax, costing approximately \$500,000 in its first ten years, for government spending. This tax increase should be:

Repealed	724,935
Maintained	835,415

Advisory Vote No. 5

Engrossed Substitute House Bill 1846

The legislature extended, without a vote of the people, the insurance premium tax to some insurance for pediatric oral services, costing an amount that cannot currently be estimated, for government spending. This tax increase should be:

Repealed	937,473
Maintained	612,611

Advisory Vote No. 6

Second Engrossed Second Substitute House Bill 1971

The legislature eliminated, without a vote of the people, a retail sales tax exemption for certain telephone and telecommunications services, costing approximately \$397,000,000 in the first ten years, for government spending. This tax increase should be:

Repealed	814,968
Maintained	744,392

Advisory Vote No. 7

Engrossed House Bill 2075

The legislature extended, without a vote of the people, estate tax on certain property transfers and increased rates for estates over \$4,000,000, costing approximately \$478,000,000 in the first ten years, for government spending. This tax increase should be:

Repealed	765,187
Maintained	803,695

Legislative Offices

Legislative District 7 – State Senator

John Smith	(Prefers Republican Party)	16,324
Brian Dinsel	(Prefers Republican Party)	18,873

Legislative District 26 – State Senator

Jan Angel	(Prefers Republican Party)	24,112
Nathan Schlicher	(Prefers Democratic Party)	22,192

Judicial Offices

Court of Appeals, Division 3, District 2 – Judge Position 1

John Gary Metro	24,933
George Fearing	58,301

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington on this 4th day of December, 2013, at Olympia, the State Capital.

KIM WYMAN
Secretary of State

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a committee of honor consisting of Senators Angel and McAuliffe to escort the Honorable Justice James Johnson to the rostrum.

The President welcomed and introduced the Honorable James Johnson Justice of the Supreme Court of the state of Washington, to administer the oath of office to the newly elected Senators.

The Secretary called the roll of the newly elected members of the Senate and all were present: Senators Angel, Brown and Dinsel.

The Sergeant at Arms escorted each of the newly elected members of the Senate to the rostrum of the Senate to receive their oath of office.

Chief Justice James Johnson thereupon administered the oath of office to the Senators.

The President presented each of the newly elected Senators a certificate of election.

The Sergeant at Arms escorted each of the newly elected members to their seat on the floor of the Senate.

The Secretary called the roll of the members appointed to fill vacant seats of the Senate and all were present: Senators McCoy and Pedersen.

The Sergeant at Arms escorted each of the appointed members to fill vacant seats of the Senate to the rostrum of the Senate to receive their oath of office.

Chief Justice James Johnson thereupon administered the oath of office to the Senators.

The President presented each of the appointed members a certificate of election.

The Sergeant at Arms escorted each of the appointed members to their seat on the floor of the Senate.

The President thanked Justice James Johnson and Secretary of State Kim Wyman.

ELECTION OF VICE PRESIDENT PRO TEMPORE

The President declared the nominations for the office of Vice President Pro Tempore of the Senate to be open.

REMARKS BY SENATOR PARLETTE

Senator Parlette: "Well, it's with great honor I nominate Senator Sharon Brown for this office but it is with great sadness that at this time we do need to find a replacement and I know we will have our time later to honor Senator Shin. But President I am thrilled to nominate Sharon Brown for this position of the Office of Vice President Pro Tempore. Since the last time we were together in this chamber the number of women has increased by one and the number of women in our caucus has reached a record high. In that light it is an honor to nominate Senator Sharon Brown to the ranks of Senate leaders. As the mother of five she probably has a lot of experience in bringing order to a group but on top of that she is an accomplished attorney and has experience serving as the Mayor Pro Tempore for her home town of Kennebec. I am confident that she will quickly master the parliamentary procedures that are needed for this position."

Senator Rivers seconded the nomination.

MOTION

On motion of Senator Fain, the nominations for the office of Vice President Pro Tempore of the Senate were closed.

The President declared the question before the Senate to be the election for the office of Vice President Pro Tempore.

The Secretary called the roll for the office of Vice President Pro Tempore and Senator Sharon Brown was elected Vice President Pro Tempore by the following vote: Brown, 47; Absent, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Holmquist Newbry

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a committee of honor consisting of Senators Hewitt and Fraser to escort Senator Brown to the rostrum to receive her oath of office.

Justice James Johnson thereupon administered the oath of office to the Senator Brown.

The President presented a certificate of election to Senator Brown.

REMARKS BY SENATOR BROWN

Senator Brown: "Although we will have the opportunity to thank Senator Shin later I would like to just give him a huge shout out right now because Senator Shin has just been an inspiration

for me. I've enjoyed setting next to him in committee and also being so close to the President right here I think I've got great guidance and also Senator Sheldon I know will be wonderful in guiding me. Thank you for your faith and being able to fill this position."

The committee of honor escorted Senator Brown to her seat of the floor of the Senate.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a committee of honor consisting of Senators Angle and McAuliffe to escort Chief Justice James Johnson from the Senate Chamber.

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION 8666

By Senators Tom and Nelson

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

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8666.

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Floor Resolution No. 8666, the President appointed Senators Dassel and Kline to notify the Governor that the Legislature was organized and ready to conduct business.

MOTION

On motion of Senator Fain, the appointments were confirmed.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION 8667

By Senators Fain and Rolfes

WHEREAS, The Senate adopted permanent rules for the 2013-2015 biennium under Senate Resolution 8601; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied; and

WHEREAS, The Senate desires to amend rules 41 and 56;

FIRST DAY, JANUARY 13, 2014

2014 REGULAR SESSION

NOW, THEREFORE, BE IT RESOLVED, That Rule 41 is amended as follows:

PARLIAMENTARY INQUIRY

"Rule 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

Senator Benton: "It concerns allowing members to sign on an extra day on opening day?"

REPLY BY THE PRESIDENT

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

President Owen: "Use your microphone Senator."

PARLIAMENTARY INQUIRY

The following standing committees shall constitute the standing committees of the senate:

Senator Benton: "Thank you. This is the rule change that allows members to sign on to bills an additional day on opening day?"

Standing Committee	Total Membership
1. Agriculture, Water & Rural Economic Development((7))	6
2. Commerce & Labor	7
3. Early Learning & K-12 Education	11
4. Energy, Environment & Telecommunications	9
5. Financial Institutions, Housing & Insurance	7
6. Governmental Operations	7
7. Health Care	9
8. Higher Education	7
9. Human Services & Corrections	((7)) 5
10. Law & Justice	7
11. Natural Resources & Parks	7
12. Rules	21 (plus the Lieutenant Governor)
13. Trade & Economic Development	7
14. Transportation ((16))	15
15. Ways & Means	23"

REPLY BY THE PRESIDENT

President Owen: "Senator, it does do that, it codifies what has been the tradition of the practice of the senate for a period of time. It also changes some of the numbers on the committee make up as well."

Senator Benton moved to separate the question.

REPLY BY THE PRESIDENT

BE IT FURTHER RESOLVED, That Rule 56 is amended as follows:

President Owen: "Senator Benton has moved to separate the question between rule 56 and rule 41. Is that correct Senator? For clarification of members for those who follow the rules and I know all of you know them frontward and backwards so if this was a bill his motion would be out of order but this is a resolution. The President believes that it is appropriate; it is alright to divide the question. So, where we will divide obviously in Rule 41 after 15.15 Ways & Means.., 23 will be the first question that you'll be voting on, Rule 41 which is the make. Senator, did you wish to make comments?"

"Rule 56. All bills, joint resolutions, and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution, or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution, or joint memorial is to be introduced.

Senator Benton spoke in favor of the motion.

Provided that a vote has not been taken on final passage of a bill, joint resolution, or joint memorial, a member may add his or her name as a cosponsor until 2:00 p.m. of the day of its introduction. For any bill, joint resolution, or joint memorial that has been prefiled for a regular session, a member has until 2:00 p.m. of the day following introduction to add his or her name as a cosponsor.

The President declared the question before the Senate to be the adoption of pertaining to Rule 41 to Senate Resolution No. 8667.

To be considered during a regular session, a bill must be introduced at least ten days before final adjournment of the legislature, unless the legislature directs otherwise by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)"

Senator Fain spoke in favor of the adoption of pertaining to Rule 41 to Senate Resolution No. 8667.

Senator Nelson spoke on adoption of pertaining to Rule 41 to Senate Resolution No. 8667.

PARLIAMENTARY INQUIRY

Senator Nelson spoke on the adoption of the resolution.

Senator Hasegawa: "Thank you Mr. President. Do both sections have to pass in order for the underlying resolution to pass?"

REPLY BY THE PRESIDENT

PARLIAMENTARY INQUIRY

President Owen: "The President believes no they do not. I would note that this is an unusual move so we're walking carefully on this."

Senator Benton: "8667 is a rule change?"

The motion by Senator Fain carried and Senate Resolution No. 8667 pertaining to Rule 41 was adopted by voice vote.

REPLY BY THE PRESIDENT

President Owen: "It is a rule change, yes."

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8667 pertaining to Rule 56.

The motion by Senator Fain carried and Senate Resolution No. 8667 pertaining to Rule 56 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8667.

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

STANDING COMMITTEE ASSIGNMENTS

The President announced the appointments of members to standing committees as shown on the 2014 Standing Committee Assignments list.

2014 SENATE STANDING COMMITTEE ASSIGNMENTS

Agriculture, Water & Rural Economic Development

Hatfield, Chair
Honeyford, Ranking Member
 Brown
 Eide
 Hobbs
 Schoesler

Commerce & Labor

Holmquist Newbry, Chair
Braun, Vice Chair
Conway, Ranking Member
 Hasegawa
 Hewitt
 Kohl-Welles
 King

Early Learning & K-12 Education

Litzow, Chair
Dammeier, Vice Chair
McAuliffe, Ranking Member
Rolfes, Assistant Ranking Member
 Billig
 Brown
 Cleveland
 Fain
 Hill
 Mullet
 Rivers

Energy, Environment & Telecommunications

Ericksen, Chair
Sheldon, Vice Chair
McCoy, Ranking Member
 Billig
 Brown
 Chase
 Honeyford
 Litzow
 Ranker

Financial Institutions, Housing & Insurance

Hobbs, Chair
Mullet, Vice Chair
Benton, Ranking Member
 Fain
 Hatfield
 Nelson
 Roach

Governmental Operations

Roach, Chair
Benton, Vice Chair
Hasegawa, Ranking Member
 Conway
 Dansel
 McCoy
 Rivers

Health Care

Becker, Chair
Dammeier, Vice Chair
Pedersen, Ranking Member
 Angel
 Bailey
 Cleveland
 Ericksen
 Keiser
 Parlette

Higher Education

Bailey, Chair
Becker, Vice Chair
Kohl-Welles, Ranking Member
 Baumgartner
 Frockt
 McAuliffe
 Tom

Human Services & Corrections

O'Ban, Chair
Pearson, Vice Chair
Darneille, Ranking Member
 Hargrove
 Padden

Law & Justice

Padden, Chair
O'Ban, Vice Chair
Kline, Ranking Member
 Darneille
 Pedersen
 Pearson
 Roach

Natural Resources & Parks

Pearson, Chair
21st District, Ranking Member
 Dansel
 Hargrove
 Hewitt
 Kline
 Parlette

Rules

Sheldon, Vice Chair
 Bailey
 Becker
 Benton
 Billig
 Chase
 Dammeier
 Darneille
 Ericksen
 Fain

FIRST DAY, JANUARY 13, 2014

2014 REGULAR SESSION

Fraser
King
Kohl-Welles
Nelson
McCoy
Parlette
Pearson
Rivers
Rolfes
Schoesler
Tom

Senator Fain moved that the appointments in the Standing Committees be confirmed.

PARLIAMENTARY INQUIRY

Senator Chase: “It looks to me that Human Services & Corrections are losing two, is that true? Is that how? I’m somewhat confused by these numbers. It appears that some of them are getting more and some of them are getting less. Is that correct?”

REPLY BY THE PRESIDENT

President Owen: “That is what was stated in the previous motion on the make-up of the committees and the resolution. That is correct. There has been changes to the numbers. The President is not perfectly aware of what exactly the numbers are but you can see as they are stated on here. I mean compared to the previous committee assignments. If you look on the resolution I think that you will see that the old numbers are stricken out and the new numbers are underlined.”

The President declared the question before the Senate to be the motion by Senator Fain that the appointments be confirmed.

Senator Benton demanded a roll call.

The President declared that one-sixth of the members did not support the demand and the demand was not sustained.

MOTION

On motion of Senator Fain, the appointments were confirmed by voice vote.

MOTION

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

INTRODUCTION AND FIRST READING

SI 591

Protect our gun rights

Referred to Committee on Law & Justice.

SI 594

Gun sales background check

Referred to Committee on Law & Justice.

SB 5954 by Senators Hasegawa and Chase

AN ACT Relating to industrial hemp; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5955 by Senators Hasegawa, Chase, Keiser, Conway, Frockt, Kline and Kohl-Welles

Trade & Economic Development

Braun, Chair
Chase, Ranking Member
Angel
Baumgartner
Holmquist Newbry
Pedersen
21st District

Transportation

King, Co-Chair
Eide, Co-Chair
Hobbs, Vice Co-Chair
Fain, Budget Leadership Cabinet
Angel
Brown
Cleveland
Dansel
Erickson
Litzow
Mullet
O’Ban
Rolfes
Sheldon
21st District

Ways & Means

Hill, Chair
Baumgartner, Vice Chair
Honeyford, Capital Budget Chair
Hargrove, Ranking Member
Keiser, Assistant Ranking Member on Capital Budget
Ranker, Assistant Ranking Member on the Operating Budget
Bailey
Becker
Billig
Braun
Conway
Dammeier
Fraser
Frockt
Hasegawa
Hatfield
Hewitt
Kohl-Welles
Padden
Parlette
Rivers
Schoesler
Tom

MOTION

AN ACT Relating to establishing the Washington publicly owned trust in order to create a financing infrastructure to implement Initiative Measure No. 502 that complies with the United States attorney general's guidance letter of August 29, 2013, thereby providing resources for public infrastructure and other public purposes; amending RCW 30.04.020, 42.56.270, 42.56.270, 42.56.400, 43.08.135, and 43.84.080; reenacting and amending RCW 42.56.400; adding a new section to chapter 39.58 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5956 by Senators Hatfield, Sheldon and Braun

AN ACT Relating to short-barreled rifles; amending RCW 9.41.190; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5957 by Senators Honeyford and Mullet

AN ACT Relating to the renewal of parking privileges for persons with disabilities; and amending RCW 46.19.040.

Referred to Committee on Transportation.

SB 5958 by Senators McAuliffe, Hargrove, Rolfes, Mullet, Hasegawa, Chase, McCoy, Fraser, Kline, Fain, Hill, Keiser, King and Rivers

AN ACT Relating to holding state agencies accountable for providing opportunities for certain students to participate in transition services; and adding a new section to chapter 28A.155 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 5959 by Senators McAuliffe, Rolfes, Mullet, Billig, Chase, Hasegawa, McCoy, Kline and Conway

AN ACT Relating to professional educator learning days; amending RCW 28A.150.200; adding a new section to chapter 28A.150 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 5960 by Senators McAuliffe, Mullet, Billig and Rolfes

AN ACT Relating to changing the requirements for the relevant multiple measures of student growth used in teacher and principal evaluations to include the use of student results on the federally mandated statewide administered reading or language arts and mathematics assessments for teachers who teach the relevant subject in a grade in which the assessments are administered and for principals who are assigned to schools in which at least one of the relevant subjects is taught in at least one of the grades in which the assessments are administered; amending RCW 28A.405.100; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 5961 by Senators Mullet, Fain and Hobbs

AN ACT Relating to the enforcement of regional transit authority fares; and amending RCW 81.112.210.

Referred to Committee on Transportation.

SB 5962 by Senators Honeyford and King

AN ACT Relating to services provided by residential habilitation centers; and amending RCW 71A.20.180.

Referred to Committee on Health Care.

SB 5963 by Senators Bailey, Rivers, Chase, Braun, Conway, Schoesler, Shin, Roach, Hobbs, Darneille and Tom

AN ACT Relating to the composition of the officer promotion board; and amending RCW 38.12.125.

Referred to Committee on Governmental Operations.

SB 5964 by Senators Fain, Rivers, Braun, Hasegawa, Rolfes, Conway, Frockt, Tom, Keiser, Mullet and Hill

AN ACT Relating to training public officials and employees regarding public records, records management, and open public meetings; adding a new section to chapter 42.30 RCW; adding new sections to chapter 42.56 RCW; creating new sections; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5965 by Senators Padden, Darneille, O'Ban, Mullet, Hargrove, Dammeier, Pearson, Fain, Roach, Kohl-Welles, Kline, Conway, Keiser and McAuliffe

AN ACT Relating to sexually violent predators; amending RCW 71.09.070 and 71.09.020; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5966 by Senators Padden and Kline

AN ACT Relating to possession or use of alcohol, cannabis products, and controlled substances in sentencing provisions; amending RCW 9.94A.505 and 9.94A.607; and reenacting and amending RCW 9.94A.703.

Referred to Committee on Law & Justice.

SB 5967 by Senators Padden, Kline and Keiser

AN ACT Relating to mental status evaluations; and amending RCW 9.94B.080.

Referred to Committee on Law & Justice.

SB 5968 by Senators Dammeier, Cleveland, Tom, King, Keiser and O'Ban

AN ACT Relating to the safe care of inmates and suspects in Washington hospitals; adding a new section to chapter 70.41 RCW; and adding a new chapter to Title 10 RCW.

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Referred to Committee on Law & Justice.

SB 5969 by Senators O'Ban, McCoy, Schoesler, Hobbs, Hatfield, Brown, Conway, Rolfes, Braun, McAuliffe and Benton

AN ACT Relating to awarding academic credit for military training; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 5970 by Senators O'Ban, McCoy, Schoesler, Hobbs, Hatfield, Conway, Rolfes, Holmquist Newbry and Braun

AN ACT Relating to evaluating military training and experience toward meeting licensing requirements; amending RCW 18.340.010, 18.340.020, 19.105.570, 42.44.220, 46.82.440, 64.36.350, and 67.08.320; adding new sections to chapter 18.340 RCW; and repealing RCW 18.08.500, 18.11.290, 18.16.300, 18.39.570, 18.43.190, 18.85.490, 18.96.230, 18.140.290, 18.145.150, 18.165.310, 18.170.310, 18.185.310, 18.210.230, 18.220.211, 18.280.200, and 18.300.160.

Referred to Committee on Commerce & Labor.

SB 5971 by Senators Roach, Chase, Bailey, Rivers, Conway, Schoesler, Shin, Hobbs, Darneille, Tom and Benton

AN ACT Relating to the continuity of government and operations in the event of an emergency, disaster, or attack; amending RCW 42.14.010, 42.14.020, 42.14.030, 42.14.035, 42.14.040, 42.14.050, 42.14.075, 38.52.010, 38.52.020, and 38.52.030; and providing a contingent effective date.

Referred to Committee on Governmental Operations.

SB 5972 by Senators Pearson, Rolfes, Hargrove, Mullet, Sheldon, Hewitt, Cleveland, Honeyford, Fain, Hill, Braun, Fraser, Litzow, Parlette, Frockt and Kline

AN ACT Relating to specifying recovery for fire damages to public or private forested lands; amending RCW 4.24.040 and 4.24.060; adding a new section to chapter 76.04 RCW; and creating new sections.

Referred to Committee on Natural Resources & Parks.

SB 5973 by Senators Rolfes, Pearson, Honeyford, Cleveland, Hargrove, Hewitt, Fraser, Litzow, Parlette, Kline and McAuliffe

AN ACT Relating to the community forest trust account; amending RCW 43.30.385, 79.64.020, and 79.64.040; and adding a new section to chapter 79.155 RCW.

Referred to Committee on Natural Resources & Parks.

SB 5974 by Senators Hewitt, Rolfes and McAuliffe

AN ACT Relating to veterans' homes; amending RCW 72.36.020, 72.36.030, 72.36.035, 72.36.055, 72.36.070, 72.36.075, and 43.60A.075; and adding a new section to chapter 72.36 RCW.

Referred to Committee on Governmental Operations.

SB 5975 by Senators Conway, Bailey, Braun, Hobbs, Rolfes and McAuliffe

AN ACT Relating to the veterans innovations program; amending RCW 43.60A.160, 43.60A.175, and 43.60A.185; and repealing RCW 43.60A.165 and 43.60A.170.

Referred to Committee on Governmental Operations.

SB 5976 by Senators Fain and Hobbs

AN ACT Relating to notice given to owners of life insurance policies about alternative transactions; and amending RCW 48.102.100.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5977 by Senators Hobbs and Fain

AN ACT Relating to the regulation of service contracts and protection product guarantees; and amending RCW 48.110.020.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5978 by Senators Hobbs and Fain

AN ACT Relating to the regulation of service contracts and protection product guarantees; and amending RCW 48.110.030.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5979 by Senators Sheldon, King, Pearson and O'Ban

AN ACT Relating to provisions governing commercial motor vehicles; and amending RCW 46.37.140, 46.48.170, and 46.61.350.

Referred to Committee on Transportation.

SB 5980 by Senators Cleveland, Rivers and Keiser

AN ACT Relating to creation of a quality improvement program for the licensees of the medical quality assurance commission; amending RCW 18.71.010; and adding new sections to chapter 18.71 RCW.

Referred to Committee on Health Care.

SB 5981 by Senators Sheldon, Kline, Hewitt and Dammeier

AN ACT Relating to increasing the number of superior court judges in Mason county; amending RCW 2.08.065; and creating a new section.

Referred to Committee on Law & Justice.

SB 5982 by Senator Ericksen

AN ACT Relating to preserving K-12 instructional time; amending RCW 28A.150.203, 28A.305.140, 28A.305.140, 28A.655.180, and 28A.655.180; adding a new section to chapter 28A.150 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SB 5983 by Senators Ericksen, Sheldon, Holmquist Newbry, Honeyford and Benton

AN ACT Relating to limiting the authority of growth management hearings boards to hear petitions challenging the regulation of permit exempt wells; and amending RCW 36.70A.280.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 5984 by Senators Ericksen, Sheldon, Fain and Benton

AN ACT Relating to banning certain flame retardants in children's products and residential upholstered furniture; amending RCW 70.240.050; and adding a new section to chapter 70.240 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5985 by Senators Darneille, Kline, Rolfes, Conway and Kohl-Welles

AN ACT Relating to recovering costs in consumer protection actions; and amending RCW 19.86.080 and 19.270.060.

Referred to Committee on Law & Justice.

SB 5986 by Senators Ericksen, Braun, King, Honeyford, Bailey and Parlette

AN ACT Relating to school district revenues; amending RCW 28A.150.250 and 28A.520.020; creating a new section; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

SB 5987 by Senators Hatfield and Roach

AN ACT Relating to providing an additional method for water-sewer districts to disburse funds; and adding a new section to chapter 57.20 RCW.

Referred to Committee on Governmental Operations.

SB 5988 by Senators Fain, Hill, Litzow, Becker, Hewitt, Tom, King, Dammeier, Braun, Rivers, Bailey, Schoesler, Brown, Honeyford and O'Ban

AN ACT Relating to solicitation and acceptance of campaign contributions; and reenacting and amending RCW 42.17A.560.

Referred to Committee on Ways & Means.

SB 5989 by Senators Hobbs, Baumgartner, Darneille, Schoesler, Ranker, Braun, Mullet, Dammeier, Pearson, Nelson, Fain, Rolfes, Hasegawa, Conway, Holmquist Newbry, Hatfield, Hewitt, Tom, McAuliffe, Benton, O'Ban and Kohl-Welles

AN ACT Relating to strengthening economic protections for veterans and military personnel; amending RCW 38.42.010, 38.42.020, and 73.16.070; adding new sections to chapter 38.42 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5990 by Senator Ericksen

AN ACT Relating to funding for programs under the environmental legacy stewardship account; and reenacting and amending RCW 70.105D.070 and 70.105D.170.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5991 by Senators Ericksen, Sheldon, Hewitt, Brown, Mullet, Honeyford and Benton

AN ACT Relating to studying nuclear power as a replacement for electricity generated from the combustion of fossil fuels; and creating new sections.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5992 by Senators Ericksen, Schoesler, Sheldon, Brown, Braun, Honeyford and Benton

AN ACT Relating to allowing certain incremental electricity produced as a result of efficiency improvements and hydroelectric generation from certain irrigation facilities to qualify as an eligible renewable resource under chapter 19.285 RCW, the energy independence act; amending RCW 19.285.040; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5993 by Senator Ericksen

AN ACT Relating to a sales tax exemption provided to state and local government on purchases made with debt proceeds; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5994 by Senator Ericksen

AN ACT Relating to a sales and use tax exemption provided to the state, public school districts, and public charter schools on school construction when the funds used were obtained from indebtedness; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5995 by Senators Angel and Dammeier

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AN ACT Relating to local government selection of the appropriate sewer systems as part of growth management; amending RCW 36.70A.110; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5996 by Senators Angel, Fain and McAuliffe

AN ACT Relating to requiring the department of licensing to adopt rules to allow online learning for training in the areas of cosmetology, manicuring, barbering, esthetics, and instructor-training; reenacting and amending RCW 18.16.020; adding a new section to chapter 18.16 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 5997 by Senator Angel

AN ACT Relating to authorizing the termination of all legal responsibilities of a nonparent if genetic testing shows by clear and convincing evidence that a man is not the genetic father of a child; amending RCW 26.26.310, 26.26.320, 26.26.335, 26.26.530, 26.26.535, 26.26.600, and 26.26.405; and adding a new section to chapter 26.26 RCW.

Referred to Committee on Law & Justice.

SB 5998 by Senator Angel

AN ACT Relating to establishing the position and authority of warrant officers in first-class cities to enforce court orders and outstanding warrants; and adding a new section to chapter 35.20 RCW.

Referred to Committee on Law & Justice.

SB 5999 by Senators Pedersen, O'Ban, Kline and Fain

AN ACT Relating to corporate entity conversions; amending RCW 25.15.085 and 23B.13.020; adding new sections to chapter 25.15 RCW; and adding new sections to chapter 23B.09 RCW.

Referred to Committee on Law & Justice.

SB 6000 by Senators O'Ban, Kline, Hewitt, Darneille, Brown, Fain, Dammeier, Honeyford and Baumgartner

AN ACT Relating to providing a property tax exemption for property held under lease, sublease, or lease-purchase by a nonprofit organization that provides job training, placement, or preemployment services; amending RCW 84.36.030 and 82.32.534; and creating new sections.

Referred to Committee on Trade & Economic Development.

SB 6001 by Senators Eide and King

AN ACT Relating to transportation funding and appropriations; amending RCW 46.63.160, 47.28.030, and 47.64.360; amending 2013 c 306 ss 101, 103, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303,

304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 404, 405, 406, 407, 517, 518, 519, and 603 (uncodified); adding a new section to chapter 306, Laws of 2013 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 6002 by Senators Hill and Hargrove

AN ACT Relating to fiscal matters; amending RCW 49.70.170, 77.36.170, and 82.08.160; reenacting and amending RCW 70.105D.070; amending 2013 2nd sp.s. c 4 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 703, 704, 706, 710, 714, 801, 802, 803, 804, 805, 932, 933, 937, 939, and 943 (uncodified); adding new sections to 2013 2nd sp.s. c 4 (uncodified); repealing 2013 2nd sp.s. c 4 s 720 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6003 by Senators Roach and Hasegawa

AN ACT Relating to the scope of state fire service mobilization and ensuring compliance with existing state and federal disaster response policies; and amending RCW 43.43.960 and 43.43.961.

Referred to Committee on Governmental Operations.

SB 6004 by Senators Hasegawa, Roach, Keiser and Hobbs

AN ACT Relating to election of public hospital district boards of commissioners; amending RCW 70.44.040 and 70.44.054; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Governmental Operations.

SB 6005 by Senators Roach and Hasegawa

AN ACT Relating to eliminating the human resources director; amending RCW 43.41.113, 28A.345.060, 41.80.020, 49.74.020, 48.37.060, 43.131.090, 42.17A.705, 41.06.167, 41.06.157, 41.04.665, 34.12.100, 34.05.030, 43.03.040, 43.06.013, and 41.04.680; reenacting and amending RCW 41.04.340 and 41.06.020; and repealing RCW 41.06.160.

Referred to Committee on Governmental Operations.

SB 6006 by Senators Roach and Hasegawa

AN ACT Relating to treatment of population enumeration data, including exempting from public inspection and

copying; adding a new section to chapter 42.56 RCW; and adding a new section to chapter 43.41 RCW.

Referred to Committee on Governmental Operations.

SB 6007 by Senators Rivers, Hatfield, Braun, Tom and Benton

AN ACT Relating to clarifying the exemption in the public records act for customer information held by public utilities; amending RCW 42.56.330.

Referred to Committee on Governmental Operations.

SB 6008 by Senators Chase, Roach, Rivers, Hatfield, Hasegawa, Keiser and Benton

AN ACT Relating to voter approval of assumptions of water-sewer districts by cities and towns; adding new sections to chapter 35.13A RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6009 by Senators Padden and O'Ban

AN ACT Relating to a special allegation for habitual property offenders; amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6010 by Senator Padden

AN ACT Relating to possession of altered or shaved keys; amending RCW 9A.52.060 and 9A.56.063; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6011 by Senators Padden, Pearson, Hewitt, Brown and O'Ban

AN ACT Relating to random assaults; amending RCW 9A.36.031; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6012 by Senator Padden

AN ACT Relating to the prohibition of fees for judicial members of the bar; and amending RCW 2.48.130.

Referred to Committee on Law & Justice.

SB 6013 by Senators Mullet and Tom

AN ACT Relating to making a technical correction to school law governing the use of epinephrine autoinjectors; and amending RCW 28A.210.383.

Referred to Committee on Early Learning & K-12 Education.

SB 6014 by Senators Roach and Fain

AN ACT Relating to operation of a vessel under the influence of an intoxicant; and amending RCW 79A.60.040 and 79A.60.700.

Referred to Committee on Law & Justice.

SB 6015 by Senators Roach, Hasegawa and Darneille

AN ACT Relating to reconciling election laws; amending RCW 2.04.100, 2.06.080, 2.08.069, 2.08.120, 3.34.050, 3.34.100, 17.28.090, 27.12.370, 27.12.100, 28A.315.275, 28A.323.050, 28A.343.010, 28A.343.060, 28A.343.350, 35.02.078, 35.02.086, 35.02.100, 35.06.080, 35.07.050, 35.10.410, 35.10.420, 35.13.090, 35.16.030, 35.16.050, 35.17.310, 35.18.020, 35.23.805, 35A.12.040, 35A.14.080, 36.12.050, 36.16.020, 36.16.030, 36.32.030, 36.32.0558, 39.36.050, 52.04.011, 52.06.030, 52.14.060, 53.04.020, 53.04.023, 53.04.080, 53.12.172, 53.12.221, 54.08.060, 57.12.030, 57.12.039, 57.24.240, 68.52.250, 70.44.047, 82.14.036, 82.46.021, 82.80.090, 85.38.060, 85.38.070, 87.03.083, 52.26.080, 29A.04.321, 29A.04.330, 29A.08.161, 29A.08.210, 29A.08.230, 29A.24.111, 29A.60.221, 35.21.005, 35.22.120, 35A.01.040, 53.12.175, 29A.08.107, 53.12.010, 53.12.021, 53.12.115, 53.12.130, 53.16.015, 29A.08.810, 29A.68.020, 2.06.010, 29A.60.280, 35.17.260, 35.17.380, 35.17.400, 35.18.240, 35.22.055, and 36.32.070; reenacting and amending RCW 28A.343.030, 28A.343.320, 28A.343.660, and 29A.40.110; repealing RCW 28A.343.330 and 52.14.030; and repealing 2013 c 11 s 45.

Referred to Committee on Governmental Operations.

SJR 8211 by Senators Roach, Chase, Bailey, Rivers, Conway, Schoesler, Shin, Hobbs, Darneille and Benton

Amending the state Constitution to provide continuity of state and local government during emergencies and disasters.

Referred to Committee on Governmental Operations.

SJR 8212 by Senators Hill, Fain, Litzow, Schoesler, Becker, King, Brown, Dammeier, Braun, Rivers, Honeyford and O'Ban

Restricting changes in salaries for legislators. Revised for 1st Substitute: Restricting changes in salaries for the governor and legislators.

Referred to Committee on Ways & Means.

SCR 8408 by Senators Tom and Nelson

Establishing cutoff dates for the consideration of legislation during the 2014 regular session of the sixty-third legislature.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Concurrent Resolution No. 8408 was placed on the second reading calendar under suspension of the rules.

REMARKS BY SENATOR FAIN

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Senator Fain: “Thank you Mr. President. For the information of members and in keeping with our long standing senate tradition we have also just adopted a rule change earlier today to allow us to officially sign on to these pieces of legislation until what I’m seeing here is 2:00 pm on Tuesday. That is tomorrow. So, if you’re seeing in the list of bills any legislation that you wish to add your name to, you now have by a matter of rule change ability to sign on by tomorrow at 2:00 pm.”

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

HCR 4415 by Representatives Sullivan and Kretz

Specifying the status of bills, resolutions, and memorials.

MOTION

MOTION

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

On motion of Senator Fain, under suspension of the rules House Concurrent Resolution No. 4414 and House Concurrent Resolution No. 4415 were placed on the second reading calendar.

SECOND READING

MOTION

SENATE CONCURRENT RESOLUTION NO. 8408, by Senators Tom and Nelson

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

Establishing cutoff dates for the consideration of legislation during the 2014 regular session of the sixty-third legislature.

SECOND READING

The measure was read the second time.

HOUSE CONCURRENT RESOLUTION NO. 4415, by Representatives Sullivan and Kretz

MOTION

Specifying the status of bills, resolutions, and memorials.

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The measure was read the second time.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8408.

MOTION

SENATE CONCURRENT RESOLUTION NO. 8408 having received a majority was adopted by voice vote.

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4415.

MOTION

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

HOUSE CONCURRENT RESOLUTION NO. 4415 having received a majority was adopted by voice vote.

MESSAGE FROM THE HOUSE

SECOND READING

January 13, 2014

MR. PRESIDENT:
The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4414,
HOUSE CONCURRENT RESOLUTION NO. 4415,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

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

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

The measure was read the second time.

MOTION

MOTION

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

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4414.

SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4414 by Representatives Sullivan and Kretz

HOUSE CONCURRENT RESOLUTION NO. 4414 having received a majority was adopted by voice vote.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Dansel and Kline appeared before the bar of the Senate and reported the Governor had been notified (under the provisions of Senate Floor Resolution No. 8666) that the Legislature was organized and ready to conduct business.

The President received the report of the committee and the committee was discharged.

REMARKS BY SENATOR FAIN

Senator Fain: "I move that the Seahawks defeat the 49ers on Sunday."

REPLY BY THE PRESIDENT

President Owen: "Senator Fain has gratuitously made a motion that the Seahawks beat the 49ers on Sunday."

REMARKS BY SENATOR NELSON

Senator Nelson: "I'm going to say that the Senate Democrats strongly support this and we know we are going to win."

REMARKS BY THE PRESIDENT

President Owen: "The President would note that, would think that, I don't know, are we on the floor Friday or are we not? The President would strongly suggest that you show your colors on Friday. That would be totally appropriate to wear Seahawks garb on Friday. So, please do."

MOTION

At 1:03 p.m., on motion of Senator Fain, the Senate adjourned until 11:45 a.m. Tuesday, January 14, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 14, 2014

The Senate was called to order at 11:45 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Jack Bryant and Sean McPherson, presented the Colors.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 14, 2014

SB 5334 Prime Sponsor, Senator Hewitt: Concerning public facilities' grants and loans. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Angel; Holmquist Newbry and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senator Chase, Ranking Member.

Passed to Committee on Agriculture, Water & Rural Economic Development.

MOTION

On motion of Senator Fain, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

MESSAGE FROM THE HOUSE

January 14, 2014

MR. PRESIDENT:
The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4414,
HOUSE CONCURRENT RESOLUTION NO. 4415,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 13, 2014

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

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

HOUSE CONCURRENT RESOLUTION NO. 4414,
HOUSE CONCURRENT RESOLUTION NO. 4415.

MOTION

On motion of Senator Fain and without objection, the rules were suspended and the Committee on Rules be relieved of further consideration Senate Bill No. 5910 and the bill be referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6016 by Senators Rivers, Keiser, Cleveland, Tom, Kline and McAuliffe

AN ACT Relating to ensuring continuity of care for enrollees of the Washington health benefit exchange during grace periods; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health Care.

SB 6017 by Senators Kohl-Welles, O'Ban, Darneille, Padden, Kline, Keiser, Dammeier and Fraser

AN ACT Relating to the use of proceeds from seizure and forfeiture activities from sex crimes; and amending RCW 9.68A.120 and 9A.88.150.

Referred to Committee on Ways & Means.

SB 6018 by Senators Fraser and Chase

AN ACT Relating to the training of code enforcement officials; and adding new sections to chapter 49.04 RCW.

Referred to Committee on Ways & Means.

SB 6019 by Senators Roach, Fraser and Chase

AN ACT Relating to electrical code adoption, rule-making, and inspection services; creating new sections; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SB 6020 by Senators Honeyford and Keiser

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.160.080; amending 2013 2nd sp.s. c 19 ss 1073, 1074, 1077, 1078, 1064, 1065, 1066, 1067, 1084, 1102, 1109, 2037, 3002, 3067, 3014, 3032, 3043, 3050, 3055, 3056, 3059, 3065, 3160, 5020, 5019, 5078, 5117, and 7014 (uncodified); amending 2013 3rd sp.s. c 1 s 3 (uncodified); reenacting and amending RCW 70.105D.070; adding new sections to 2013 2nd sp.s. c 19 (uncodified); creating new sections; repealing 2013 2nd sp.s. c 19 ss 7004 and 7013 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6021 by Senator Ericksen

AN ACT Relating to a qualified alternative energy resource; and amending RCW 19.29A.090.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6022 by Senators O'Ban, Keiser and Conway

AN ACT Relating to the protection of state hospital workers; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 6023 by Senators O'Ban and Roach

AN ACT Relating to the school warrantless search exception; amending RCW 28A.600.230 and 28A.600.240; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6024 by Senators O'Ban, Keiser and Roach

AN ACT Relating to organized retail theft; amending RCW 9A.56.350; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6025 by Senators O'Ban and Roach

AN ACT Relating to body armor; amending RCW 9.94A.030, 9.94A.533, and 9.94A.728; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6026 by Senators Roach, McCoy and McAuliffe

AN ACT Relating to county financial actions for a concluded fiscal year; and amending RCW 36.40.200.

Referred to Committee on Governmental Operations.

SB 6027 by Senator O'Ban

AN ACT Relating to streamlining hydraulic project approval for sediment removal by citizen volunteers; adding a new section to chapter 77.55 RCW; and creating a new section.

Referred to Committee on Natural Resources & Parks.

SB 6028 by Senator Baumgartner

AN ACT Relating to declaring electricity from a generation facility powered by the combustion of solid waste in a municipally owned energy recovery facility to be an eligible renewable resource for the purposes of chapter 19.285 RCW, the energy independence act; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6029 by Senators Benton, Hobbs and Tom

AN ACT Relating to credit unions' mergers; and amending RCW 31.12.461.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6030 by Senator Hobbs

AN ACT Relating to tenant remedies upon landlord's failure to perform duties; amending RCW 59.18.070; and creating new sections.

Referred to Committee on Law & Justice.

SB 6031 by Senator Sheldon

AN ACT Relating to lake and beach management districts; amending RCW 36.61.010, 36.61.020, 36.61.070, 36.61.220, 36.61.250, and 36.61.260; and adding a new section to chapter 36.61 RCW.

Referred to Committee on Natural Resources & Parks.

SB 6032 by Senators Becker and Keiser

AN ACT Relating to dextromethorphan; adding a new chapter to Title 69 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care.

SB 6033 by Senators Bailey, Kohl-Welles, Rivers, McAuliffe, Cleveland, Mullet and Chase

AN ACT Relating to providing parity of consumer protection procedures for all students attending licensed private vocational schools; and amending RCW 28C.10.030, 28C.10.050, 28C.10.060, 28C.10.082, 28C.10.084, 28C.10.110, and 28C.10.120.

Referred to Committee on Higher Education.

SB 6034 by Senators Pearson, Hargrove, McCoy, Mullet and McAuliffe

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AN ACT Relating to state parks partnership opportunities; amending RCW 79A.05.335, 79A.05.340, 79A.05.345, 79A.70.010, 79A.70.020, 79A.70.030, and 79A.70.040; and adding a new section to chapter 79A.05 RCW.

MOTION

Referred to Committee on Natural Resources & Parks.

Senator Fain moved that all measures listed on the Introduction and First Reading report be referred to the committees as designated with the exception of Senate Bill No. 6022 which should be referred to the Committee on Human Services & Corrections and Senate Bill No. 6032 should be referred to the Committee on Health Care.

SB 6035 by Senators Kline, Mullet and Hargrove

AN ACT Relating to the safety of ski area conveyances; and amending RCW 79A.40.010, 79A.40.020, 79A.40.050, 79A.40.060, 79A.40.070, and 79A.45.060.

Senator Hobbs moved to amend the motion and to refer Senate Bill No. 6030 to the Committee on Financial Institutions, Housing & Insurance.

Referred to Committee on Natural Resources & Parks.

Senators Fain and Padden spoke against the motion.
Senators Hobbs and Kline spoke in favor of the motion.

SB 6036 by Senators Schoesler and Mullet

AN ACT Relating to the Milwaukee Road corridor; creating a new section; and repealing RCW 79A.05.315, 79A.05.320, 79A.05.325, and 79A.05.330.

The President declared the question before the Senate to be the motion by Senator Hobbs to amend the motion and refer Senate Bill No. 6030 to the Committee on Financial Institutions, Housing & Insurance.

Referred to Committee on Natural Resources & Parks.

The motion by Senator Hobbs failed by a rising vote.

SB 6037 by Senators Rolfes, Roach, Hasegawa, Keiser, Kline, Conway, Mullet and Kohl-Welles

AN ACT Relating to whistleblowers in the electrical industry; amending RCW 19.28.006; and adding new sections to chapter 19.28 RCW.

The motion by Senator Fain to refer the measures on the Short Title and Referrals Report to the committees as designated with the exception of Senate Bill No. 6022 which was referred to the Committee on Human Services & Corrections and Senate Bill No. 6032 which was referred to the Committee on Health Care carried by voice vote.

Referred to Committee on Commerce & Labor.

MOTION

SB 6038 by Senators Becker, Rivers, Cleveland, Mullet, Bailey, Hobbs, Pedersen, Frockt, Angel, Ericksen, Tom, Conway and Kohl-Welles

AN ACT Relating to preserving the use of hydrocodone products by licensed optometrists in Washington state; amending RCW 18.53.010; and creating a new section.

At 12:02 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Referred to Committee on Health Care.

JOINT SESSION

SCR 8409 by Senators Bailey, Kohl-Welles, Chase, Rivers, Frockt, Parlette, Cleveland, Dammeier, McAuliffe, Keiser, Tom, Conway and Mullet

Approving the workforce training and education coordinating board's high skills high wages plan.

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

Referred to Committee on Higher Education.

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1817 by House Committee on Higher Education (originally sponsored by Representatives Hudgins, Chandler, Pettigrew, Ross, Appleton, Moscoso, Santos, Goodman, McCoy, S. Hunt, Springer, Pollet, Freeman, Habib, Reykdal, Tarleton, Liias, Sawyer, Wylie, Sells, Fitzgibbon, Pedersen, Ryu, Riccelli, Farrell, Cody, Dunshee, Bergquist, Roberts, Maxwell and Fey)

AN ACT Relating to adding eligibility criteria for higher education financial aid; amending RCW 28B.92.010; and creating a new section.

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

Referred to Committee on Higher Education.

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

The President appointed a special committee to escort the State Supreme Court Justices to the House Chamber: Representatives Christian and Walkinshaw, and Senators Kohl-Welles and Padden.

The President appointed a special committee to escort the State elected officials to the House Chamber: Representatives Kochmar and Robinson, and Senators Dassel and Keiser.

The President appointed a special committee to advise His Excellency, Governor Jay Inslee, that the joint session had

assembled and to escort him to the House Chamber: Representatives Gregerson and Muri and Senators Eide and Angel.

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

The State elected officials arrived, were escorted to the floor of the House and were introduced: Secretary of State Kim Wyman, Attorney General Bob Ferguson, State Treasurer Jim McIntire, Superintendent of Public Instruction Randy Dorn, Insurance Commissioner Mike Kreidler and Commissioner of Public Lands Peter Goldmark.

The President introduced the officers and members of the Consular Association of Washington: Young Wan Song, Consul General of the Republic of Korea, Andrey Yushmanov, Consul General of the Russian Federation, Masahiro Omura, Consul General of Japan, Edith St. Hilaire, Acting Consul for Canada, Bi Gang, Deputy Consul General of the People's Republic of China, Keny Lopez de Zuleta, Consul of the Republic of El Salvador, Eduardo Baca, Consul of the United Mexican States, Robin Twyman, Consul of the United Kingdom of Great Britain and Northern Ireland, Gary Furlong, Honorary Consul General of the Republic of Uzbekistan, Helen Szablya, Honorary Consul General of the Republic of Hungary, Miguel Velasquez, Honorary Consul General of the Republic of Peru, Ron Masnik, Honorary Consul of the Kingdom of Belgium, Luis Fernando Esteban, Honorary Consul of the Kingdom of Spain, Enid L. Dwyer, Honorary Consul of Jamaica, Matti Suokko, Honorary Consul of the Republic of Finland, Frank Brozovich, Honorary Consul of the Republic of Croatia, Philippe Goetschel, Honorary Consul of the Confederation of Switzerland, Lars Jonsson, Honorary Consul of the Kingdom of Sweden, Kim Nesselquist, Honorary Consul of the Kingdom of Norway, Stephen Zirschky, Honorary Consul of the Republic of Latvia, Petra H. Walker, Honorary Consul of the Federal Republic of Germany, Jack A. Cowan, Honorary Consul of the French Republic, Franco Tesorieri, Honorary Consul of the Italian Republic, Rachel Jacobsen, Honorary Consul of New Zealand, Pedro Augusto Leite Costa, Honorary Consul of the Federative Republic of Brazil, Andy Chin Director General of the Taipei Economic and Cultural Office, and Victor Lapatinskas, Honorary Consul of the Republic of Lithuania.

The President introduced the special guests present in the Chambers: First Lady Trudi Inslee and members of the Inslee family, National Teacher of the Year Jeff Charbonneau, Mount Vernon Mayor Jill Beadrou, Seattle Mayor Ed Murray, Washington State University President Elson Floyd, Former Secretary of State Ralph Munro, Former Senator Paul Shinn, Former Representative Phyllis Gutierrez Kenney, Members of the Puyallup, Snoqualmie, Tulalip, Colville, Quinault, Lower Elwah, Spokane, Muckleshoot, and Suquamish Tribes.

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

The flags were escorted to the rostrum by the Washington State Patrol Honor Guard. Corporal Rey Reynolds of the Vancouver Police Department sang the National Anthem. The President led the Chamber in the Pledge of Allegiance. Prayer

was offered by Rabbi Yohanna Kinberg, Temple B'nai Torah, Bellevue, Washington.

Rabbi Kinberg: "A preface to our prayer. The prayer book at my reform Jewish congregation in Bellevue includes two very powerful sentences. Powerful when coupled together. The prayer book reminds us pray as if everything depended upon God, act as if everything depends on you, so let us pray now for the time for action is going to come soon enough. Eternal Well, Spring of Life, thank you. Thank you for this gift of Washington state. We are so blessed to live in this glorious place. Thank you for the rain, the trees, the rivers, for the Sound, for the orca, for the majestic American Bald Eagle who flies overhead, a sign of life renewed, a symbol of possibility and freedom. Eternal Source of Life, Loving Mother Father, Thank you. Thank you for all the courageous and kind souls who work diligently to keep safe the people of this state. Thank you for our leaders, our Governor, our law makers, everyone who has worked tirelessly over the past year to govern our state, increasingly towards vitality, peace, justice, health and prosperity. And thank you for the ordinary citizens of this state, the heroes all around us, who teach and pave, who bag and shelve, who litigate and heal, who care for children and the elderly. Thank you for all those very special people who we call my fellow Washingtonians. Eternal Source of Goodness, bless us in the year ahead. Bless us each and every one with your wisdom. Bless us with your strength and courage. Bless us with the ability to act. Bless us with the ability to always keep moving forward, for the ability to be flexible and creative as we move together toward our collective future as one. Bless us with over loving overflowing loving kindness so we can truly treat our fellow citizens in a manner that we ourselves want to be treated. Bless us with the ability to treat each other well and bless us with the opportunity to show what we can really do when we are all in even after we win the Superbowl. And now it is my privilege to bless you all the people of Washington state, individually and together, with a blessing that's been passed down to me from the time of Moses, Aaron, and Minerva. I bestow you with the priestly blessing. You are welcome to bow your head as a sign of acceptance of this ancient blessing: May God bless you and keep you, may God always shine upon you and be gracious to you, may God's face shine upon you and bless you with the most precious gift, may God bless you and may God bless us with the most precious gift the gift of peace of body, peace of mind, and peace of spirit. Amen"

STATE OF THE STATE

Good afternoon. "Thank you, Rabbi Kinberg, for the inspirational words you offered to help guide our work. And thank you, Rey Reynolds, for the outstanding and uplifting rendition of our national anthem as well as for your public service as a law enforcement officer. Mr. President, Mr. Speaker, Madam Chief Justice, distinguished justices of the court, honored officials, members of the Washington State Legislature, tribal leaders, local government officials, members of the Consular Corps and my fellow Washingtonians.

This is my first opportunity to deliver a State of the State address, and I want to start off with good news. I'm pleased to report that under the Inslee administration, the Seattle Seahawks are having an amazing year, and on Sunday will play in the NFC championship game. It's possible that's just a coincidence.

As you know, I've been very fortunate to share this journey as Washington's governor with my wife, Trudi. Together, Trudi and I raised our three sons in the beautiful Yakima Valley and are now blessed with three wonderful grandchildren — who I may note are all more popular on my Facebook page than I am. My

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family helps shape how I see the world and how I see my responsibilities to Washington. When I think about my grandchildren, I know what we do here will affect them many years down the road. Will they be inspired in school? Will they find rewarding jobs? Will they make their home in Washington as the seventh generation of Inslee's to find a long, fulfilling life in the greatest state in the nation? In recent days I've been thinking particularly about my dad and brother who became teachers and never let me forget how important our public schools are. So — with a nod to Frank Senior and Frank Junior — I'd like to start today by talking about the state of education in Washington.

When I presented my supplemental budget a few weeks ago, I said this was a “hold steady” year as we get ready for bigger fiscal challenges in 2015. It was notable that this would be the first time in six years that the Legislature wasn't convening to face a major budget shortfall. That seemed to give us some breathing room. But I've had to rethink that approach. Or, to be candid, the Supreme Court has forced us all to look anew at funding our education system this year. The court issued an order last week on the state's efforts to comply with the constitutional requirement that we fully fund basic education. Last year, we made a down payment of nearly \$1 billion toward meeting that obligation. The court said last week that — unlike previous years — in 2013 we took meaningful steps toward meeting our commitment to basic education and the reforms this Legislature passed in recent years. We all know that wasn't easy, but getting it done speaks to our ability to work together for a higher purpose. But the court also said we aren't moving fast enough. The court said it was troubled by a lack of progress in funding basic costs for schools as well as pay for educators and administrators, whom the justices rightly call the “heart of Washington's education system.” The court wrote that it wants to see “immediate, concrete action ... not simply promises.” I agree. Promises don't educate our children. Promises don't build our economy and promises don't satisfy our constitutional and moral obligations. We need to put several billion dollars more into funding our kindergarten-through-12th grade education system.

In the coming days I will propose a plan to make an investment of about \$200 million in our schools this session. Most of that will go directly to your local school districts. It will also fund a long-overdue cost-of-living adjustment for our educators this session. Let's not forget that Washington voters spoke loudly in 2000, saying that educators should get this COLA every year. Yet repeatedly that mandate has been shunted aside. We're going to live up to that promise this year. Last year I proposed a \$1.2 billion down payment on our obligation to schools, funded mostly by closing tax breaks that aren't as high a priority as our education needs. We weren't able to do as much of that as I thought we should. The court now says what we did wasn't enough and the need for immediate action could not be more apparent. Again we must weigh tax breaks against the increasing call for action.

I never envisioned my state, a state that educated so many of us here today, as a place that would need a Supreme Court order to tell it to adequately fund our children's education. We need to stop downplaying the significance of this court action. Education is the one paramount duty inscribed in our constitution. The court wrote last week that it doesn't want to be forced to give specific funding directives or hold the Legislature in contempt. The court was clear when it said that “this case remains fully subject to judicial enforcement.” We must not let that happen, and by working together we can live up to our responsibility and create a better Washington for generations to come. And we're going to have to do that in a way that doesn't rely on gimmicks, one-time fixes, cuts to services that protect our state's most vulnerable children and families or cuts to higher education. For too long the easy answer in Olympia was to cut those services. I was proud we stopped that last year, and we should not let it happen now. Here's why. Our job is to educate every child in

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the state of Washington, and it is very difficult to educate a homeless, hungry or sick child.

You can expect that again I will bring forward tax exemptions that I think fall short when weighed against the needs of our schools. And in some areas we need to do more than the court has mandated, such as early childhood education. Our children are our paramount duty at every age, not just from kindergarten to 12th grade. It would be a mistake to fall behind on early learning as we take care of funding K-12. Equal opportunity means every child in Washington starts kindergarten ready to learn, and that's why I'm asking for \$4 million for these programs. And it would be a mistake to fall behind on funding our higher education system. Students who work hard and succeed in school should know there is a slot in our higher education system for them and financial aid will be available to them if they need it. And I'm talking about every bright, promising student who excels in Washington's high schools, including our young, aspiring citizens.

I met a young man from Lincoln High School in Tacoma who said to me, “Governor, people are always telling us how important it is for us to finish high school. But if I can't afford college and I can't qualify for financial aid because of my residency status, what's the point?” Yesterday, for the second time in as many years, the House came together in a truly bipartisan fashion to overwhelmingly pass the DREAM Act. I now call on the Senate to pass this bill. You send this bill to my desk and we'll send thousands of our students to college.

We've seen real and meaningful results when this Legislature decides to help more students succeed. My budget invests more than \$11 million in the College Bound Scholarship program, a proven strategy to increase graduation rates in our state. But it's not enough to just graduate students. They have to graduate with a meaningful diploma that fully prepares them for life in the 21st century.

This Legislature already recognizes that Washington needs more STEM graduates — science, technology, engineering and math. Last year, you passed my bill creating a STEM Education Innovation Alliance, and I've appointed innovative leaders from education, business, labor and the nonprofit sector to serve on it. Now it's time to fund the alliance so we can align our education system with our goal for a Working Washington for everyone. I want to thank two outstanding ambassadors for STEM education in our state who have joined us today. One is Jeff Charbonneau, our 2013 National Teacher of the Year. He brought college-credit STEM courses to Zillah High School and has inspired students to challenge themselves and succeed in those courses. The other is Ifrah Abshir, a student at Rainier Beach High School who told me how a successful mentoring program helped her fall in love with computer science. Thank you, Jeff and Ifrah, for helping to spread the word about the great things that STEM education can do for Washington's students.

If education is the heart of our economy, then transportation is the backbone. That's why we need a transportation investment package. If we do not act, our state will face a 52 percent decrease in the maintenance budget for bridges and roads in the next two years. If we do not act, 71 additional bridges will become structurally deficient. Perhaps no one knows the importance of safety better than Mount Vernon Mayor Jill Boudreau and her colleagues in Skagit County who lost their lifeline to the rest of the state when the Skagit River bridge collapsed last May. We learned many things when that bridge fell. We learned about community resilience in the face of adversity. We learned about creativity in the midst of crisis. I couldn't be more pleased with the creative problem solving by our Secretary of Transportation, Lynn Peterson, and her team at the Department of Transportation. This was the first project my administration had tackled from start to finish and, to the astonishment of many experts, we got the temporary bridge up in 27 days and the permanent bridge in place 66 days later. This is

the new direction of our Washington State Department of Transportation. The team that got that bridge up is changing the way the department works. They're fixing problems, putting important reforms in place and being accountable for the essential work they do. There are legacy problems the team at DOT still wrestles with, and I understand some of you are frustrated with that. You know what? So am I. But we can't let issues on megaprojects stop us from moving forward. The 520 Bridge has to be finished. We don't gain taxpayers' trust by building a bridge that stops before it gets to Interstate 5.

That doesn't make any sense. Transportation is much too important to let that happen. And it's not just important along the I-5 corridor. Our wheat farmers depend on the Palouse River and Coulee City Railroad to help feed the world, and yet several of its trestles are more than a century old and in disrepair. Train speed is severely limited in many areas. Traffic congestion is a problem on both sides of the Cascades. Just ask Susan Meyer, chief executive officer of the Spokane Transit Authority. Susan is working to develop a new central city transit line that will help alleviate traffic congestion in her city. Fundamentally, this is about safety, jobs, traffic relief and accountability.

You know, I've been pushing the Legislature to do something about this since my first day in office. The House passed a bill last year, and in the interim, the Senate hit the road to hear from the people about how they view our state's transportation system.

I then convened 12 negotiating sessions where you all made substantial progress on revenue and reform. But last month it became clear that process had run its course, and we agreed the next step was to continue the dialogue here when you convened for the 2014 legislative session.

The next logical step is for the Senate to produce a package of transportation improvements that has 25 votes. If this happens, I'm confident we can find agreement before this session ends. The goal cannot be for everyone to get everything they want. Instead, we must get agreement on what our state needs.

When I spoke to you one year ago, I said that that our top priority today, tomorrow and every day would be jobs. We've made progress on the Working Washington Agenda. We have secured thousands of aerospace jobs with the commitment from The Boeing Company to build its next generation jetliner here, in Washington state, by the best workers in the world. This new airplane holds tremendous promise for us. Building it here means Boeing will continue to invest hundreds of millions of dollars to expand and improve its facilities and employ tens of thousands of people in our state for decades to come. Building the 777X's carbon fiber wing here really is a big deal. We have lost too much aerospace work to other states and other countries. Today the wing for the 787 comes from Japan. Now we have reversed that trend of outsourcing. The legislation you passed in November also has unprecedented protections for workers who, for the first time, can be sure Boeing will not open a second line in South Carolina or someplace else. If the 777X work moves out of state, the tax incentives go away. The economic activity driven by these tax incentives will also return more than double that amount to the state — money that should be invested to help all Washingtonians. We wished that Boeing would have chosen Washington based just on our state's clear advantages and stellar record in aerospace manufacturing. But there were a couple dozen other states that were more than happy to take those jobs. Those states lined up to give away land, training and anything else they could to attract these new jobs. We were able to secure those jobs for Washington. But they came at a cost. The Machinists took a difficult vote, a vote that demands our respect because their work will benefit everyone in Washington state.

We should not forget that in both the public and private sector, Washington's outstanding workforce is our state's greatest asset. That includes our hard-working state workforce, whose members I want to thank personally. During this first year in office, I've made unannounced visits to many state

agencies and seen the work state employees do every single day for the people of Washington. What I've seen is that we are incredibly fortunate to have a dedicated and talented workforce made up of people who take pride in their jobs. I'm proud of the way many have embraced the Lean philosophy of efficiency and effectiveness in state government, moving us toward the Results Washington goals I've set. They are big goals, but I know our workforce is up to the challenge.

The state of our state is looking better every day. Our aerospace industry is secured for decades. Our life sciences and global health industries are leading advances that improve the health and quality of life of people around the world. Our clean energy sector is growing across the state. And Washington is well-positioned for the future as the only state with a trade surplus with China. Our state pioneered commercial air travel and advanced cancer treatments, computers on every desktop and the purchase of anything online with a single click. Our farmers lead the way in pioneering sustainable agriculture practices while feeding the world. Those innovations have made our state, and our nation, more efficient, more productive and more prosperous than ever. But still, too many Washingtonians struggle. There are thousands of working moms and dads with full-time jobs — sometimes two or three jobs — who some days cannot afford to put adequate food on the table. That's why today I'm calling for a statewide increase in the minimum wage. In every community there are people who don't share in our state's prosperity. And we need to do something about that. I've lived on the both sides of the Cascades. I know that we can't measure the success of our economy by how things are going in the shadow of the Space Needle. Our rural areas, for example, still lag in this recovery. Look: Education is fundamental to reducing inequality. But we know that education alone won't lift everyone out of poverty. There are tens of thousands of jobs that people depend on that don't provide a living wage in our state. Every job offers dignity, but not every job offers a living wage. I don't have the exact number today for what our minimum wage should be. I want to work with my colleagues in the House and Senate from both parties and hear from people who depend on those jobs. It won't be a number that remedies 50 years of income inequality. But I believe that an increase in the range of \$1.50 to \$2.50 an hour is a step toward closing the widening economic gap. There is ample evidence that a raise in that range does not kill jobs. An increase in minimum wage means more money being spent in our economy. As I look out at this chamber today, I recognize the political realities of the split control of Olympia. But we must spend time and energy — and yes, political capital — helping make sure everyone in Washington is paid a fair wage. Second, in building a Working Washington that works for everyone, we need to help our small businesses. I will introduce legislation that says if your small business earns less than \$50,000 in annual revenues, you will pay no business and occupation tax. Zero. This reform will help tens of thousands of businesses across Washington, and I'm asking you to join me in taking this step to unleash the creativity of small businesses in every corner of this state. Besides, you never know which of these businesses in a kitchen or a garage will grow up to be the next Microsoft or Amazon. You know, last month Bloomberg News named Washington the most innovative state in the entire nation. But I believe advances in economic justice are equally as important as advances in science and technology.

It will come as no surprise to anyone that I also believe we must advance when it comes to addressing climate change. Over the course of last year, I had the privilege to work directly with your appointed representatives on the Climate Legislative and Executive Workgroup. We were charged by you to recommend specific actions to ensure our state meets its statutory commitments to reduce carbon pollution. The key word here is actions. The independent review conducted for the climate workgroup concluded that while we have made progress, our

SECOND DAY, JANUARY 14, 2014

statutory limits on carbon pollution will not be met without additional actions. By the end of next week, we will finalize the report of the climate workgroup and submit our best thoughts on next steps. I am committed to a set of actions to secure the additional carbon pollution reductions by the required dates. Rest assured, we will move forward. Going backward is not an option. Inaction is not an option. Whether you care about our environment or our economy, or hopefully both, tackling climate change makes sense. If we stop fighting over whether to act and instead work together on how to act, we can innovate our way to a better future. That's what we need to do now. I look forward to working with you on the policies that are best for Washington's unique environment and economy in the months ahead.

I want to take a moment to mention a great bipartisan success in the state of Washington, and that is the implementation of health care reform. It's one of the best things we've ever done to address economic inequality in our state. Isn't it great that our health exchange marketplace, Washington Healthplanfinder, was touted by The Washington Post as an example of how to do health care reform the right way? As of today, more than 250,000 Washingtonians have found new and affordable health coverage through the Washington Healthplanfinder. That's remarkable. And we should be proud of it. And we expect that number to keep growing as many more who lack health insurance today sign up for affordable care. Now we need to look forward. I am advancing three health initiatives this year. First is ensuring that every single child has the opportunity to grow up healthy. Research shows that, for the first time in our history, this generation is not expected to live as long as the previous generation. This should be unacceptable to us. We need to make the next generation the healthiest generation in the history of our state. Let's improve opportunities for children to be more active and have healthier food options. And let's take a page from President Kennedy's Council on Physical Fitness and establish a Governor's Council for the Healthiest Next Generation. Second, I ask this Legislature to work with me on better health care purchasing for our state. The costs we pay are rapidly becoming unaffordable for families, small businesses and taxpayers. We should be paying for outcomes, not just office visits. To do that, we need better and more accessible information. You wouldn't buy a car without knowing its price and quality, but that's how we purchase health care today. A recent study showed a difference of more than 500 percent in amounts paid for common medical procedures throughout the state. That's outrageous. We need to make that information accessible on the web so every consumer can compare costs and quality before deciding where to spend health care dollars. And third, I ask this Legislature to work with me on integrating care for people who are most in need so our mental health services, chemical dependency care and primary medical care all work better for patients and better for society. Better health care for the whole person leads to less homelessness, more people working and taxpayer savings.

I'd like to end with a story that I've thought a lot about through my first year in office. There's a sign in my office inspired by group of students whose elementary school burned down in Vancouver last year. That's a hard thing for those kids and those teachers. But the Crestline Elementary community rallied together to help each other get through this challenge. One student, fourth-grader Payton Rush, told me he and his mother made a sign that became that community's rallying cry. It says: We can do hard things. There's no reason that we shouldn't have the same attitude about the work ahead of us. It's why I'm optimistic about the future. It took us three sessions last year to agree on putting nearly \$1 billion into K-12 education. But we did it. Getting health care coverage for more Washingtonians wasn't easy. But we did it. Rebuilding our economy after the greatest economic downturn since the Great Depression isn't easy. But we are doing it. So yes, we have done some hard things. And we can do more. We can make progress on

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addressing income inequality. We can cut the costs and improve the quality of health care. We can do a better job funding our schools and meeting our moral and constitutional obligations to our children. We can take meaningful action to address the threat of climate change. And we can get a transportation package done. President Lyndon B. Johnson once said, "There are no problems we cannot solve together, and very few that we can solve by ourselves." I know Washingtonians, and I know what we are capable of doing when we work together. That's why I won't give up. And neither should any of you. We have 59 days to do hard things this session. Let's get to work. Thank you!

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

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

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

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

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

AFTERNOON SESSION

The Senate was called to order at 1:23 p.m. by the President Pro Tempore, Senator Sheldon presiding.

MOTION

At 1:23 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, January 15, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 15, 2014

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM GOVERNOR
GUBERNATORIAL APPOINTMENTS

October 17, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DEBBIE J. AHL, reappointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

November 22, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVEN F. ANDERSON, appointed November 13, 2013, for the term ending January 19, 2018, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care.

July 2, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

CHRISTOPHER P. BARRY, reappointed June 19, 2013, for the term ending January 19, 2017, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care.

July 2, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CYNTHIA L. BENNETT, appointed July 2, 2013, for the term ending July 1, 2018, as Member of the State School for the Blind Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education.

December 10, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ELIZABETH W. BLOOMFIELD, appointed January 1, 2014, for the term ending December 31, 2016, as Member of the Recreation and Conservation Funding Board.

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks.

October 24, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DAVID BOERNER, reappointed September 23, 2013, for the term ending August 2, 2016, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice.

August 28, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BOB BUGERT, appointed August 5, 2013, for the term ending July 15, 2017, as Member of the Salmon Recovery Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks.

August 6, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JACK BURKMAN, reappointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 14 (Clark College).

THIRD DAY, JANUARY 15, 2014

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Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education.

I have the honor to submit the following appointment, subject to your confirmation.

ALBERTA B. CLARKSON, appointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 24 (South Puget Sound Community College).

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education.

September 26, 2013
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

THOMAS A. CAMPBELL, appointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 10 (Green River Community College).

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education.

January 6, 2014
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DIANA CLAY, appointed December 23, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 23 (Edmonds Community College).

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education.

January 6, 2014
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SCOTT E. CARSON, appointed November 25, 2013, for the term ending September 30, 2019, as Member, Board of Regents, Washington State University.

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education.

October 15, 2013
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BETTY J. COBBS, appointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 5 (Everett Community College).

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education.

June 13, 2013
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ELIZABETH CHEN, appointed April 24, 2013, for the term ending April 3, 2017, as Member of the State Board for Community and Technical Colleges.

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education.

June 13, 2013
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JEFFRY D. COLLITON, reappointed March 4, 2013, for the term ending January 1, 2018, as Member of the Horse Racing Commission.

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Commerce & Labor.

January 3, 2014
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

YANG-SU CHO, appointed August 19, 2013, for the term ending July 1, 2018, as Member of the State School for the Blind Board of Trustees.

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Early Learning & K-12 Education.

November 22, 2013
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CATHERINE P. D'AMBROSIO, appointed November 4, 2013, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 7 (Shoreline Community College).

Sincerely,

August 6, 2013
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

JAY INSLEE, Governor
Referred to Committee on Higher Education.

July 16, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CAROL DAHL, appointed July 1, 2013, for the term ending at the governor's pleasure, as Chair of The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Trade & Economic Development.

November 22, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MAUD DAUDON, appointed May 7, 2013, for the term ending June 30, 2015, as Member of the Washington State Student Achievement Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

October 1, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

VITO R. DE LA CRUZ, appointed August 19, 2013, for the term ending June 17, 2018, as Member of the Human Rights Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice.

July 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LORETTA S. DEKAY, appointed July 8, 2013, for the term ending June 12, 2017, as Member of the Columbia River Gorge Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks.

August 22, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LOU OMA DURAND, appointed August 1, 2013, for the term ending at the governor's pleasure, as a Director of the Department of Services for the Blind.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services & Corrections.

July 30, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TAKHMINA DZHURAEVA, appointed July 1, 2013, for the term ending June 30, 2014, as Member, Board of Trustees, College District No. 8 (Bellevue College).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

October 24, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PATRICK ESCAMILLA, appointed October 16, 2013, for the term ending August 2, 2016, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice.

January 3, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JEFFREY C. ESTES, appointed January 13, 2014, for the term ending January 12, 2018, as Member of the State Board of Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education.

July 16, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

FRANK E. FENNERTY, JR., reappointed June 26, 2013, for the term ending June 17, 2019, as Member of the Board of Industrial Insurance Appeals.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce & Labor.

July 16, 2013

THIRD DAY, JANUARY 15, 2014

2014 REGULAR SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Technical College District #26 (Lake Washington Institute of Technology).

Ladies and Gentlemen:

Sincerely,

I have the honor to submit the following appointment, subject to your confirmation.

JAY INSLEE, Governor

HEATHER L. FLAHERTY, appointed July 1, 2013, for the term ending June 30, 2014, as Member, Board of Trustees, Western Washington University.

Referred to Committee on Higher Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

November 22, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

NANCY HECOX, appointed November 13, 2013, for the term ending January 20, 2015, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care.

January 8, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

CARMEN W. GAYTON, reappointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 6 (Seattle, So. Seattle, and No. Seattle Community Colleges).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

October 15, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HEIDI L HEYWOOD, appointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 13 (Lower Columbia College).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

November 19, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BILL GORDON, appointed October 28, 2013, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 19 (Columbia Basin College).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

December 19, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ARLISTA D. HOLMAN, appointed January 1, 2014, for the term ending December 31, 2016, as Member of the Investment Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means.

July 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CLAIRE GRACE, appointed July 1, 2013, for the term ending May 17, 2017, as Member of the Higher Education Facilities Authority.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

July 2, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAY W. HOLZMILLER, appointed June 10, 2013, for the term ending December 31, 2018, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks.

June 13, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ANNE HAMILTON, appointed May 1, 2013, for the term ending September 30, 2014, as Member, Board of Trustees,

November 5, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LILLIAN HUNTER, appointed October 28, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Technical College District #28, (Bates).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

November 19, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

URIEL R. INIGUEZ, appointed January 1, 2014, for the term ending September 30, 2019, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

July 30, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOHN JESSOP, appointed July 1, 2013, for the term ending June 30, 2014, as Member, Board of Trustees, Community College District No. 23 (Edmonds Community College).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

June 18, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TOM A. JOHNSON, reappointed May 17, 2013, for the term ending March 26, 2017, as Member of the Higher Education Facilities Authority.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

July 30, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JUANITA J. KAMPHUIS, reappointed July 8, 2013, for the term ending July 1, 2018, as Member, Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education.

August 22, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROBERT F. KEHOE, appointed July 8, 2013, for the term ending December 31, 2014, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks.

January 3, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KEITH L. KESSLER, reappointed October 1, 2013, for the term ending September 30, 2019, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

September 17, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

RUTHANN KUROSE, reappointed April 24, 2013, for the term ending January 15, 2019, as Member of the Liquor Control Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce & Labor.

August 19, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CAROL A. LIEN, appointed July 8, 2013, for the term ending March 1, 2019, as Member of the Board of Tax Appeals.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means.

November 22, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ALBERT J. LINGGI, appointed November 13, 2013, for the term ending January 19, 2016, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

THIRD DAY, JANUARY 15, 2014

2014 REGULAR SESSION

Referred to Committee on Health Care.

I have the honor to submit the following appointment, subject to your confirmation.

TIMOTHY W. LYNCH, appointed November 13, 2013, for the term ending January 19, 2018, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care.

November 22, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MAURA LITTLE, appointed November 1, 2013, for the term ending January 19, 2017, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care.

June 13, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOAN M. MARCHIORO, appointed June 1, 2013, for the term ending June 30, 2018, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications.

December 17, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KRISTINA LOGSDON, appointed November 1, 2013, for the term ending January 19, 2015, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care.

August 28, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARK MATTKE, appointed August 5, 2013, for the term ending June 30, 2017, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

November 19, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

THOMAS W. LUX, appointed November 4, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 7 (Shoreline Community College).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

August 28, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARK J. MAXWELL, appointed March 20, 2013, for the term ending February 28, 2015, as Member of the Board of Tax Appeals.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Ways & Means.

November 12, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BILL H LYNCH, appointed November 1, 2013, for the term ending at the governor's pleasure, as Chair of the Energy Facility Site Evaluation Council.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications.

November 19, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PETER M. MAYER, appointed January 1, 2014, for the term ending December 31, 2016, as Member of the Recreation and Conservation Funding Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks.

December 10, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

August 22, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

AMY L. MCCOY, appointed July 29, 2013, for the term ending June 30, 2014, as Member, Board of Trustees, Central Washington University.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

October 24, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

NANCY L. MCDANIEL, appointed October 11, 2013, for the term ending July 1, 2018, as Member of the State School for the Blind Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education.

July 16, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROSALINDA MENDOZA, appointed June 19, 2013, for the term ending September 30, 2015, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

December 3, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JIM MOSS, appointed November 12, 2013, for the term ending June 30, 2014, as Member of the Energy Northwest.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications.

September 17, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MARY B. MOSS, reappointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Technical College District #29 (Clover Park).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

October 1, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RAI NAUMAN MUMTAZ, appointed July 11, 2013, for the term ending June 30, 2014, as Member of the Washington State Student Achievement Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

December 17, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LEE NEWGENT, appointed August 5, 2013, for the term ending June 30, 2017, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

July 30, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL E. O'DONNELL, appointed July 1, 2013, for the term ending June 30, 2014, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

June 18, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROBERT OZUNA, appointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

August 6, 2013

THIRD DAY, JANUARY 15, 2014
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

PHILIP A. PARKER, reappointed July 19, 2013, for the term ending June 30, 2019, as Member of the Transportation Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Transportation.

July 16, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DAMIEN J. PATTENAUDE, appointed July 8, 2013, for the term ending June 30, 2014, as Member of the Professional Educator Standards Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education.

November 5, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DOUGLAS D. PETERS, appointed October 1, 2013, for the term ending December 31, 2018, as Member of the Parks and Recreation Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks.

October 15, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GEORGE RAITER, appointed October 1, 2013, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 13 (Lower Columbia College).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

October 29, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PHILIP G. RASMUSSEN, appointed October 11, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 15 (Wenatchee Valley College).

2014 REGULAR SESSION

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education.

June 18, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAY A. REICH, appointed June 21, 2013, for the term ending April 3, 2016, as Member of the State Board for Community and Technical Colleges.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

January 6, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SUSANA REYES, appointed May 7, 2013, for the term ending June 30, 2015, as Member of the Washington State Student Achievement Council.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

August 6, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CONSTANCE W. RICE, appointed July 22, 2013, for the term ending September 30, 2019, as Member, Board of Regents, University of Washington.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

August 19, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROGELIO RIOJAS, appointed October 1, 2013, for the term ending September 30, 2019, as Member, Board of Regents, University of Washington.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

July 30, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RANDY J. ROBINSON, appointed July 8, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

October 15, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ERIK S. ROHRER, reappointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 1 (Peninsula College).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

August 19, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

CHARLES ROYER, reappointed July 19, 2013, for the term ending June 30, 2019, as Member of the Transportation Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Transportation.

October 15, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DANIEL T. SATTERBERG, appointed September 23, 2013, for the term ending August 2, 2016, as Member of the Sentencing Guidelines Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice.

October 8, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

FIASILI L. SAVUSA, appointed June 17, 2013, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 9 (Highline Community College).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

September 17, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LINDSEY SCHAFFER, appointed July 1, 2013, for the term ending June 30, 2014, as Member, Board of Regents, Washington State University.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

November 5, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROLAND SCHIRMAN, appointed October 28, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 20 (Walla Walla Community College).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

December 3, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JOANNE H. SCHWARTZ, reappointed November 13, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 12 (Centralia College).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

August 6, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KIANA M. SCOTT, appointed July 2, 2013, for the term ending June 30, 2014, as Member, Board of Regents, University of Washington.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

November 22, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

THIRD DAY, JANUARY 15, 2014

MAUREEN C. SIMMONS SPARKS, appointed November 1, 2013, for the term ending January 19, 2017, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care.

September 4, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GEOFFREY H. SIMPSON, appointed August 26, 2013, for the term ending June 30, 2019, as Member of the Gambling Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Commerce & Labor.

June 25, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

EDWIN J. SNOOK, appointed July 2, 2013, for the term ending July 1, 2018, as Member of the State School for the Blind Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education.

August 6, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GABE P. SPENCER, appointed July 1, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

October 29, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KEITH THOMPSON, reappointed October 16, 2013, for the term ending September 30, 2019, as Member, Board of Trustees, Central Washington University.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

September 10, 2013

2014 REGULAR SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PAMELA J. TIETZ, appointed July 1, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

November 12, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BERNARD VELJACIC, appointed October 28, 2013, for the term ending September 25, 2016, as Member of the Clemency and Pardons Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Human Services & Corrections.

November 5, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEPHEN L. WARNER, appointed October 11, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 3 (Olympic Community College).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

July 30, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LLOYD R. WEATHERFORD, appointed July 8, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Financial Institutions, Housing & Insurance.

July 30, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MIRANDA WECKER, reappointed July 8, 2013, for the term ending December 31, 2018, as Member of the Fish and Wildlife Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks.

October 8, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TIM WETTACK, appointed September 23, 2013, for the term ending August 2, 2015, as Member of the Sentencing Guidelines Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice.

October 24, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BRETT R. WILLIS, appointed October 16, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 11 (Pierce College).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

November 12, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL D. WILSON, appointed October 28, 2013, for the term ending September 30, 2014, as Member, Board of Trustees, Community College District No. 17 (Spokane and Spokane Falls Community Colleges).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

January 8, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CARL J. ZAPORA, appointed December 23, 2013, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 23 (Edmonds Community College).

JAY INSLEE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6039 by Senators Pearson, Rolfes, Sheldon, Hewitt and Conway

AN ACT Relating to ensuring hunter safety; amending RCW 77.32.155, 77.32.010, and 77.12.184; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

SB 6040 by Senators Honeyford, Hargrove, Pearson, Ranker, Parlette and Sheldon

AN ACT Relating to invasive species; amending RCW 77.15.160, 77.12.020, 77.15.080, 77.15.290, 43.06.010, 43.43.400, and 10.31.100; reenacting and amending RCW 77.08.010; adding new sections to chapter 77.15 RCW; adding a new chapter to Title 77 RCW; creating a new section; repealing RCW 77.12.875, 77.12.878, 77.12.879, 77.12.882, 77.15.253, 77.15.293, 77.60.110, and 77.60.120; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

SB 6041 by Senators Hargrove, Pearson, Rolfes, Hewitt and Sheldon

AN ACT Relating to fish and wildlife law enforcement; amending RCW 77.08.075, 77.15.080, 77.15.100, 77.15.120, 77.15.130, 77.15.160, 77.15.170, 77.15.180, 77.15.190, 77.15.240, 77.15.250, 77.15.370, 77.15.380, 77.15.390, 77.15.420, 77.15.425, 77.15.460, 77.15.470, 77.15.480, 77.15.630, 77.15.740, 77.15.770, 77.32.010, 77.65.280, and 77.65.340; reenacting and amending RCW 77.08.010; adding new sections to chapter 77.15 RCW; repealing RCW 77.15.560; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

SB 6042 by Senators Baumgartner, Brown and Schoesler

AN ACT Relating to establishing an incentive-based methodology of distributing state appropriations to public four-year institutions of higher education; amending RCW 28B.15.101; and creating a new section.

Referred to Committee on Higher Education.

SB 6043 by Senators Baumgartner, Bailey, Brown, Benton, Dansel and Roach

AN ACT Relating to establishing a cap for resident undergraduate tuition rates; and amending RCW 28B.15.067.

Referred to Committee on Higher Education.

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SB 6044 by Senators Litzow, Rivers, McAuliffe, Hobbs, Hargrove, Billig, Eide, Rolfes, Frockt and Conway

AN ACT Relating to establishing career and technical course equivalencies in science and mathematics; amending RCW 28A.700.070, 28A.230.097, and 28A.230.010; creating a new section; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

SB 6045 by Senators Brown, Chase, Rivers, Schoesler, Bailey, Angel, Becker, Honeyford and Roach

AN ACT Relating to promoting economic development through enhancing transparency and predictability of state agency permitting and review processes; amending RCW 43.17.385; and adding a new chapter to Title 43 RCW.

Referred to Committee on Trade & Economic Development.

SB 6046 by Senators Keiser, Rolfes, Conway, Kohl-Welles, Braun, Honeyford and Kline

AN ACT Relating to whistleblowers; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Commerce & Labor.

SB 6047 by Senators Rolfes and Hewitt

AN ACT Relating to setting a maximum annual gross sales amount for cottage food operations; and amending RCW 69.22.050.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6048 by Senators Hargrove, Nelson, Billig, Mullet, Ranker, Frockt, Kline, Chase, Hasegawa, Rolfes, Keiser, Fraser, McAuliffe, Kohl-Welles and Pedersen

AN ACT Relating to flame retardants; amending RCW 70.240.020 and 70.240.010; and adding a new section to chapter 70.240 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6049 by Senators O'Ban, Angel, Baumgartner, Benton, Brown, Rolfes, Rivers, Bailey, King, Padden, Becker, Honeyford, Roach, Sheldon, Dammeier, Parlette and Conway

AN ACT Relating to providing a business and occupation tax credit for businesses that hire veterans; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 6050 by Senators O'Ban, Becker, Pedersen, Keiser, Dammeier, Darneille, Baumgartner, Rolfes, Kohl-Welles, Parlette, Hill and Brown

AN ACT Relating to communication of mammographic breast density information to patients; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care.

SB 6051 by Senators O'Ban, Eide, Baumgartner, King, Brown, Becker, Dangel, Bailey, Rivers, Schoesler, Padden, Honeyford, Fain, Tom, Angel, Parlette, Braun and Hill

AN ACT Relating to Washington state department of transportation projects; amending RCW 47.01.300; adding new sections to chapter 47.01 RCW; adding a new chapter to Title 47 RCW; creating a new section; and providing a contingent expiration date.

Referred to Committee on Transportation.

SB 6052 by Senators Honeyford, Hargrove, Schoesler, Sheldon, Brown, Rivers, Pearson and Angel

AN ACT Relating to habitat and recreation land acquisitions; amending RCW 79.70.040 and 43.88.030; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 44.28 RCW; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

SB 6053 by Senators Honeyford, Rivers, Dammeier, Braun and Angel

AN ACT Relating to payment of representation fees in lieu of regular union dues and fees; and amending RCW 41.56.122, 41.76.045, 41.59.100, 28B.52.045, 49.39.090, 47.64.160, 41.80.100, 41.59.100, 41.56.113, and 49.66.010.

Referred to Committee on Commerce & Labor.

SB 6054 by Senators Honeyford, Hobbs, Schoesler, Cleveland, Rivers, King, Dammeier, Bailey, Hatfield and Parlette

AN ACT Relating to aeronautic safety; adding a new section to chapter 14.16 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 6055 by Senator Litzow

AN ACT Relating to specifying that student growth data elements used in teacher and principal evaluations include state-based tools and delaying the use of the evaluation results in making human resources and personnel decisions until the 2016-17 school year; and amending RCW 28A.405.100.

Referred to Committee on Early Learning & K-12 Education.

SB 6056 by Senator Litzow

AN ACT Relating to changing the due dates of certain requirements of the office of the superintendent of public

instruction; and amending RCW 28A.600.280 and 28A.657.020.

Referred to Committee on Early Learning & K-12 Education.

SB 6057 by Senators Brown, Chase, Rivers, King, Angel, Bailey, Becker, Honeyford, Conway, Hatfield, Kline and Roach

AN ACT Relating to tax credits for hiring individuals with developmental disabilities; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6058 by Senators Brown, Dansel, Benton, Rivers, Schoesler, Padden, Bailey, Becker and Honeyford

AN ACT Relating to allowing incremental electricity produced as a result of efficiency improvements to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration to qualify as an eligible renewable resource under the energy independence act; amending RCW 19.285.040; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6059 by Senators Brown, Chase, Rivers, Becker, Braun and Bailey

AN ACT Relating to charges for scanning public records; and amending RCW 42.56.120.

Referred to Committee on Governmental Operations.

SB 6060 by Senators Angel, Bailey, Schoesler and Roach

AN ACT Relating to public water systems; and amending RCW 36.70A.035 and 36.70A.070.

Referred to Committee on Governmental Operations.

SB 6061 by Senators Litzow, Dammeier, Hill, Becker and Braun

AN ACT Relating to adoption of high school academic acceleration policies; and amending RCW 28A.320.195.

Referred to Committee on Early Learning & K-12 Education.

SB 6062 by Senators Hill, Litzow, Becker, Honeyford, Bailey, Hobbs, Angel, Fain, Braun and Tom

AN ACT Relating to providing internet access to public school data and expenditure information; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6063 by Senators Litzow, Dammeier, Hill, Becker, Tom, Braun and Bailey

AN ACT Relating to efforts to close and eliminate the opportunity gap; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.56 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6064 by Senators Litzow, Fain, Dammeier, Hobbs, Hill, Becker, Tom and Braun

AN ACT Relating to the definition of school day; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6065 by Senators King, Darneille, Kohl-Welles, Hewitt, Conway and Frockt

AN ACT Relating to protecting children under the age of eighteen from the harmful effects of exposure to ultraviolet radiation associated with tanning devices; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SB 6066 by Senator Honeyford

AN ACT Relating to the restoration of firearms rights; and reenacting and amending RCW 9.96.060.

Referred to Committee on Law & Justice.

SB 6067 by Senators Billig, Litzow, Frockt and McAuliffe

AN ACT Relating to the integration of early learning programs; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SB 6068 by Senators Billig, Litzow, Mullet, Rolfes, Hargrove, Angel, Frockt, Kohl-Welles, Ranker, McAuliffe and Kline

AN ACT Relating to the continuity and stability of child care; and amending RCW 43.215.135.

Referred to Committee on Early Learning & K-12 Education.

SB 6069 by Senators Rivers, Darneille, King, Litzow, Fain, Becker, Kohl-Welles, Roach and Brown

AN ACT Relating to community custody conditions for sex offenders; and amending RCW 9.94A.704 and 72.09.340.

Referred to Committee on Human Services & Corrections.

SB 6070 by Senators Honeyford and Keiser

AN ACT Relating to the computation of general state revenues in alignment with Article VIII, section 1 of the state Constitution; and reenacting and amending RCW 39.42.070.

Referred to Committee on Ways & Means.

THIRD DAY, JANUARY 15, 2014

2014 REGULAR SESSION

SB 6071 by Senators Rivers, Hobbs, Angel, Rolfes, Fain, McAuliffe, Roach and Brown

AN ACT Relating to the monthly salary and benefits paid to state patrol officers; and amending RCW 43.43.380.

Referred to Committee on Transportation.

SB 6072 by Senators Rolfes and Ranker

AN ACT Relating to providing for a biennial update on forage fish; and amending RCW 77.04.120 and 77.12.190.

Referred to Committee on Natural Resources & Parks.

SB 6073 by Senators Frockt, Tom, Keiser, Mullet, Cleveland, Pedersen and Darneille

AN ACT Relating to the treatment of eosinophilic gastrointestinal associated disorders; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 6074 by Senators Frockt, O'Ban, Mullet, Litzow, Rolfes, Fain, Billig, Rivers, Hasegawa, Kohl-Welles, Conway, Keiser, McAuliffe, Darneille, Fraser, Ranker, Kline and Brown

AN ACT Relating to improving educational outcomes for homeless students; amending RCW 28A.300.540 and 28A.175.010; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6075 by Senators Pearson and Hasegawa

AN ACT Relating to small public works projects for fire departments and regional fire authorities; and amending RCW 52.14.110.

Referred to Committee on Governmental Operations.

SB 6076 by Senators Benton and Dansel

AN ACT Relating to the maintenance and operations of parks and recreational land acquired through the conservation futures program; and amending RCW 84.34.240.

Referred to Committee on Natural Resources & Parks.

SB 6077 by Senators Benton and Sheldon

AN ACT Relating to the use of storm water control facility rate charges; and amending RCW 90.03.525.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6078 by Senators McCoy, Kohl-Welles and Conway

AN ACT Relating to recognizing "Native American Heritage Day"; amending RCW 1.16.050; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6079 by Senators Hatfield and Honeyford

AN ACT Relating to extending the dairy inspection program assessment expiration date; amending RCW 15.36.551; and providing an expiration date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6080 by Senators Mullet, Ericksen, Rolfes, Conway and Kline

AN ACT Relating to a fishing line or monofilament recycling pilot program; creating a new section; and providing an expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6081 by Senators Dammeier, Mullet, Honeyford, Keiser, Kohl-Welles, Conway, McAuliffe and Brown

AN ACT Relating to creating a grant program to develop and modernize specialized STEM facilities; and adding a new section to chapter 28A.188 RCW.

Referred to Committee on Ways & Means.

SB 6082 by Senators McCoy and McAuliffe

AN ACT Relating to K-12 instructional hours; and amending RCW 28A.150.205 and 28A.150.220.

Referred to Committee on Early Learning & K-12 Education.

SB 6083 by Senators Kohl-Welles, Bailey, Frockt and McAuliffe

AN ACT Relating to precollege placement measures; amending RCW 28B.77.020; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 6084 by Senators O'Ban, Hill and Brown

AN ACT Relating to property tax exemptions for service-connected disabled veterans and senior citizens; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Ways & Means.

SB 6085 by Senator O'Ban

AN ACT Relating to prior offenses within fifteen years for driving under the influence or physical control of a vehicle violations; and amending RCW 10.31.100 and 46.61.5055.

Referred to Committee on Law & Justice.

SB 6086 by Senators Billig, Ericksen, McCoy and Rolfes

AN ACT Relating to reducing polychlorinated biphenyls in Washington state; reenacting and amending RCW 39.26.010; adding new sections to chapter 39.26 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6087 by Senators Honeyford, Hatfield, Schoesler and Sheldon

AN ACT Relating to protecting water quality while maintaining and enhancing the viability of agriculture; amending RCW 90.48.080; and creating a new section.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6088 by Senators Baumgartner, Padden, Brown and Honeyford

AN ACT Relating to the size of the state supreme court; and amending RCW 2.04.070 and 2.04.071.

Referred to Committee on Law & Justice.

SB 6089 by Senators Padden, Roach, Benton, Becker, Schoesler, Dammeier, O'Ban, Brown, Hewitt, Honeyford and Braun

AN ACT Relating to prohibiting the use of eminent domain for economic development; amending RCW 35.81.080; and adding a new chapter to Title 8 RCW.

Referred to Committee on Law & Justice.

SB 6090 by Senators Padden, Pearson, Fain, Bailey, Dansel, Honeyford, Becker, Tom, Roach, Benton, Sheldon, Dammeier, O'Ban, Baumgartner, Brown and Parlette

AN ACT Relating to driving under the influence; amending RCW 46.61.502, 46.61.504, and 46.61.5055; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6091 by Senators Dammeier, Frockt, Rivers, Keiser, Bailey, Hill, Ericksen, Kohl-Welles and Hatfield

AN ACT Relating to the prescription of biological products and interchangeable biological products; amending RCW 69.41.110, 69.41.120, 69.41.150, 69.41.130, 69.41.160, and 69.41.050; and adding a new section to chapter 69.41 RCW.

Referred to Committee on Health Care.

SB 6092 by Senators Litzow, Mullet, Dammeier, Frockt, Hill, Hobbs, Fain, Tom and Rolfes

AN ACT Relating to credit requirements for high school graduation; amending RCW 28A.150.220 and 28A.230.090; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6093 by Senators Rolfes, Dammeier, Billig, Kohl-Welles and McAuliffe

AN ACT Relating to allowing valid portable background check clearance cards issued by the department of early learning to be used by certain educational employees and their contractors for purposes of their background check requirements; and amending RCW 28A.400.303 and 28A.410.010.

Referred to Committee on Early Learning & K-12 Education.

SB 6094 by Senator Hargrove

AN ACT Relating to the use of jail data for research purposes in the public interest; and amending RCW 70.48.100.

Referred to Committee on Human Services & Corrections.

SB 6095 by Senators Hargrove, Kline and Roach

AN ACT Relating to facilitating safe placements for dependent children; and amending RCW 13.34.130.

Referred to Committee on Human Services & Corrections.

SB 6096 by Senators Pearson, McCoy, Brown and Roach

AN ACT Relating to providing for property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas; and adding a new chapter to Title 84 RCW.

Referred to Committee on Trade & Economic Development.

SB 6097 by Senators Billig, Hasegawa and Kline

AN ACT Relating to facilitating and regulating contributions via text message to political campaigns; amending RCW 42.17A.125, 42.17A.235, 42.17A.240, 42.17A.405, and 42.17A.410; reenacting and amending RCW 42.17A.005 and 42.17A.220; adding a new section to chapter 42.17A RCW; creating a new section; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6098 by Senators Billig, Roach, Hasegawa, Benton, Rolfes, Kohl-Welles, Frockt and Fraser

AN ACT Relating to increasing transparency of campaign contributions; amending RCW 42.17A.125, 42.17A.205, 42.17A.235, 42.17A.240, 42.17A.250, and 42.17A.300; reenacting and amending RCW 42.17A.005 and 42.17A.220; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6099 by Senator King

AN ACT Relating to activities at the department of transportation funded by the environmental legacy stewardship account; amending RCW 46.68.070; and reenacting and amending RCW 70.105D.170.

Referred to Committee on Transportation.

SB 6100 by Senator King

AN ACT Relating to modifying the transportation system policy goal of mobility; and amending RCW 47.04.280.

Referred to Committee on Transportation.

SB 6101 by Senators Fain, Darneille, Litzow, Kohl-Welles, Billig, Rivers, Hobbs, O'Ban, Pearson, Pedersen, McAuliffe and Kline

AN ACT Relating to extended foster care services; amending RCW 13.34.267; reenacting and amending RCW 74.13.020 and 74.13.031; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6102 by Senators King and Hill

AN ACT Relating to transferring certain state sales and use taxes collected on state highway projects to the connecting Washington account; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

SB 6103 by Senators McAuliffe, Rivers, Cleveland, Parlette, Kohl-Welles, Brown and Conway

AN ACT Relating to misrepresentation of the geographic location of floral product businesses; and amending RCW 19.160.030.

Referred to Committee on Commerce & Labor.

SB 6104 by Senators McAuliffe, Litzow, Hargrove, Hill, Billig, Fraser and Brown

AN ACT Relating to the interactive gaming in schools public-private partnership; adding a new section to chapter 28A.300 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SB 6105 by Senators McAuliffe, Litzow, Mullet, Darneille, Kohl-Welles and Fraser

AN ACT Relating to school library information and technology programs; and amending RCW 28A.320.240.

Referred to Committee on Early Learning & K-12 Education.

SB 6106 by Senators McAuliffe, Billig, Rolfes, Cleveland and Kline

AN ACT Relating to requiring charter schools to implement the four-level evaluation systems for classroom teachers and principals; and amending RCW 28A.710.040.

Referred to Committee on Early Learning & K-12 Education.

SB 6107 by Senators McAuliffe, Rolfes, Cleveland, Fraser, Conway and Kline

AN ACT Relating to implementation of the learning assistance program for students needing remediation; and amending RCW 28A.165.005.

Referred to Committee on Early Learning & K-12 Education.

SB 6108 by Senators McAuliffe, Rolfes, Cleveland, Kohl-Welles, Fraser, Conway, Pedersen and Kline

AN ACT Relating to linear K-3 class size reduction; amending RCW 28A.150.260; adding a new section to chapter 28A.525 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SB 6109 by Senators Hobbs, King and Eide

AN ACT Relating to processing certain motor vehicle-related violations applicable to rental cars; and amending RCW 46.20.270 and 46.63.073.

Referred to Committee on Transportation.

SB 6110 by Senators Ericksen and Hobbs

AN ACT Relating to retainage bonds on public contracts; and amending RCW 48.28.010 and 60.28.011.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6111 by Senators Keiser, Dammeier, Roach, Litzow, Frockt, Fain and Conway

AN ACT Relating to safety equipment for individual providers; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Health Care.

SB 6112 by Senators McAuliffe, Rolfes, Litzow, Cleveland, Mullet, Dammeier, Hasegawa, Kohl-Welles, Ranker, Conway and Frockt

AN ACT Relating to requiring classroom instruction regarding harassment, intimidation, and bullying prevention policies and procedures; and amending RCW 28A.300.285.

Referred to Committee on Early Learning & K-12 Education.

SB 6113 by Senator Benton

AN ACT Relating to funding for certain transportation planning organizations; and amending RCW 47.80.050.

Referred to Committee on Transportation.

SB 6114 by Senators Benton and Cleveland

AN ACT Relating to local government treasury practices and procedures; and amending RCW 36.29.020, 36.29.022, 36.29.190, and 39.72.010.

Referred to Committee on Governmental Operations.

SB 6115 by Senators Benton, Roach, Billig and Hobbs

AN ACT Relating to process servers; and amending RCW 18.180.010.

Referred to Committee on Commerce & Labor.

SB 6116 by Senator Benton

AN ACT Relating to storm water rates charged by a local government utility; and amending RCW 90.03.525.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6117 by Senators Benton, Sheldon, Dansel, Angel, King, Schoesler, Tom, Braun, Becker, Padden, Honeyford and Roach

AN ACT Relating to storm water control facility rates; and amending RCW 90.03.525.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6118 by Senators Benton, Dansel, Becker and Honeyford

AN ACT Relating to protecting citizens from the application of foreign laws that would result in a violation of a constitutional right; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Law & Justice.

SB 6119 by Senators Benton and Roach

AN ACT Relating to granting voting rights to legislators serving on certain local transportation boards; and amending RCW 47.80.040, 36.57A.050, and 36.57A.055.

Referred to Committee on Transportation.

SB 6120 by Senators Hobbs, Keiser, Chase, Cleveland, Eide, Hatfield, Billig and Conway

AN ACT Relating to funding the public works assistance account; and amending RCW 82.16.020 and 82.45.060.

Referred to Committee on Ways & Means.

SB 6121 by Senators Dammeier, Ranker and Eide

AN ACT Relating to calculation and allocation of appropriations for alternative learning experience courses; and amending RCW 28A.232.020.

Referred to Committee on Early Learning & K-12 Education.

SB 6122 by Senators O'Ban, Conway, Dammeier, Darneille, Angel, Litzow and McAuliffe

AN ACT Relating to enacting planning measures and strategies that provide for future long-term service and

support needs of people with intellectual and developmental disabilities in Washington state; and creating new sections.

Referred to Committee on Health Care.

SB 6123 by Senator Dammeier

AN ACT Relating to physical therapy copayment and coinsurance; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 6124 by Senators Keiser, Dammeier, Hargrove, Ranker, McCoy, Hasegawa, Conway, Darneille, McAuliffe, Cleveland, Billig, Rolfes, Nelson, Mullet, Fraser, Frockt, Eide, Kohl-Welles, Kline, Hobbs, Pedersen, Hatfield, Parlette, Roach and Becker

AN ACT Relating to developing a state Alzheimer's plan; adding a new section to chapter 43.70 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Health Care.

SB 6125 by Senators Benton, Sheldon, Braun, Angel, Dammeier, O'Ban, Schoesler, Padden, Becker, Bailey and Honeyford

AN ACT Relating to eminent domain; and adding a new section to chapter 8.25 RCW.

Referred to Committee on Law & Justice.

SB 6126 by Senators O'Ban, Darneille, Becker, Tom, Fraser, Pedersen, Kline, Pearson, Kohl-Welles, Braun and Frockt

AN ACT Relating to representation of children in dependency matters; amending RCW 13.34.100; adding a new section to chapter 13.34 RCW; adding a new section to chapter 2.53; creating a new section; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SJM 8010 by Senators Keiser, Kohl-Welles, Parlette, Conway and Kline

Calling on the drug enforcement administration to reschedule marijuana from Schedule I to Schedule II or lower.

Referred to Committee on Health Care.

SJR 8213 by Senators Roach, Becker, Benton, Sheldon, Baumgartner, Brown, Dansel, Angel, Schoesler, Braun, Bailey, Dammeier, O'Ban, Litzow, Rivers, Parlette, Padden, Pearson and Honeyford

Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes.

Referred to Committee on Ways & Means.

MOTION

THIRD DAY, JANUARY 15, 2014

2014 REGULAR SESSION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6080 which was referred to the Committee on Energy, Environment & Telecommunications.

HUNTER G. GOODMAN, Secretary of the Senate

MOTION

At 10:05 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, January 16, 2014.

BRAD OWEN, President of the Senate

FOURTH DAY

 NOON SESSION

Senate Chamber, Olympia, Thursday, January 16, 2014

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 15, 2014

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

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

Passed to Committee on Rules for second reading.

January 15, 2014

SB 5967 Prime Sponsor, Senator Padden: Modifying mental status evaluation provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

January 15, 2014

SB 5999 Prime Sponsor, Senator Pedersen: Concerning corporate entity conversions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

January 15, 2014

SB 6012 Prime Sponsor, Senator Padden: Prohibiting the state bar association from charging fees to judicial members. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Rules for second reading.

January 15, 2014

SB 6014 Prime Sponsor, Senator Roach: Concerning the operation of a vessel under the influence of an intoxicant. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6014 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

 REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS

January 15, 2014

SGA 9096 JANICE E ELLIS, appointed on September 7, 2012, for the term ending August 2, 2015, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

January 15, 2014

SGA 9144 MARYANN J MORENO, appointed on August 8, 2012, for the term ending August 2, 2014, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

January 15, 2014

SGA 9148 SHAWN M MURINKO, reappointed on August 1, 2011, for the term ending June 17, 2016, as Member of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

January 15, 2014

SGA 9153 LENELL NUSSBAUM, reappointed on February 10, 2012, for the term ending August 2, 2014, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

January 15, 2014

SGA 9155 PAUL A PASTOR, reappointed on August 8, 2012, for the term ending August 2, 2015, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

January 15, 2014

SGA 9173 CATHERINE SHAFFER, appointed on September 7, 2012, for the term ending August 2, 2015, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

January 15, 2014

MR. PRESIDENT:
The House has adopted:
SENATE CONCURRENT RESOLUTION NO. 8408,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6127 by Senators Litzow, Billig, Fain, Rolfes, Tom, Angel, Rivers, McAuliffe, Hobbs, Dammeier, Frockt, Cleveland, Kohl-Welles, Mullet and O'Ban

AN ACT Relating to improving quality in the early care and education system; amending RCW 43.215.100, 43.215.135, 43.215.425, 43.215.415, and 43.215.455; adding new sections to chapter 43.215 RCW; creating a new section; and repealing 2013 2nd sp.s. c 16 s 2 (uncodified).

Referred to Committee on Early Learning & K-12 Education.

SB 6128 by Senators Litzow, McAuliffe, Hobbs, Dammeier, Tom and Mullet

AN ACT Relating to the delivery of medication and services by unlicensed school employees; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6129 by Senators Hill, McAuliffe, Tom, Dammeier, Hobbs, Litzow, Baumgartner and Mullet

AN ACT Relating to paraeducator development; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28B.50 RCW; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SB 6130 by Senators Roach, Kline and Kohl-Welles

AN ACT Relating to state liquor control board enforcement officers; amending RCW 10.93.020, 10.93.140, 66.08.030, 41.26.030, 43.101.010, and 43.101.020; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Commerce & Labor.

SB 6131 by Senators King, Kohl-Welles and Mullet

AN ACT Relating to special occasion licenses; and amending RCW 66.24.380.

Referred to Committee on Commerce & Labor.

SB 6132 by Senators Rolfes, Dammeier, McAuliffe, Kohl-Welles, Parlette, Hasegawa, Keiser and Conway

AN ACT Relating to allowing medicare supplemental insurance premiums to be deducted from the calculation of disposable income for the purpose of qualifying for senior property tax programs; amending RCW 84.36.383; and creating a new section.

Referred to Committee on Health Care.

SB 6133 by Senators Braun, Conway, King and Tom

AN ACT Relating to real estate brokers and managing brokers; amending RCW 18.85.451, 18.85.461, and 18.85.471; and providing expiration dates.

Referred to Committee on Commerce & Labor.

SB 6134 by Senators Hobbs, Benton, Hatfield, Mullet and Fain

AN ACT Relating to clarifying the statute of limitations for enforcement actions, sharing of information with federal and state regulatory authorities, and requiring call reports for nondepository institutions regulated by the department of financial institutions; amending RCW 18.44.430, 19.146.220, 31.04.045, 31.04.093, and 31.45.110; adding new sections to chapter 19.230 RCW; and adding new sections to chapter 31.45 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6135 by Senators Benton, Mullet, Hatfield, Hobbs and Fain

AN ACT Relating to the modernization, clarification, reorganization, and amendment of the laws respecting the charter and regulation of Washington state nondepository trust companies, fiduciary activities and trust business of state commercial banks, alien banks, state savings banks, and state savings associations, and fiduciary activities and trust business of other trust institutions and persons engaging in trust business in this state; amending RCW 30.04.010, 30.04.020, 30.04.025, 30.04.030, 30.04.050, 30.04.060, 30.04.070, 30.04.075, 30.04.111, 30.04.120, 30.04.127, 30.04.129, 30.04.140, 30.04.212, 30.04.214, 30.04.215, 30.04.220, 30.04.225, 30.04.230, 30.04.232, 30.04.240, 30.04.260, 30.04.285, 30.04.330, 30.04.375, 30.04.380, 30.04.390, 30.04.400, 30.04.405, 30.04.410, 30.04.450, 30.04.455, 30.04.460, 30.04.465, 30.04.470, 30.04.475, 30.04.500, 30.04.505, 30.04.510, 30.04.515, 30.04.555, 30.04.560, 30.04.570, 30.08.020, 30.08.025, 30.08.030, 30.08.055, 30.08.060, 30.08.070, 30.08.080, 30.08.081, 30.08.084, 30.08.086, 30.08.087, 30.08.140, 30.08.140, 30.08.150, 30.08.180, 30.12.020, 30.12.025, 30.12.030, 30.12.040, 30.12.0401, 30.12.042, 30.12.044, 30.12.047, 30.12.060, 30.12.070, 30.12.090, 30.12.100, 30.12.110, 30.12.180, 30.12.190, 30.12.205, 30.12.220, 30.12.240, 30.16.010, 30.20.005, 30.20.025, 30.20.060, 30.20.090, 30.22.041, 30.22.120, 30.22.130, 30.22.190, 30.22.220, 30.32.010, 30.32.020, 30.32.030, 30.32.040, 30.36.010, 30.36.020, 30.36.030, 30.36.040, 30.38.010, 30.38.030, 30.38.070, 30.42.020, 30.42.060, 30.42.070, 30.42.090, 30.42.105, 30.42.115, 30.42.120, 30.42.130, 30.42.155, 30.42.280, 30.42.310, 30.42.340, 30.44.010, 30.44.020, 30.44.030, 30.44.040, 30.44.050, 30.44.100, 30.44.110, 30.44.120, 30.44.150, 30.44.160, 30.44.170, 30.44.180, 30.44.190, 30.44.200, 30.44.210, 30.44.220, 30.44.230, 30.44.240, 30.44.250, 30.44.270, 30.44.280, 30.46.010, 30.46.020, 30.46.030, 30.46.040, 30.46.050, 30.46.060, 30.46.070, 30.46.080, 30.46.090, 30.49.020, 30.49.070, 30.49.125, 30.56.050, 30.56.060, 32.08.210, and 33.12.010; amending 2013 c 76 s 33 (uncodified); reenacting and amending RCW 30.04.125, 30.04.130, 30.04.180, 30.04.210, 30.08.010, 30.08.082, 30.08.090, 30.08.092, 30.08.190, 30.12.010, and 30.22.040; adding a new section to chapter 32.04 RCW; adding a new section to chapter 33.04 RCW;

adding new titles to the Revised Code of Washington to be codified as Title 30A and 30B RCW; creating new sections; recodifying RCW 30.04.010, 30.04.020, 30.04.025, 30.04.030, 30.04.045, 30.04.050, 30.04.060, 30.04.070, 30.04.075, 30.04.111, 30.04.112, 30.04.120, 30.04.125, 30.04.127, 30.04.129, 30.04.130, 30.04.140, 30.04.180, 30.04.210, 30.04.212, 30.04.214, 30.04.215, 30.04.217, 30.04.220, 30.04.225, 30.04.230, 30.04.232, 30.04.238, 30.04.240, 30.04.260, 30.04.280, 30.04.285, 30.04.295, 30.04.300, 30.04.330, 30.04.375, 30.04.380, 30.04.390, 30.04.395, 30.04.400, 30.04.405, 30.04.410, 30.04.450, 30.04.455, 30.04.460, 30.04.465, 30.04.470, 30.04.475, 30.04.500, 30.04.505, 30.04.510, 30.04.515, 30.04.550, 30.04.555, 30.04.560, 30.04.565, 30.04.570, 30.04.575, 30.04.600, 30.04.605, 30.04.610, 30.04.650, 30.04.901, 30.08.010, 30.08.020, 30.08.025, 30.08.030, 30.08.040, 30.08.050, 30.08.055, 30.08.060, 30.08.070, 30.08.080, 30.08.081, 30.08.082, 30.08.083, 30.08.084, 30.08.086, 30.08.087, 30.08.088, 30.08.090, 30.08.092, 30.08.140, 30.08.150, 30.08.160, 30.08.170, 30.08.180, 30.08.190, 30.12.010, 30.12.020, 30.12.025, 30.12.030, 30.12.040, 30.12.0401, 30.12.042, 30.12.044, 30.12.045, 30.12.046, 30.12.047, 30.12.060, 30.12.070, 30.12.090, 30.12.100, 30.12.110, 30.12.115, 30.12.120, 30.12.130, 30.12.180, 30.12.190, 30.12.205, 30.12.220, 30.12.230, 30.12.240, 30.16.010, 30.20.005, 30.20.025, 30.20.060, 30.20.090, 30.22.010, 30.22.020, 30.22.030, 30.22.040, 30.22.041, 30.22.050, 30.22.060, 30.22.070, 30.22.080, 30.22.090, 30.22.100, 30.22.110, 30.22.120, 30.22.130, 30.22.140, 30.22.150, 30.22.160, 30.22.170, 30.22.180, 30.22.190, 30.22.200, 30.22.210, 30.22.220, 30.22.230, 30.22.240, 30.22.245, 30.22.250, 30.22.260, 30.22.900, 30.22.901, 30.22.902, 30.24.080, 30.32.010, 30.32.020, 30.32.030, 30.32.040, 30.36.010, 30.36.020, 30.36.030, 30.36.040, 30.36.050, 30.38.005, 30.38.010, 30.38.015, 30.38.020, 30.38.030, 30.38.040, 30.38.050, 30.38.060, 30.38.070, 30.38.080, 30.38.900, 30.42.010, 30.42.020, 30.42.030, 30.42.040, 30.42.050, 30.42.060, 30.42.070, 30.42.080, 30.42.090, 30.42.100, 30.42.105, 30.42.115, 30.42.120, 30.42.130, 30.42.140, 30.42.145, 30.42.150, 30.42.155, 30.42.160, 30.42.170, 30.42.180, 30.42.190, 30.42.200, 30.42.210, 30.42.220, 30.42.230, 30.42.240, 30.42.250, 30.42.260, 30.42.270, 30.42.280, 30.42.290, 30.42.300, 30.42.310, 30.42.320, 30.42.330, 30.42.340, 30.42.900, 30.43.005, 30.44.010, 30.44.020, 30.44.030, 30.44.040, 30.44.050, 30.44.060, 30.44.070, 30.44.080, 30.44.090, 30.44.100, 30.44.110, 30.44.120, 30.44.130, 30.44.140, 30.44.150, 30.44.160, 30.44.170, 30.44.180, 30.44.190, 30.44.200, 30.44.210, 30.44.220, 30.44.230, 30.44.240, 30.44.250, 30.44.260, 30.44.270, 30.44.280, 30.46.010, 30.46.020, 30.46.030, 30.46.040, 30.46.050, 30.46.060, 30.46.070, 30.46.080, 30.46.090, 30.46.100, 30.49.010, 30.49.020, 30.49.030, 30.49.040, 30.49.050, 30.49.060, 30.49.070, 30.49.080, 30.49.090, 30.49.100, 30.49.110, 30.49.120, 30.49.125, 30.49.130, 30.56.010, 30.56.020, 30.56.030, 30.56.040, 30.56.050, 30.56.060, 30.56.070, 30.56.080, 30.56.090, 30.56.100, 30.60.010, 30.60.020, 30.60.030, 30.60.900, 30.60.901, 30.98.010, 30.98.020, 30.98.030, 30.98.040, 30.98.050, and 30.98.060; repealing RCW 30.08.155, 30.53.010, 30.53.020, 30.53.030, 30.53.040, 30.53.050, 30.53.060, 30.53.070, and 30.53.080; prescribing penalties; providing an effective date; providing a contingent effective date; and providing a contingent expiration date.

FOURTH DAY, JANUARY 16, 2014

2014 REGULAR SESSION

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6143 by Senators Padden and Sheldon

AN ACT Relating to tenant remedies upon landlord's failure to perform duties; amending RCW 59.18.070; and creating new sections.

SB 6136 by Senators Kohl-Welles, Braun and Kline

AN ACT Relating to the sale of beer by grocery store licensees; and amending RCW 66.24.360.

Referred to Committee on Law & Justice.

Referred to Committee on Commerce & Labor.

SB 6144 by Senators Fain, Angel, McAuliffe, Hill, Benton, Hobbs, Dammeier, Rivers, Schoesler, Tom, Frockt and Kohl-Welles

AN ACT Relating to cosmetology training and licensure requirements; and amending RCW 18.16.090.

SB 6137 by Senators Conway, Pearson, Parlette and Keiser

AN ACT Relating to pharmacies; and adding a new chapter to Title 48 RCW.

Referred to Committee on Commerce & Labor.

Referred to Committee on Health Care.

SB 6145 by Senators Hatfield, Roach, Chase, Sheldon, Fraser and McAuliffe

AN ACT Relating to declaring the *Ostrea lurida* the official oyster of the state of Washington; adding a new section to chapter 1.20 RCW; and creating a new section.

SB 6138 by Senators Bailey, Pedersen, Parlette and Kline

AN ACT Relating to credential renewal requirements for dental professionals; and amending RCW 18.260.090.

Referred to Committee on Governmental Operations.

Referred to Committee on Health Care.

SB 6139 by Senators Becker, Pedersen and Keiser

AN ACT Relating to the protection of patient health care information in the comprehensive hospital abstract reporting system; and amending RCW 43.70.052.

SB 6146 by Senators Cleveland and Benton

AN ACT Relating to county electronic public auctions; amending RCW 84.64.080 and 84.64.200; reenacting and amending RCW 36.16.140; and adding new sections to chapter 84.64 RCW.

Referred to Committee on Health Care.

Referred to Committee on Governmental Operations.

SB 6140 by Senators Becker, Pedersen, Bailey and Keiser

AN ACT Relating to practice settings for certified chemical dependency professionals and trainees; and amending RCW 18.205.040.

SB 6147 by Senators Honeyford and King

AN ACT Relating to reserve studies for certain unit owners' associations; and amending RCW 64.34.380.

Referred to Committee on Health Care.

Referred to Committee on Commerce & Labor.

SB 6141 by Senators Roach, Hasegawa, Fain, Hobbs, Hatfield, Honeyford and Tom

AN ACT Relating to confidentiality of certain records filed with the utilities and transportation commission or the attorney general; amending RCW 42.56.330; and adding a new section to chapter 81.77 RCW.

SB 6148 by Senators King and Kohl-Welles

AN ACT Relating to snack bar licenses; and amending RCW 66.24.350.

Referred to Committee on Governmental Operations.

Referred to Committee on Commerce & Labor.

SB 6142 by Senators Pearson, Keiser, Bailey, Nelson, Rolfes, Darneille, Dammeier, Brown, Fain, Rivers, Honeyford, Kohl-Welles, Parlette, Hewitt, Cleveland, McAuliffe, Braun, Conway, King, Fraser, Hobbs, Litzow and Tom

AN ACT Relating to standards for detention of persons with mental disorders or chemical dependency; amending RCW 70.96B.045 and 71.05.050; and reenacting and amending RCW 71.05.153.

SB 6149 by Senators Angel, Rolfes and Sheldon

AN ACT Relating to contractor liability for industrial insurance premiums for not-for-profit nonemergency medicaid transportation brokers; and amending RCW 51.12.070.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Commerce & Labor.

SB 6150 by Senators Bailey, Hobbs, Angel, Benton, Conway, O'Ban, Roach and McAuliffe

AN ACT Relating to Medal of Honor special license plates; and amending RCW 46.18.230, 46.16A.200, and 46.18.277.

Referred to Committee on Transportation.

SB 6151 by Senators Hill, Fraser, Litzow, Kohl-Welles, Angel, Nelson, Chase, Pedersen and Frockt

AN ACT Relating to access to and economic development of cultural and heritage programs and facilities and authorizing the creation of cultural access authorities; amending RCW 84.52.010, 84.52.010, and 36.96.010; adding a new section to chapter 82.14 RCW; adding a new section to chapter 84.52 RCW; adding a new chapter to Title 36 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6152 by Senators Litzow and McAuliffe

AN ACT Relating to changing explicit alternative routes to teacher certification program requirements to expectations for program outcomes; amending RCW 28A.660.020 and 28A.660.035; and repealing RCW 28A.660.040.

Referred to Committee on Early Learning & K-12 Education.

SB 6153 by Senators Litzow, McAuliffe, Dammeier, Rolfes and Tom

AN ACT Relating to teacher attendance data collection; and amending RCW 28A.300.507.

Referred to Committee on Early Learning & K-12 Education.

SB 6154 by Senators Chase and Kline

AN ACT Relating to measures that will provide energy assistance for low-income families within the framework of the energy independence act; amending RCW 19.285.040 and 19.285.050; reenacting and amending RCW 19.285.030; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6155 by Senators Ranker and Chase

AN ACT Relating to current use valuation for farm and agricultural land; amending RCW 84.34.020; and creating a new section.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6156 by Senator King

AN ACT Relating to permits for state transportation corridor projects; amending RCW 70.95.030; adding a new section to chapter 36.70A RCW; adding a new section to chapter 47.01 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 36.01 RCW; adding new sections to chapter 35A.21 RCW; adding a new section to chapter 90.58 RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Transportation.

SB 6157 by Senators Hatfield, Padden, Hobbs, Schoesler, Hewitt and Ericksen

AN ACT Relating to a hazardous substance tax exemption for certain hazardous substances defined under RCW 82.21.020(1)(c) that are used as agricultural crop protection products and warehoused but not otherwise used, manufactured, packaged, or sold in this state; amending RCW 82.21.040; adding a new section to chapter 82.21 RCW; creating a new section; and providing an effective date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6158 by Senators Conway and Kline

AN ACT Relating to encouraging safe and responsible sales of marijuana by authorizing the use of minors in compliance checks and addressing identification and manufacturing; adding new sections to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SB 6159 by Senator Conway

AN ACT Relating to the regulation of alcoholic beverages; amending RCW 66.12.110, 66.12.120, 66.12.240, 66.20.010, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.24.210, 66.28.030, 66.28.035, 66.28.040, and 66.44.350; and repealing RCW 66.24.440.

Referred to Committee on Commerce & Labor.

SB 6160 by Senators Conway and Kohl-Welles

AN ACT Relating to marijuana processing and retail licenses; and amending RCW 69.50.325, 69.50.354, 69.50.357, and 69.50.360.

Referred to Committee on Commerce & Labor.

SB 6161 by Senators Rolfes, McAuliffe, Ranker, Billig, Dinsel, Conway, Cleveland, Chase, Hasegawa, Mullet, McCoy, Keiser, Pedersen, Kline, Kohl-Welles and Frockt

AN ACT Relating to requiring state funding to support professional development for K-12 educators; adding a new section to chapter 28A.415 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6162 by Senators Litzow, Rolfes, Fain, Sheldon, McCoy, Hasegawa, McAuliffe, Conway and Kline

AN ACT Relating to subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe; amending RCW 82.29A.010, 82.29A.020, 84.36.010, 84.36.451, and 84.40.230; adding a new section to chapter 82.29A RCW; adding a new section to chapter 52.30 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Governmental Operations.

FOURTH DAY, JANUARY 16, 2014

2014 REGULAR SESSION

SB 6163 by Senators Billig, Litzow, Frockt, Dammeier, McAuliffe, Rolfes, King, Tom, Kohl-Welles and Keiser

AN ACT Relating to implementing the summer knowledge improvement pilot program; amending RCW 28A.150.392; adding new sections to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SB 6164 by Senators Roach, Kohl-Welles and Chase

AN ACT Relating to the legislature holding a public hearing on a ballot proposition; and amending RCW 42.52.180.

Referred to Committee on Governmental Operations.

SB 6165 by Senators Hasegawa, Roach and Keiser

AN ACT Relating to accountability in caucus political committee accounts; and reenacting and amending RCW 42.17A.110.

Referred to Committee on Governmental Operations.

SB 6166 by Senators Roach, Hasegawa and Chase

AN ACT Relating to the use of credit cards for campaign expenditures; amending RCW 42.17A.240 and 42.17A.425; and reenacting and amending RCW 42.17A.210.

Referred to Committee on Governmental Operations.

SB 6167 by Senators Dammeier, Nelson, Tom, Kohl-Welles and Frockt

AN ACT Relating to allowing physical therapists to perform spinal manipulation; amending RCW 18.74.010, 18.74.035, and 18.74.085; and adding a new section to chapter 18.74 RCW.

Referred to Committee on Health Care.

SB 6168 by Senators Rivers, Eide, Hargrove, Padden, Fraser, Honeyford and Rolfes

AN ACT Relating to review of licensing and employment decisions by the children's administration; amending RCW 74.15.130; reenacting and amending RCW 74.15.030; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Human Services & Corrections.

SB 6169 by Senator Benton

AN ACT Relating to the Washington economic development finance authority membership; and amending RCW 43.163.020.

Referred to Committee on Trade & Economic Development.

SB 6170 by Senators Keiser, Becker, Pedersen, Cleveland, Hasegawa, McCoy, Kohl-Welles, Frockt, McAuliffe and Kline

AN ACT Relating to continuing education related to cultural competency for health care professionals; amending RCW 43.70.615; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

SB 6171 by Senators Angel, Rolfes, Bailey, Rivers and Kline

AN ACT Relating to creating passenger-only ferry service districts; adding new sections to chapter 36.57A RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.80 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6172 by Senators Hargrove, Chase, Rivers, Rolfes, Benton, Hasegawa, Baumgartner, Kohl-Welles, Litzow, Darneille, Keiser, Pedersen and Kline

AN ACT Relating to protecting Washington citizens from warrantless surveillance, reducing liability, and establishing clear standards under which agencies may utilize unmanned aerial vehicles; adding a new chapter to Title 10 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 6173 by Senator Becker

AN ACT Relating to protecting Washington's standard of care for medical malpractice; adding new sections to chapter 7.70 RCW; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 6174 by Senators Cleveland, Parlette, Keiser and Hewitt

AN ACT Relating to infectious disease testing for good samaritans; and amending RCW 70.05.180.

Referred to Committee on Health Care.

SB 6175 by Senator Braun

AN ACT Relating to modifying the tax appeal process; amending RCW 82.03.020, 82.03.030, 82.03.050, 82.03.090, 84.08.130, and 34.05.518; adding new sections to chapter 82.03 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

SB 6176 by Senator Braun

AN ACT Relating to modifying the tax appeal process; amending RCW 34.05.030, 39.88.060, 42.17A.705, 79.125.450, 82.01.090, 82.29A.060, 82.32.150, 82.32.180, 82.49.060, 84.08.060, 84.08.130, 84.33.091, 84.34.065, 84.36.850, 84.39.020, 84.40.0301, 84.40.038, 84.48.080, 84.52.018, 84.56.290, and 84.69.020; reenacting and amending RCW 34.12.020; adding a new chapter to Title 82 RCW; repealing RCW 82.03.010, 82.03.020, 82.03.030, 82.03.040, 82.03.050, 82.03.060, 82.03.070, 82.03.080,

82.03.090, 82.03.100, 82.03.110, 82.03.120, 82.03.130, 82.03.140, 82.03.150, 82.03.160, 82.03.170, 82.03.180, 82.03.190, and 82.03.200; and providing effective dates.

Referred to Committee on Trade & Economic Development.

SB 6177 by Senators Litzow, McCoy, Honeyford and Kline

AN ACT Relating to financing for stewardship of mercury-containing lights; amending RCW 70.275.030, 70.275.040, and 70.275.050; reenacting and amending RCW 70.275.020; adding a new section to chapter 70.275 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 70.95M RCW; creating a new section; recodifying RCW 70.275.080; repealing RCW 70.275.120; providing an effective date; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6178 by Senators Kohl-Welles, Litzow, Keiser, Pedersen, Cleveland and Kline

AN ACT Relating to aligning the medical marijuana system with the recreational marijuana system; amending RCW 69.50.331, 69.50.342, 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013, 69.50.535, 69.50.540, 28B.20.502, 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.070, 69.51A.100, 69.51A.110, 69.51A.120, and 69.51A.200; reenacting and amending RCW 69.50.101; adding new sections to chapter 69.50 RCW; adding new sections to chapter 69.51A RCW; adding a new section to chapter 42.56 RCW; creating a new section; repealing RCW 69.51A.020, 69.51A.025, 69.51A.043, 69.51A.047, 69.51A.140, and 69.51A.085; prescribing penalties; and providing effective dates.

Referred to Committee on Health Care.

SB 6179 by Senators Braun, Benton, Becker, Sheldon, Baumgartner, Brown, Schoesler, Rivers, Honeyford, Tom, Hewitt and Parlette

AN ACT Relating to workers' compensation group self-insurance plans; and adding new sections to chapter 51.14 RCW.

Referred to Committee on Commerce & Labor.

SB 6180 by Senators Braun, Holmquist Newbry, Padden, Sheldon, Brown, Schoesler, Rivers and Parlette

AN ACT Relating to consolidating designated forest lands and open space timber lands for ease of administration; amending RCW 84.33.035, 84.33.130, 84.33.140, 84.33.145, 84.34.030, 84.34.041, 84.34.070, 84.34.330, 84.34.340, and 84.34.370; and adding a new section to chapter 84.34 RCW.

Referred to Committee on Natural Resources & Parks.

SB 6181 by Senators Braun, Angel, Bailey, Rivers, Becker and Honeyford

AN ACT Relating to child care; and amending RCW 43.215.135, 74.20.040, and 74.20.330.

Referred to Committee on Human Services & Corrections.

SB 6182 by Senators Braun, Bailey, Angel, Roach, Becker, Benton, Dammeier, Brown, Sheldon, Honeyford, O'Ban, Rivers, Schoesler, Tom and Fain

AN ACT Relating to establishing a tax credit for employers participating in the apprenticeship program; adding new sections to chapter 82.04 RCW; adding a new section to chapter 28C.18 RCW; and providing an effective date.

Referred to Committee on Trade & Economic Development.

SB 6183 by Senators Braun, Tom, Becker, Angel, Bailey, Sheldon, Baumgartner, Honeyford, Brown and Holmquist Newbry

AN ACT Relating to requiring public employee collective bargaining sessions to be open meetings; amending RCW 42.30.140; and adding a new section to chapter 42.30 RCW.

Referred to Committee on Governmental Operations.

SJR 8214 by Senators Roach and Padden

Amending the state Constitution to state that the Governor is subject to public records requests.

Referred to Committee on Governmental Operations.

MOTION

Senator Fain moved that all measures listed on the Introduction and First Reading report be referred to the committees as designated with the exception of Senate Bill No. 6129 which should be referred to the Committee on Early Learning & K-12 Education and Senate Bill No. 6178 which should be referred to the committee on Health Care.

Senator Rolfes spoke on the motion.

The motion by Senator Fain to refer the measures on the Short Title and First Reading report to the committees as designated with the exception of Senate Bill No. 6129 which was referred to the Committee on Early Learning & K-12 Education and Senate Bill No. 6178 which was referred to the Committee on Health Care was carried by voice vote.

SIGNED BY THE PRESIDENT

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

SENATE CONCURRENT RESOLUTION NO. 8408.

MOTION

At 12:05 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, January 17, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 17, 2014

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 16, 2014

SB 5887 Prime Sponsor, Senator Rivers: Concerning the medical use of cannabis. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Bailey; Becker; Billig; Braun; Dammeier; Fraser; Frockt; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers and Tom.

Passed to Committee on Health Care.

January 15, 2014

SB 5966 Prime Sponsor, Senator Padden: Concerning the possession or use of alcohol, cannabis products, and controlled substances in sentencing provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5966 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

January 15, 2014

SB 5988 Prime Sponsor, Senator Fain: Restricting the solicitation and acceptance of campaign contributions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig; Conway; Frockt; Hargrove, Ranking Member and Hasegawa.

Passed to Committee on Rules for second reading.

January 16, 2014

SB 5992 Prime Sponsor, Senator Ericksen: Allowing certain incremental electricity produced as a result of efficiency improvements and hydroelectric generation from certain irrigation facilities to qualify as an eligible renewable resource under chapter 19.285 RCW, the energy independence act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Chase and Honeyford.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Litzow McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

January 16, 2014

SB 6058 Prime Sponsor, Senator Brown: Allowing incremental electricity produced as a result of efficiency improvements to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration to qualify as an eligible renewable resource under the energy independence act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6058 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Chase and Honeyford.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Litzow McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6184 by Senators Chase and Kline

AN ACT Relating to genetically engineered finfish; amending RCW 77.125.020, 69.04.932, and 69.04.934; adding a new section to chapter 77.125 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

SB 6185 by Senators Chase, Ericksen, McAuliffe and Roach

AN ACT Relating to floating houses in harbor areas; adding new sections to chapter 79.115 RCW; and creating new sections.

Referred to Committee on Natural Resources & Parks.

SB 6186 by Senator King

AN ACT Relating to certain public works contracting requirements; and amending RCW 39.04.320, 39.12.026, and 39.12.010.

Referred to Committee on Commerce & Labor.

SB 6187 by Senators Sheldon and McCoy

AN ACT Relating to local integrating organizations; amending RCW 90.71.010, 90.71.200, 90.71.230, 90.71.240, 90.71.260, 90.71.310, 90.71.330, and 90.71.340; and adding new sections to chapter 90.71 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6188 by Senators O'Ban, Eide and Benton

AN ACT Relating to dedicating a portion of state sales tax revenues derived from certain short-term major public events for county economic development use; adding a new chapter to Title 82 RCW; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

SB 6189 by Senators Hargrove and Rolfes

AN ACT Relating to delaying the requirement for increased K-12 instructional hours; and amending RCW 28A.150.220.

Referred to Committee on Early Learning & K-12 Education.

SB 6190 by Senators Brown, Dansel, Rivers, Benton, Braun, Angel, Tom, Bailey, Becker, Parlette and Sheldon

AN ACT Relating to clarifying the application of the public records act to county officials; and amending RCW 42.56.010.

Referred to Committee on Governmental Operations.

SB 6191 by Senators Pearson and Brown

AN ACT Relating to increasing the seriousness level for manslaughter in the second degree; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6192 by Senators Pearson, Brown, O'Ban and Roach

AN ACT Relating to the supervision of domestic violence offenders; and amending RCW 9.94A.501.

Referred to Committee on Human Services & Corrections.

SB 6193 by Senator Pearson

AN ACT Relating to migratory bird-related provisions; and amending RCW 77.12.670 and 77.12.690.

Referred to Committee on Natural Resources & Parks.

SB 6194 by Senators Dansel, Sheldon, Schoesler, Rivers, King, Benton, Brown, Braun, Angel, Padden, Bailey, Becker, Honeyford, Roach, Dammeier, Baumgartner, Holmquist Newbry and Hatfield

AN ACT Relating to providing a process for county legislative authorities to withdraw from voluntary planning under the growth management act; and amending RCW 36.70A.040 and 36.70A.060.

Referred to Committee on Governmental Operations.

SB 6195 by Senators Braun, Chase, Angel, Pedersen, Brown, King and Kohl-Welles

AN ACT Relating to long-term funding for a state tourism marketing program; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

SB 6196 by Senators Becker, Bailey and Cleveland

AN ACT Relating to requiring physicians and physician assistants to provide requested demographic information at the time of license renewal; and amending RCW 18.71.080 and 18.71A.020.

Referred to Committee on Health Care.

SB 6197 by Senators Ranker, Ericksen, Chase, Litzow, Hargrove, Hasegawa, Eide, Hill, Billig, McCoy, Frockt, Hobbs, Keiser, Honeyford, Kline, Braun, Dammeier, Cleveland, Kohl-Welles, Rolfes, Pedersen, McAuliffe, Mullet, Benton, Darneille, Conway and Hatfield

AN ACT Relating to the telecommunications consumer fairness act; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6198 by Senators Roach, Hargrove, Angel and Conway

AN ACT Relating to protecting sport shooting ranges; adding a new section to chapter 9.41 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 6199 by Senators Braun and Hargrove

AN ACT Relating to addressing wildfires caused by incendiary devices; amending RCW 76.04.005 and 76.04.455; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

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SB 6200 by Senators Darneille, Honeyford, Kohl-Welles and Conway

AN ACT Relating to the Washington state historical society; and amending RCW 27.34.330, 27.34.395, and 27.34.900.

Referred to Committee on Governmental Operations.

SB 6201 by Senators Hasegawa, Kohl-Welles, Chase and Conway

AN ACT Relating to an optional life annuity benefit for plan 2 members of the law enforcement officers' and firefighters' retirement system; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

SB 6202 by Senators Hewitt and Conway

AN ACT Relating to alternative revenue sources for the state lottery; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Commerce & Labor.

SB 6203 by Senators Hewitt and Hasegawa

AN ACT Relating to scratch tickets as a promotional activity; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Commerce & Labor.

SB 6204 by Senators Hewitt, Conway and Kohl-Welles

AN ACT Relating to state lottery efficiency; amending RCW 67.70.040, 67.70.050, and 67.70.340; and repealing RCW 67.70.042.

Referred to Committee on Commerce & Labor.

SB 6205 by Senators King and Sheldon

AN ACT Relating to creating a fee exemption for the disclosure of vehicle owner information; and amending RCW 46.12.635.

Referred to Committee on Transportation.

SB 6206 by Senators Honeyford, Conway and Holmquist Newbry

AN ACT Relating to telecommunications installations; amending RCW 19.28.400; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SB 6207 by Senator Angel

AN ACT Relating to fee immunity for certain water facilities; and amending RCW 4.24.210.

Referred to Committee on Natural Resources & Parks.

SB 6208 by Senators Hill, Conway, Braun, Hobbs, Kohl-Welles, Chase and Benton

AN ACT Relating to preserving the integrity of veterans' benefit-related services; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce & Labor.

SB 6209 by Senators Dammeier, Frockt, Hill, Rolfes, Billig, Chase and O'Ban

AN ACT Relating to expanded learning opportunities; adding a new chapter to Title 28A RCW; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

SB 6210 by Senators Roach, Hasegawa, Kline, Fraser, McCoy, Hobbs, Kohl-Welles, Pedersen, Pearson, Keiser, Hill, Chase, Mullet and Benton

AN ACT Relating to property tax assessment administration, simplifying procedures for obtaining an order for refund; and amending RCW 84.69.030.

Referred to Committee on Governmental Operations.

SB 6211 by Senators Fain, Padden, Sheldon, O'Ban, Becker, Dammeier, Brown, Honeyford, Hill and Benton

AN ACT Relating to the termination of basic food benefits to incarcerated persons; amending RCW 70.48.100; and adding a new section to chapter 74.08 RCW.

Referred to Committee on Human Services & Corrections.

SB 6212 by Senators Roach and Conway

AN ACT Relating to assessments for lands occupied, used, or under the jurisdiction of a state agency; amending RCW 79.44.060; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6213 by Senators Hasegawa, McCoy, Kohl-Welles and Kline

AN ACT Relating to increasing the regulatory oversight and accountability of the office of minority and women's business enterprises; amending RCW 39.19.020, 39.19.060, 39.19.080, 39.19.090, 39.19.200, and 39.19.250; adding a new section to chapter 39.19 RCW; repealing RCW 39.19.100 and 39.19.110; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 6214 by Senators Kohl-Welles, Hatfield, Hasegawa, Hewitt and Chase

AN ACT Relating to industrial hemp; adding a new chapter to Title 15 RCW; creating new sections; providing a contingent effective date; and providing an expiration date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6215 by Senators Mullet, Ericksen, Ranker, Litzow, Chase and Fain

AN ACT Relating to clarifying and correcting RCW 82.08.962 and 82.12.962 regarding the sales and use tax treatment of machinery and equipment purchases by companies producing pipeline-quality natural gas using landfill gas; amending RCW 82.08.962 and 82.12.962; creating a new section; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6216 by Senators Eide and King

AN ACT Relating to county ferries; adding a new section to chapter 36.54 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6217 by Senators Roach, Hasegawa, Fain and McCoy

AN ACT Relating to the disclosure of global positioning system data by law enforcement officers; and reenacting and amending RCW 42.56.240.

Referred to Committee on Governmental Operations.

SB 6218 by Senators Padden, Kline, Rivers and Darneille

AN ACT Relating to peace officer certification; and amending RCW 43.101.105.

Referred to Committee on Law & Justice.

SB 6219 by Senators Dansel, Sheldon, Hatfield and Hobbs

AN ACT Relating to actions for damage arising from vehicular traffic on a primitive road; and amending RCW 36.75.300.

Referred to Committee on Law & Justice.

SB 6220 by Senators Braun, Mullet, Sheldon, Ericksen, Hobbs, Parlette and Billig

AN ACT Relating to retail license fees for retailers when selling for resale; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

SB 6221 by Senators Conway, Dammeier, O'Ban, Angel and Becker

AN ACT Relating to school siting; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Governmental Operations.

SB 6222 by Senator Holmquist Newbry

AN ACT Relating to the streamlining and simplification of permits and licenses related to alcoholic beverages, such as beer, wine, and spirits; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 6223 by Senator Holmquist Newbry

AN ACT Relating to injury and occupational disease for purposes of workers' compensation; amending RCW 51.32.010; and creating new sections.

Referred to Committee on Commerce & Labor.

SB 6224 by Senator King

AN ACT Relating to transportation project delivery; amending RCW 47.20.785; creating a new section; and providing a contingent expiration date.

Referred to Committee on Transportation.

SB 6225 by Senators Keiser, Kohl-Welles, Rolfes, Chase, Kline and Roach

AN ACT Relating to restoring funding to in-home care services; adding a new section to chapter 74.09 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6226 by Senators Holmquist Newbry, King, Conway, Hewitt and Kohl-Welles

AN ACT Relating to sales by craft and general licensed distilleries of spirits for off-premise consumption and spirits samples for on-premise consumption; and amending RCW 66.24.145, 66.28.040, 19.126.020, 66.24.140, and 66.28.310.

Referred to Committee on Commerce & Labor.

SB 6227 by Senators Eide, Frockt, Chase, Keiser and McAuliffe

AN ACT Relating to enhancing public safety by reducing distracted driving incidents caused by the use of personal wireless communications devices; amending RCW 46.20.075, 46.61.667, 46.61.668, 46.20.055, 46.25.010, and 46.20.130; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 6228 by Senators Mullet, Tom, Keiser, Frockt, Parlette, Hatfield, Cleveland, Fain, Becker, Ericksen, Rolfes and Pedersen

AN ACT Relating to transparency tools for consumer information on health care cost and quality; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 6229 by Senators Mullet, Rivers, Frockt, Braun, Hewitt, Baumgartner and Keiser

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AN ACT Relating to good samaritans and life-threatening anaphylaxis; adding a new section to chapter 70.54 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

Referred to Committee on Health Care.

SB 6236 by Senators Kohl-Welles, Frockt and Chase

SB 6230 by Senators McAuliffe, Chase, Kohl-Welles and Kline

AN ACT Relating to the total outstanding indebtedness of the higher education facilities authority; and amending RCW 28B.07.050.

Referred to Committee on Ways & Means.

AN ACT Relating to strengthening the tax structure, tax equity, and essential governmental services by a voter-approved tax; amending RCW 82.08.020, 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 6.15.020, 41.24.240, 41.32.052, 41.35.100, 41.40.052, 41.44.240, 41.26.053, and 43.43.310; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating a new section; repealing RCW 6.15.025; prescribing penalties; providing an effective date; and providing for submission of this act to a vote of the people.

SB 6237 by Senators Honeyford, Hewitt, Kohl-Welles, Hatfield and Hobbs

AN ACT Relating to license issuance fees imposed on spirits retail licensees; and amending RCW 66.24.630.

Referred to Committee on Commerce & Labor.

Referred to Committee on Ways & Means.

SB 6238 by Senator Honeyford

SB 6231 by Senators Keiser, Pedersen, Cleveland, Kohl-Welles, Kline, Chase, Ranker, Hargrove and Conway

AN ACT Relating to the issuance, regulation, and sale of spirits retail licenses held by owners of former state and contract liquor stores; and amending RCW 66.24.630.

Referred to Committee on Commerce & Labor.

AN ACT Relating to developing and authorizing the federal basic health program; adding a new section to chapter 70.47 RCW; and creating a new section.

SB 6239 by Senators King, Hatfield and Sheldon

AN ACT Relating to providing that sales and use taxes imposed by rural counties may be used for purchasing water rights for water banking; and amending RCW 82.14.370.

Referred to Committee on Health Care.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6232 by Senators Keiser, Pedersen, Parlette, Cleveland, Kohl-Welles and Conway

AN ACT Relating to provider notification of carrier network changes; and adding a new section to chapter 48.39 RCW.

SB 6240 by Senators Billig and Rolfes

AN ACT Relating to retailer labeling requirements for asbestos-containing building materials; and amending RCW 70.310.030.

Referred to Committee on Health Care.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6233 by Senators Keiser, Rolfes, Kline and Conway

AN ACT Relating to assisting self-employed small business owners adversely impacted by health insurance premium changes; adding a new section to chapter 82.04 RCW; creating a new section; and providing an expiration date.

SB 6241 by Senators King, Rolfes, Litzow, Fain, Frockt, Billig, Chase and McAuliffe

AN ACT Relating to requiring that reports be submitted to legislative education committees; creating a new section; and providing an expiration date.

Referred to Committee on Health Care.

Referred to Committee on Early Learning & K-12 Education.

SB 6234 by Senators Padden and Hargrove

AN ACT Relating to compliance with inspections of child care facilities; amending RCW 43.215.210; and adding a new section to chapter 43.215 RCW.

SB 6242 by Senators King, Rolfes, Litzow, Billig, Fain, Chase and McAuliffe

AN ACT Relating to waivers from the one hundred eighty-day school year requirement; and amending RCW 28A.305.141.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Early Learning & K-12 Education.

SB 6235 by Senators Hobbs, Hatfield, McCoy, McAuliffe, Eide, Chase, Keiser, Hasegawa, Nelson, Conway, Frockt, Fraser, Billig, Cleveland, Mullet, Rolfes, Kohl-Welles, Ranker, Kline, Darneille, Pedersen, Hargrove and Benton

AN ACT Relating to restoring the suspended inflationary increases in educational employee compensation; amending RCW 28A.400.205, 28B.50.465, 28B.50.468, and 28A.405.415; and providing an effective date.

SB 6243 by Senators Ericksen, McCoy and Schoesler

AN ACT Relating to modifying the definition of "oil" or "oils"; amending RCW 88.40.011 and 90.56.010; and reenacting and amending RCW 88.46.010.

Referred to Committee on Energy, Environment & Telecommunications.

SJM 8011 by Senators Chase, Hasegawa, Conway, McAuliffe, Cleveland, Keiser, McCoy and Eide

Concerning international trade policy reforms.

Referred to Committee on Trade & Economic Development.

SJM 8012 by Senators Chase, Hasegawa, McCoy, Keiser, Conway, Darneille, McAuliffe, Eide, Pedersen, Kline, Frockt, Kohl-Welles, Mullet, Billig, Rolfes, Fraser and Ranker

Requesting that Congress enact legislation that would reinstate the separation of commercial and investment banking functions that were in effect under the Glass-Steagall act.

Referred to Committee on Financial Institutions, Housing & Insurance.

MOTION

Senator Fain moved that all measures listed on the Introduction and First Reading report be referred to the committees as designated with the exception of Senate Bill No. 6206 which should be referred to the Committee on Commerce & Labor and Senate Bill No. 6236 should be referred to the Committee on Ways & Means.

PERSONAL PRIVILEGE

Senator Rolfes: "Thank you Mr. President and I want to apologize to Senator Fain for not giving him a heads up. I want to personally thank Senator Fain and the members of the rostrum for helping me my first week of work and for acknowledging the requests from our members."

The President declared the question before the Senate to be the motion by Senator Fain to refer all the measures on the Introduction and First Reading report to the committees as designated with the exception of Senate Bill No. 6206 and Senate Bill No. 6236 and the motion was carried by voice vote.

MOTIONS

On motion of Senator Fain and without objection, the rules were suspended and the following measures listed on the sheet entitled "Bill Disposition" were referred from the Committee on Rules to the Committee on Human Services & Corrections: Senate Bill No. 5064 and Senate Bill No. 5735.

On motion of Senator Fain and without objection, the rules were suspended and the following measures listed on the days sheet entitled 'Bill Disposition List' were referred from the Rules Committee X-Files to Second Reading: Senate Bill No. 5013, Senate Bill No. 5014, Senate Bill No. 5124, Senate Bill No. 5126, Senate Bill No. 5159, Senate Bill No. 5275, Senate Bill No. 5276, Senate Bill No. 5288, Senate Bill No. 5298, Senate Bill No. 5310, Senate Bill No. 5320, Senate Bill No. 5347, Senate bill No. 5454, Senate Bill No. 5489, Senate bill No. 5499, Senate Bill No. 5503, Senate Bill No. 5504, Senate Bill No. 5505, Senate Bill No. 5508, Senate Bill No. 5514, Senate Bill No. 5597, Senate Bill No. 5619, Senate Bill No. 5633, Senate Bill No. 5648, Senate Bill No. 5676, Senate Bill No. 5682, Senate Bill No. 5685, Senate Bill No. 5713, Senate Bill No. 5727, Senate Bill No. 5728, Senate Bill No. 5731, Senate Bill No. 5746, Senate Bill No. 5776, Senate Bill No. 5795, Senate Bill No. 5796, Senate Bill No. 5836, Senate Joint Memorial No. 8000, Senate Joint Memorial No. 8003, Senate Joint Resolution No. 8206 and Senate Joint Resolution No. 8210.

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President., I also would like to share my appreciation to Senator Rolfes. She is a marked improvement upon, no, no. I'm sorry Senator Frockt, I didn't say that. I didn't see you standing there. Welcome and thank you for your cooperation this first week of session. I know that we are all very excited about this weekend and the support of the 12th man and the Seattle Seahawks."

PERSONAL PRIVILEGE

Senator Ranker: "Yes, I am very pleased to see so much Seahawks, so many Seahawks colors around here today. I apologize for not wearing my own; I did want to point out however to our Majority Floor Leader that the towel around his neck is a little odd."

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. I would just like to say that this was a very heart felt and appreciated Christmas present from former Senator Peter von Reichbauer so I wear it with great pride."

MOTION

At 10:04 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, January 20, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 20, 2014

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 17, 2014

SB 6013 Prime Sponsor, Senator Mullet: Making a technical correction to school law governing the use of epinephrine autoinjectors (EPI pens). Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

January 15, 2014

SJR 8212 Prime Sponsor, Senator Hill: Restricting changes in salaries for legislators. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8212 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig; Conway; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

January 17, 2014

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1043,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6244 by Senators Hewitt, King and Honeyford

AN ACT Relating to restrictions on when representation under a public collective bargaining agreement may be challenged; amending RCW 41.56.070, 41.59.070, 41.76.020, 41.80.080, 49.39.040, and 47.64.135; and adding a new section to chapter 28B.52 RCW.

Referred to Committee on Commerce & Labor.

SB 6245 by Senators Dandel and Kline

AN ACT Relating to the role of parties in cases related to certain notices and records; and amending RCW 9.41.047, 13.50.100, 26.33.280, 26.33.300, 28A.405.330, 46.29.270, 46.29.310, 53.48.030, and 13.34.070.

Referred to Committee on Law & Justice.

SB 6246 by Senators McCoy, Sheldon, Fraser, Angel, Rolfes, Ranker, Darneille, Bailey, Tom and McAuliffe

AN ACT Relating to designating Washington's shoreline as a state maritime heritage area; and adding a new chapter to Title 27 RCW.

Referred to Committee on Natural Resources & Parks.

SB 6247 by Senators Padden and Hargrove

AN ACT Relating to recognizing that the right of a parent to make decisions regarding the care, custody, supervision, and administration of his or her child is a fundamental right; and adding a new chapter to Title 26 RCW.

Referred to Committee on Law & Justice.

SB 6248 by Senators Pearson, Benton and O'Ban

AN ACT Relating to unlawful possession of instruments of financial fraud; amending RCW 9A.56.320; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6249 by Senators Dammeier, Rivers, Kohl-Welles, Brown, Hobbs, Fain, Mullet, McCoy and Tom

AN ACT Relating to establishing new authority for courts to assess cost recovery fees for costs associated with new indigent defense standards; amending RCW 3.62.085 and 10.01.160; reenacting and amending RCW 10.64.120; adding a new section to chapter 3.62 RCW; adding a new section to chapter 10.01 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6250 by Senators Dammeier, Sheldon and Tom

AN ACT Relating to digital copies of public employees' collective bargaining agreements; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 49.39 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 49.66 RCW; and adding a new section to chapter 41.58 RCW.

Referred to Committee on Commerce & Labor.

SB 6251 by Senators Roach, Conway and Tom

AN ACT Relating to creating an inactive certification, license, or registration status for real estate appraisers; amending RCW 18.140.160; and adding a new section to chapter 18.140 RCW.

Referred to Committee on Commerce & Labor.

SB 6252 by Senators Dammeier, Conway and O'Ban

AN ACT Relating to residence locations of felony sex offenders of minors; and amending RCW 72.09.340.

Referred to Committee on Human Services & Corrections.

SB 6253 by Senators Pearson, Conway and Roach

AN ACT Relating to a comprehensive review of staff safety at the department of corrections; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6254 by Senator Darneille

AN ACT Relating to placement of certain juveniles arrested for nonfelonious domestic violence; and amending RCW 10.31.100.

Referred to Committee on Human Services & Corrections.

SB 6255 by Senators Roach, Hargrove, Benton, Angel and Dandel

AN ACT Relating to modifying references to manufacturing standards for motorcycle helmets; and amending RCW 46.37.530.

Referred to Committee on Transportation.

SB 6256 by Senators Roach, Hargrove, Benton, Angel, Dandel and Conway

AN ACT Relating to creating a motorcycle road guard certificate; adding a new section to chapter 46.81A RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 6257 by Senators Darneille, Hasegawa, McCoy, Frockt, Chase and Conway

AN ACT Relating to sentencing information concerning racial disproportionality; and amending RCW 43.88C.040.

Referred to Committee on Human Services & Corrections.

SB 6258 by Senators Ericksen, Chase, Sheldon, Brown and Honeyford

AN ACT Relating to using conservation achieved by a qualifying utility in excess of its biennial acquisition target under the energy independence act; and amending RCW 19.285.040.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6259 by Senators Hargrove, Hatfield, Braun and Hobbs

AN ACT Relating to providing a reduced public utility tax for log transportation businesses; amending RCW 82.16.020; reenacting and amending RCW 82.16.010; and creating a new section.

Referred to Committee on Ways & Means.

SB 6260 by Senators Hatfield, King, Padden, Parlette and Kline

AN ACT Relating to state parks, recreation, and natural resources fiscal matters; amending RCW 7.84.100; and reenacting and amending RCW 3.62.020.

Referred to Committee on Ways & Means.

SB 6261 by Senators Darneille and McAuliffe

AN ACT Relating to statements made by juveniles during assessments or screenings for mental health or chemical dependency treatment; and amending RCW 13.40.020 and 13.40.140.

Referred to Committee on Human Services & Corrections.

SB 6262 by Senators Rolfes, Hargrove, Ranker, Frockt, Pedersen, Cleveland, Hasegawa, Billig, Kohl-Welles, Nelson, Fraser, McCoy, Kline, Keiser, Conway and McAuliffe

AN ACT Relating to enhancing the safety of the transportation of oil; amending RCW 88.16.035, 88.16.170, 88.16.190, 88.16.200, 90.56.010, 90.48.366, 90.48.367, 43.21B.110, and 43.21B.110; adding new sections to chapter 90.56 RCW; adding a new section to chapter 88.16 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6263 by Senator Ericksen

AN ACT Relating to mitigation fees for traffic impacts imposed under the state environmental policy act; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6264 by Senator Ericksen

AN ACT Relating to capping the amount of the greenhouse gas reporting fee; and amending RCW 70.94.151.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6265 by Senators Frockt, Rivers, Conway, Becker, Kohl-Welles, Bailey, Cleveland, Ranker, Keiser and Tom

AN ACT Relating to state and local agencies that obtain patient health care information; amending RCW 70.02.290; and providing an effective date.

Referred to Committee on Health Care.

SB 6266 by Senators Billig, Rolfes, Frockt and Cleveland

AN ACT Relating to the written notice requirement for nonrenewal and transfer of educational staff; and amending RCW 28A.405.210, 28A.405.220, 28A.405.230, and 28A.405.245.

Referred to Committee on Early Learning & K-12 Education.

SB 6267 by Senators Hill and Benton

AN ACT Relating to high-technology research and development tax incentives; amending RCW 82.04.4452 and 82.63.030; creating a new section; and providing expiration dates.

Referred to Committee on Trade & Economic Development.

SB 6268 by Senators Litzow, Chase, Tom and Benton

AN ACT Relating to extending the alternative fuel vehicle retail sales and use tax exemption; amending RCW 82.08.809 and 82.12.809; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6269 by Senators Angel, Hobbs, Fain, Tom and Benton

AN ACT Relating to the first mortgage interest business and occupation tax deduction; amending RCW 82.04.4292; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6270 by Senators Fain and Hobbs

AN ACT Relating to transferring the insurance and financial responsibility program; and amending RCW 46.29.090, 46.29.260, 46.29.390, 46.29.490, 46.29.550, 46.29.560, 46.29.580, and 46.29.600.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6271 by Senators Rolfes, Bailey, Cleveland, Parlette, Kohl-Welles and Conway

AN ACT Relating to long-term care insurance price transparency; adding a new section to chapter 48.83 RCW; adding a new section to chapter 48.84 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 6272 by Senators Hewitt, Conway, Holmquist, Newbry, King, Fain, Hobbs, Hasegawa, Cleveland, Rolfes, Hill, Rivers, Dammeyer, Keiser, Kohl-Welles and Angel

AN ACT Relating to manufacturer and new motor vehicle dealer franchise agreements; amending RCW 46.70.045, 46.96.020, 46.96.060, 46.96.080, 46.96.090, 46.96.105, and 46.96.185; adding a new section to chapter 46.96 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 6273 by Senators Hobbs, Benton and Mullet

AN ACT Relating to money transmitters; and amending RCW 19.230.330.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6274 by Senators Hill, Becker, Mullet, Honeyford, Bailey, Angel, Braun and Tom

AN ACT Relating to providing oversight of state agency tortious conduct through legislative hearings; adding a new section to chapter 4.92 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6275 by Senators McCoy, Frockt, Chase, Kohl-Welles, O'Ban, Conway and McAuliffe

AN ACT Relating to Indian tribes and dental health aide therapy services; adding a new section to chapter 43.70

RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 6276 by Senators Hobbs, Litzow, Hatfield, Nelson, Fain, Eide, McCoy, Keiser, Tom, Kohl-Welles, Conway and McAuliffe

AN ACT Relating to dental insurance for enlisted members of the Washington national guard; and adding a new section to chapter 38.24 RCW.

Referred to Committee on Health Care.

SB 6277 by Senators Honeyford and Braun

AN ACT Relating to telecommunications work experience for purposes of eligibility toward limited energy specialty electrician certification; and amending RCW 19.28.191.

Referred to Committee on Commerce & Labor.

SB 6278 by Senators Ericksen and Braun

AN ACT Relating to killing of big game by mistake; and amending RCW 77.15.410.

Referred to Committee on Natural Resources & Parks.

SB 6279 by Senators Kline, Padden, O'Ban, Pedersen and Tom

AN ACT Relating to creating effective and timely access to magistrates for purposes of reviewing search warrant applications; amending RCW 9A.72.085; adding a new section to chapter 2.20 RCW; adding a new section to chapter 10.79 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 6280 by Senators King, Hobbs, Hatfield and Schoesler

AN ACT Relating to department of transportation numbers for commercial motor vehicles; and amending RCW 46.32.080.

Referred to Committee on Transportation.

SB 6281 by Senators Roach, Pedersen, Benton and Conway

AN ACT Relating to ensuring an effective hunter education program; and amending RCW 77.32.155.

Referred to Committee on Natural Resources & Parks.

SB 6282 by Senators O'Ban, Hargrove and Darneille

AN ACT Relating to improving the drug offender sentencing alternatives; and amending RCW 9.94A.660 and 9.94A.664.

Referred to Committee on Human Services & Corrections.

SB 6283 by Senators Becker, Bailey and Keiser

AN ACT Relating to clarifying the practice of a phlebotomist; and amending RCW 18.360.050.

Referred to Committee on Health Care.

SB 6284 by Senators Hill and Frockt

AN ACT Relating to expenditures from the public health supplemental account; and amending RCW 43.70.327.

Referred to Committee on Health Care.

SB 6285 by Senators Chase, Mullet and McCoy

AN ACT Relating to water conservation appliances; adding a new section to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6286 by Senators Rivers, Dammeier, Hobbs, Honeyford, Hatfield, Fraser and Roach

AN ACT Relating to current use valuation for land primarily used for commercial horticultural purposes; amending RCW 84.34.020; and creating new sections.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6287 by Senators Dandel and Benton

AN ACT Relating to a pilot program for cougar control; adding new sections to chapter 77.12 RCW; and providing expiration dates.

Referred to Committee on Natural Resources & Parks.

SB 6288 by Senator Dandel

AN ACT Relating to water quality determinations made by the department of ecology; and amending RCW 90.48.120.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6289 by Senators Baumgartner and Benton

AN ACT Relating to allowing county treasurers to accept partial payments of property taxes in any amount at any time without previous agreement if payments are made by electronic payment and subjecting certain interest, penalties, and costs associated with delinquent property tax payments to usury limitations; amending RCW 84.56.020; and repealing RCW 19.52.140.

Referred to Committee on Governmental Operations.

SB 6290 by Senators Sheldon, Roach and Hill

AN ACT Relating to miniature hobby boilers; and amending RCW 70.79.070 and 70.79.080.

Referred to Committee on Commerce & Labor.

SB 6291 by Senators Frockt, Kohl-Welles, Kline, Hasegawa, Hobbs, Darneille, Keiser, Ranker, Chase, Conway and Pedersen

AN ACT Relating to tenant screening; amending RCW 59.18.257; reenacting and amending RCW 59.18.030; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6292 by Senators Kohl-Welles, Frockt, Chase, Hasegawa, Conway and Keiser

AN ACT Relating to providing adequate time and assistance for tenants to relocate due to a rent increase or change of use of the residential unit; amending RCW 59.18.140 and 59.18.440; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6293 by Senators Braun, Tom, Angel, Hill, Parlette, Bailey and Roach

AN ACT Relating to state recreation lands; amending RCW 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.090, 79A.80.100, 4.24.210, 7.84.100, 43.12.065, 77.15.750, 77.32.010, 79A.05.070, 36.18.010, 43.07.128, 36.22.179, and 79A.15.050; reenacting and amending RCW 3.62.020 and 79A.05.030; adding a new section to chapter 79.10 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 79A.05 RCW; creating new sections; repealing RCW 79A.80.005, 79A.80.040, 79A.80.050, 79A.80.060, 79A.80.070, and 79A.80.080; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

SB 6294 by Senators Mullet, Hatfield, Nelson, Keiser, Frockt and Conway

AN ACT Relating to creating the save toward a retirement today state retirement savings plan; amending RCW 43.33A.070; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 41.50 RCW; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6295 by Senators Mullet, Tom, Kohl-Welles and Darneille

AN ACT Relating to withholding medical treatment in favor of faith-based or metaphysical healing efforts; amending RCW 9A.42.005 and 26.44.020; and reenacting and amending RCW 26.44.030.

Referred to Committee on Human Services & Corrections.

SB 6296 by Senators Mullet, Eide and Rolfes

AN ACT Relating to requiring an electric motorcycle registration renewal fee; amending RCW 46.17.323; creating a new section; and providing a contingent expiration date.

Referred to Committee on Transportation.

SB 6297 by Senators Becker and Kohl-Welles

AN ACT Relating to childhood immunization information; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

SB 6298 by Senators Becker, Holmquist Newbry, Brown, Rivers, Keiser and Kohl-Welles

AN ACT Relating to creating the breastfeeding-friendly Washington designation; and adding new sections to chapter 70.54 RCW.

Referred to Committee on Health Care.

SB 6299 by Senators Becker, Keiser and Kohl-Welles

AN ACT Relating to prenatal nutrition education; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

SB 6300 by Senators Becker, Rivers, Braun and Angel

AN ACT Relating to protecting public sector workers' rights through public disclosure of public sector unions' finances; adding a new section to chapter 41.58 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 49.39 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

SB 6301 by Senator Becker

AN ACT Relating to bicycle operator identification; adding a new chapter to Title 46 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 6302 by Senator Keiser

AN ACT Relating to health insurance coverage of emergency services and conforming with certain provisions of federal law; and amending RCW 48.43.093.

Referred to Committee on Health Care.

SB 6303 by Senators Honeyford, Dammeier, Braun, Tom, Fain, Angel, Bailey, Becker and Hill

AN ACT Relating to withdrawal of candidacy; and amending RCW 29A.24.131.

Referred to Committee on Governmental Operations.

SB 6304 by Senators Parlette, Frockt, Benton, Rolfes, Keiser, Pearson, Angel, Bailey, Becker, Tom and Kohl-Welles

AN ACT Relating to preserving patient and practitioner freedom to obtain and provide health care by prohibiting unfair and deceptive practices in contracting for and managing health care delivery under health plans; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 6305 by Senators Braun, Hill, Dammeier, Baumgartner and Ericksen

AN ACT Relating to creating a defined contribution retirement plan option for elected officials; amending RCW 41.04.440, 41.04.445, 41.04.450, 41.50.030, and 43.33A.190; reenacting and amending RCW 41.50.110; adding a new section to chapter 41.50 RCW; adding a new chapter to Title 41 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6306 by Senators Braun, Bailey, Tom and Parlette

AN ACT Relating to exempting certain fire districts from use tax on vehicle purchases; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6307 by Senators Braun, Holmquist Newbry, Angel, Bailey, Becker and Honeyford

AN ACT Relating to state preemption of local employment laws and contracts; amending RCW 49.46.120 and 49.78.360; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 53.08 RCW; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

SB 6308 by Senator Schoesler

AN ACT Relating to bonuses paid to local government employees; adding a new section to chapter 42.16 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6309 by Senators Sheldon and Benton

AN ACT Relating to legal fees and costs affiliated with notice of violation review under the manufactured/mobile home dispute resolution program; amending RCW 59.30.040; and adding a new section to chapter 59.30 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6310 by Senators Darneille, Kline, Kohl-Welles, Frockt, McCoy, Cleveland, McAuliffe, Fraser, Keiser and Pedersen

AN ACT Relating to the retention of biological material collected during criminal investigations; adding a new section to chapter 10.73 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Law & Justice.

SB 6311 by Senators O'Ban and Conway

AN ACT Relating to involuntary medication for maintaining the level of restoration in jail; and amending RCW 10.77.092.

Referred to Committee on Human Services & Corrections.

SB 6312 by Senators Darneille, Hargrove, Rolfes, McAuliffe, Ranker, Conway, Cleveland, Fraser, McCoy, Keiser and Kohl-Welles

AN ACT Relating to state purchasing of mental health and chemical dependency treatment services; amending RCW 71.24.015, 71.24.016, 71.24.025, 71.24.035, 71.24.045, 71.24.100, 71.24.110, 71.24.340, 71.24.420, 70.96A.020, 70.96A.040, 70.96A.050, 70.96A.080, and 70.96A.320; amending 2013 c 338 s 1 (uncodified); adding a new section to chapter 71.24 RCW; adding a new section to chapter 43.20A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6313 by Senators Darneille, Kohl-Welles, Hobbs, Chase, Conway, Hasegawa, Frockt, McCoy, McAuliffe, Rolfes and Nelson

AN ACT Relating to a surcharge for local homeless housing and assistance; amending RCW 36.22.179; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6314 by Senators Darneille, Pearson, Fraser, Keiser, Angel, Eide, Cleveland, Mullet, McAuliffe and Conway

AN ACT Relating to submission of DNA markers to a database accessible only to qualified laboratory personnel; amending RCW 43.43.753, 43.43.735, 43.43.740, 43.43.754, 46.63.110, and 43.43.690; adding a new section to chapter 43.43 RCW; adding a new section to chapter 70.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6315 by Senators Holmquist Newbry and Billig

AN ACT Relating to the creation of a less than countywide port district within a county containing no port districts; amending RCW 53.04.023; creating a new section; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 6316 by Senators Fain, Rolfes, Hewitt and Tom

AN ACT Relating to nonprofit arts organization licenses; and amending RCW 66.24.495.

Referred to Committee on Commerce & Labor.

SB 6317 by Senators Angel, Becker, Braun and Sheldon

AN ACT Relating to improving the accuracy of the prevailing rate of wage; and amending RCW 39.12.026, 39.12.070, 39.12.080, and 42.56.270.

Referred to Committee on Commerce & Labor.

SB 6318 by Senators O'Ban, Rivers, Braun, Benton, Dammeier, Angel, Fain, Bailey, Honeyford, Becker, Holmquist Newbry, Roach, Sheldon, McAuliffe, Mullet, McCoy, Hobbs, Cleveland, Rolfes, Hargrove, Hewitt, Hasegawa, Kohl-Welles, Chase, Conway, Hatfield, Litzow, Brown, Schoesler, Tom, Keiser, Fraser, Ranker, Darneille, Parlette and Billig

AN ACT Relating to providing greater small business assistance by modifying the filing threshold for business and occupation tax purposes; amending RCW 82.32.045; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1043 by Representatives Seaquist, Haler, Zeiger, Fagan, Fitzgibbon, Pedersen, Pollet, Magendanz and Stanford

AN ACT Relating to limiting differential tuition; and reenacting and amending RCW 28B.15.067.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain and without objection, the rules were suspended and the measures listed on the 'Bill Disposition List' were referred to the Committee on Rules X-files: Senate Bill No. 5101; Senate Bill No. 5154; Senate Bill No. 5283; Senate Bill No. 5342; Senate Bill No. 5453; Senate Bill No. 5561; Senate Bill No. 5613; Senate Bill No. 5622; Senate Bill No. 5752; Senate Bill No. 5831; Senate Bill No. 5848; Senate Bill No. 5862; Senate Bill No. 5865; Senate Bill No. 5866.

MOTION

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

MOTION

Senator Padden moved adoption of the following resolution:

SENATE RESOLUTION
8669

By Senators Fain, Ericksen, Cleveland, Brown, Angel, Rolfes, Sheldon, King, Eide, Frockt, Mullet, Padden, Bailey, Honeyford, Hill, Roach, Fraser, Kohl-Welles, Hatfield, Hobbs, Pedersen, Litzow, O'Ban, Braun, Parlette, Tom, Keiser, Ranker, Hasegawa, Chase, Conway, Darneille, McAuliffe, and Nelson

WHEREAS, Today, the third Monday in January, we remember and honor the life and legacy of Dr. Martin Luther King Jr., a beacon of hope for equality in our nation; and

WHEREAS, Dr. King revealed the realities of life for many Americans and encouraged change through nonviolent means; and

WHEREAS, Dr. King's unwavering support for the principles of racial justice and social equality changed America; and

WHEREAS, Dr. King's steadfast faith encouraged others, as exemplified in his famous "I Have a Dream" speech, in which he said, "With this faith we will be able to hew out of the mountain of despair a stone of hope"; and

WHEREAS, In his life, Dr. King called on others to make a personal commitment to serve humanity by acting with kindness and compassion to help the less fortunate; and

WHEREAS, Service is a powerful way to commemorate Dr. King and put into action our reverence for his life and teachings while making our nation better; and

WHEREAS, Dr. King believed that a person's worth should not be measured by his or her color, culture, or class, but rather by one's commitment to making life better for all;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, on behalf of the people of the state of Washington, and in recognition of the courageous leadership and legacy of hope demonstrated by Dr. Martin Luther King Jr., honor his memory by urging all citizens of our state to continue the legacy of Dr. King by treating all people as equal.

Senators Padden, Keiser, Kline, Tom, Hobbs, McAuliffe and Hasegawa spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8669.

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

MOTION

At 12:29 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Tuesday, January 21, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 21, 2014

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 20, 2014

SB 5246 Prime Sponsor, Senator Litzow: Clarifying the teacher and principal evaluation process with the intent of strengthening the process. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5246 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Brown; Fain; Hill and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Cleveland; McAuliffe, Ranking Member; Mullet; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

January 20, 2014

SB 6047 Prime Sponsor, Senator Rolfes: Setting a maximum annual gross sales amount for cottage food operations. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Rules for second reading.

January 20, 2014

SB 6079 Prime Sponsor, Senator Hatfield: Extending the dairy inspection program assessment expiration date. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Rules for second reading.

January 20, 2014

SB 6318 Prime Sponsor, Senator O'Ban: Providing greater small business assistance by modifying the filing

threshold for business and occupation tax purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Padden; Parlette; Rivers and Tom.

Passed to Committee on Trade & Economic Development.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 20, 2014

SGA 9226 ALLYSON BROOKS, reappointed on April 29, 2013, for the term ending at the governor's pleasure, as Director of the Dept. of Archaeology & Historic Preservation. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dandel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

January 21, 2014

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8408,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6319 by Senators Bailey, Roach, Sheldon, Braun and Angel

AN ACT Relating to the definition of residential real property in homeowners' associations; reenacting and amending RCW 64.38.010; and creating a new section.

NINTH DAY, JANUARY 21, 2014

2014 REGULAR SESSION

Referred to Committee on Financial Institutions, Housing & Insurance.

Referred to Committee on Governmental Operations.

SB 6320 by Senators Conway, Cleveland, McAuliffe, Chase and Keiser

SB 6327 by Senators Darneille and Chase

AN ACT Relating to expanding the categories of offenses eligible for the parenting program with the department of corrections; and amending RCW 9.94A.655.

AN ACT Relating to basic education minimum instructional hours; and amending RCW 28A.150.220.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Early Learning & K-12 Education.

SB 6328 by Senators Roach and Kline

AN ACT Relating to deferred compensation plans; and amending RCW 41.50.770.

SB 6321 by Senators Bailey and Conway

AN ACT Relating to removing the statutory provision that allows members of plan 3 of the public employees' retirement system, school employees' retirement system, and teachers' retirement system to select a new contribution rate option each year; and amending RCW 41.34.040.

Referred to Committee on Ways & Means.

SB 6329 by Senator Sheldon

AN ACT Relating to establishing the state of Washington committing to employ people with disabilities at the same percentage as in the general population; and adding a new chapter to Title 71A RCW.

Referred to Committee on Ways & Means.

SB 6322 by Senators Brown, Hewitt, Angel, Ericksen, Bailey, Honeyford, Dammeier, Braun, Becker and Parlette

AN ACT Relating to providing telecommunications investment incentives; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

SB 6330 by Senator Sheldon

AN ACT Relating to promoting affordable housing in urban growth areas; amending RCW 84.14.005, 84.14.007, 84.14.040, and 84.14.060; and reenacting and amending RCW 84.14.010.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6323 by Senators Brown, Dammeier, Honeyford, Braun, Tom, Padden, Angel, Bailey, Becker, Hill and Roach

AN ACT Relating to public disclosure commission membership; and amending RCW 42.17A.100.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6331 by Senators Hobbs, Benton and Roach

AN ACT Relating to self-service storage facilities; amending RCW 19.150.010, 19.150.040, and 19.150.060; and adding new sections to chapter 19.150 RCW.

Referred to Committee on Governmental Operations.

SB 6324 by Senators Darneille, Conway, McCoy, Chase, Kohl-Welles, Keiser and Kline

AN ACT Relating to disposing tax foreclosed property to cities for affordable housing purposes; and amending RCW 36.35.150.

Referred to Committee on Commerce & Labor.

SB 6332 by Senators Kohl-Welles, Darneille, Chase, Hasegawa, McCoy and Keiser

AN ACT Relating to a policy and procedures for notifying parents that their child was injured on school property; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6325 by Senators Fain and Conway

AN ACT Relating to correcting the expiration date of a definition of firefighter; and amending 2007 c 304 s 4 (uncodified).

Referred to Committee on Early Learning & K-12 Education.

SB 6333 by Senators Schoesler and Hargrove

AN ACT Relating to tax statute clarifications, simplifications, and technical corrections; amending RCW 34.05.010, 82.32.534, 82.32.585, 82.32.235, 82.04.285, 82.04.460, 82.04.462, 82.08.02807, 82.45.150, 82.45.195, 84.33.140, 84.34.065, 84.34.300, 84.34.330, 84.34.370, 84.55.005, 82.04.250, 82.04.250, 82.04.290, 82.04.290, 82.08.9651, 82.12.9651, 84.40.038, 84.40.175, 82.44.015, 82.08.0287, 82.12.0282, 82.08.855, 82.08.890, 82.12.855, and 82.12.890; reenacting and amending RCW 60.28.040, 82.04.190, 84.34.108, 84.34.320, and 46.74.010; repealing

Referred to Committee on Ways & Means.

SB 6326 by Senators O'Ban and Angel

AN ACT Relating to modifying provisions governing the competitive bidding process of water-sewer districts; and amending RCW 57.08.050.

RCW 82.08.02061 and 82.32.795; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SB 6334 by Senators Keiser, Hewitt, Kohl-Welles, Honeyford, Parlette and Kline

AN ACT Relating to sales of growers of wine or beer; amending RCW 66.24.170, 66.24.244, 66.24.354, 66.24.400, and 66.24.590; and reenacting and amending RCW 66.24.240 and 66.24.371.

Referred to Committee on Commerce & Labor.

SB 6335 by Senators Hewitt, Kohl-Welles, Keiser and Kline

AN ACT Relating to allowing multiple liquor licenses at the same physical premises; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:02 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, January 22, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 22, 2014

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators King, Rivers and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Danielle Scanes and Jonah Perez, presented the Colors. Deacon Tony Irving, St. Benedict Episcopal Church of Olympia offered the prayer.

MOTION

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

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 14-027

MAKING AN APPOINTMENT TO FILL THE VACANCY IN WASHINGTON STATE SENATE DISTRICT 21

WHEREAS, a vacancy was created in the office of Washington State Senator, District 21, due to the resignation of Senator Paull Shin; and

WHEREAS, pursuant to Article II, Section 15, of the Washington State Constitution, three persons were nominated by the county central committee of the Snohomish County Democrats, the party represented by Mr. Shin, for consideration of appointment to the office of State Senator by the Snohomish County Council; and

WHEREAS, on January 21, 2014, the County Council conducted interviews with the three nominees and examined the qualifications of each nominee to fill the vacancy until a successor is elected and qualified;

NOW, THEREFORE, ON MOTION, pursuant to Article II, Section 15, of the Washington Constitution, the Snohomish County Council hereby appoints Marko Liias to the office of Washington State Senator, District 21, until a successor is duly elected and qualified after the 2014 general election.

PASSED this 21st day of January 2014.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Dave Somers,
Chairperson

ATTEST:
Valerie Loffler, Clerk of the Council

MOTION

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

REPORTS OF STANDING COMMITTEES

January 21, 2014

SB 5826 Prime Sponsor, Senator Conway: Addressing the shared leave pool. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Dansel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

January 21, 2014

SB 5969 Prime Sponsor, Senator O'Ban: Providing for awarding academic credit for military training. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5969 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

January 21, 2014

SB 5972 Prime Sponsor, Senator Pearson: Specifying recovery for fire damages to public or private forested lands. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5972 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove and Hewitt.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Rules for second reading.

January 21, 2014

SB 5973 Prime Sponsor, Senator Rolfes: Creating the community forest trust account. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5973 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline and Parlette.

Passed to Committee on Rules for second reading.

January 21, 2014

SB 5991 Prime Sponsor, Senator Ericksen: Studying nuclear power as a replacement for electricity generated from the combustion of fossil fuels. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5991 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Billig; Brown; Chase; Honeyford; Litzow; McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

January 21, 2014

SB 6004 Prime Sponsor, Senator Hasegawa: Concerning the election of public hospital district boards of commissioners. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

January 21, 2014

SB 6005 Prime Sponsor, Senator Roach: Eliminating the human resources director. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6005 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

January 21, 2014

SB 6033 Prime Sponsor, Senator Bailey: Providing parity of consumer protection procedures for all students attending licensed private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

January 21, 2014

SCR 8409 Prime Sponsor, Senator Bailey: Approving the workforce training and education coordinating board's high skills high wages plan. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 21, 2014

SGA 9231 ROBERT K ST. JOHN, appointed on April 22, 2013, for the term ending at the governor's pleasure, as Director of the Consolidated Technology Services. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Roach, Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

January 21, 2014

SGA 9237 CHRIS LIU, appointed on June 1, 2013, for the term ending at the governor's pleasure, as Director of the

Department of Enterprise Services. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Roach, Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5973 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6336 by Senators Dammeier, Frockt, Hill, Billig, Kohl-Welles and Tom

AN ACT Relating to promoting expanded learning opportunities as a strategy to close the educational opportunity gap and prevent summer learning loss; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6337 by Senators Hill, McAuliffe, Dammeier and Rolfe

AN ACT Relating to implementing selected education reforms using recommendations from the quality education council's 2014 report to the legislature; amending RCW 28A.150.550, 28A.290.010, 28A.165.005, 28A.165.035, 28A.150.220, and 28A.230.090; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6338 by Senators Dammeier, Darneille, Angel, Keiser, Honeyford and Tom

AN ACT Relating to giving preferences to housing trust fund projects that involve collaboration between local school districts and housing authorities to help children of low-income families succeed in school; and amending RCW 43.185.070.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6339 by Senators Fraser, Roach, Kohl-Welles, Benton, Hasegawa, Chase, Keiser and Kline

AN ACT Relating to coercion of involuntary servitude; reenacting and amending RCW 9A.40.010; adding a new section to chapter 9A.40 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

TENTH DAY, JANUARY 22, 2014

2014 REGULAR SESSION

SB 6340 by Senator Hill

AN ACT Relating to aligning student transportation formulas with 2013 session laws; amending RCW 28A.160.192; adding a new section to chapter 28A.715 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6341 by Senators Hargrove, Chase and Schoesler

AN ACT Relating to establishing the LEED plus W high-performance building standard; amending RCW 39.35D.020, 39.35D.030, 39.35D.040, 39.35D.060, 39.35D.070, and 39.35D.090; adding a new section to chapter 39.35D RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Governmental Operations.

SB 6342 by Senators Ranker and Kline

AN ACT Relating to prohibiting the use of leaf blowers by state agencies; and amending RCW 43.19.003 and 43.19.125.

Referred to Committee on Governmental Operations.

SB 6343 by Senators Chase, Ranker and Kline

AN ACT Relating to genetically engineered fin fish; amending RCW 77.125.020, 69.04.932, and 69.04.934; adding a new section to chapter 77.125 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

SB 6344 by Senators Hargrove, Kohl-Welles, Mullet, Schoesler and Kline

AN ACT Relating to inmate postsecondary education degree programs to reduce recidivism; and amending RCW 72.09.460 and 72.09.465.

Referred to Committee on Human Services & Corrections.

SB 6345 by Senators McCoy, Pearson, Chase and Kohl-Welles

AN ACT Relating to the arrest of individuals who suffer from chemical dependency; amending RCW 13.40.042 and 13.40.080; adding a new section to chapter 10.31 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6346 by Senators Becker and Keiser

AN ACT Relating to creating the public employees' benefits board benefits account; and reenacting and amending RCW 41.05.120.

Referred to Committee on Health Care.

SB 6347 by Senators Becker and Keiser

AN ACT Relating to clarifying employee eligibility for benefits from the public employees' benefits board and conforming the eligibility provisions with federal law; amending RCW 41.05.009, 41.05.011, 41.05.065, 41.05.066, 41.05.095, and 41.05.195; and reenacting and amending RCW 41.05.080.

Referred to Committee on Health Care.

SB 6348 by Senators Roach, Hasegawa, Benton, Tom, Braun, Bailey, Chase, Keiser and Mullet

AN ACT Relating to personal financial affairs reporting by public hospital district officials; and amending RCW 42.17A.705.

Referred to Committee on Governmental Operations.

SB 6349 by Senators Roach, Angel and Honeyford

AN ACT Relating to eminent domain; and amending RCW 35.81.080.

Referred to Committee on Governmental Operations.

SB 6350 by Senators Roach, Padden and Kline

AN ACT Relating to damages for persons injured by violations of the state Constitution; and adding a new chapter to Title 7 RCW.

Referred to Committee on Law & Justice.

SB 6351 by Senators Roach, Angel, Hill, Bailey, Braun, Becker, Honeyford and Padden

AN ACT Relating to home and community-based services programs for dependents of military service members; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Health Care.

SB 6352 by Senators Fain, Hobbs, Angel, Chase, Pedersen, Ericksen, Kohl-Welles and Roach

AN ACT Relating to providing an exemption for certain lodging services from the convention and trade center tax; amending RCW 36.100.040; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6353 by Senators Pedersen and O'Ban

AN ACT Relating to the uniform power of attorney act; amending RCW 11.88.080, 11.86.021, 11.88.010, 11.103.030, 30.22.170, 70.122.130, 71.32.020, 71.32.050, 71.32.060, 71.32.100, 71.32.180, 71.32.200, and 71.32.260; adding a new chapter to Title 11 RCW; and repealing RCW 11.94.010, 11.94.020, 11.94.030, 11.94.040, 11.94.043, 11.94.046, 11.94.050, 11.94.060, 11.94.070, 11.94.080, 11.94.090, 11.94.100, 11.94.110, 11.94.120, 11.94.130, 11.94.140, 11.94.150, 11.94.900, and 11.94.901.

Referred to Committee on Law & Justice.

SB 6354 by Senators Dammeier, Rivers and Keiser

AN ACT Relating to ensuring that navigators associated with the health benefit exchange protect private health care information; and amending RCW 43.71.075.

Referred to Committee on Health Care.

SB 6355 by Senators Hobbs, Sheldon, Hatfield and King

AN ACT Relating to projects of statewide significance for economic development and transportation; amending RCW 43.157.005, 43.157.020, and 43.157.030; and reenacting and amending RCW 43.157.010.

Referred to Committee on Trade & Economic Development.

SB 6356 by Senator Angel

AN ACT Relating to naming the chair and vice chair of state and county political committees; and amending RCW 29A.80.020 and 29A.80.030.

Referred to Committee on Governmental Operations.

SB 6357 by Senator Angel

AN ACT Relating to cosmetology, hair design, barbering, esthetics, and manicuring; amending RCW 18.16.030, 18.16.050, 18.16.060, 18.16.110, 18.16.130, 18.16.140, 18.16.170, 18.16.175, 18.16.180, 18.16.190, 18.16.200, 18.16.290, and 18.16.900; and reenacting and amending RCW 18.16.020.

Referred to Committee on Commerce & Labor.

SB 6358 by Senators Kohl-Welles, Bailey, Frockt, Becker, Chase and Tom

AN ACT Relating to disseminating financial aid policies to admitted and prospective students; adding a new section to chapter 28B.92 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 6359 by Senators Hobbs, Hasegawa, Keiser, Kohl-Welles, Chase, Darneille, Mullet, Kline, Hatfield, Frockt, Nelson, Pedersen, McAuliffe, Cleveland, Fraser, Conway, McCoy, Ranker, Eide, Billig and Liias

AN ACT Relating to preserving health insurance coverage for the voluntary termination of a pregnancy by requiring health plans issued or renewed on or after January 1, 2015, that provide coverage for maternity care or services to provide a covered person with substantially equivalent coverage to permit the voluntary termination of a pregnancy, by prohibiting a health plan from limiting in any way a woman's access to services related to the voluntary termination of a pregnancy other than terms and conditions generally applicable to the health plan's coverage of maternity care or services including applicable cost sharing, by not limiting in any way a woman's constitutionally or statutorily protected right to voluntarily terminate a pregnancy, by clarifying that health plans are not required to cover abortions that would be unlawful under RCW 9.02.120, by providing an exemption for a multistate plan that does not

cover the voluntary termination of pregnancies under federal law, by making the provisions of this act inapplicable to the minimum extent necessary to avoid noncompliance with federal requirements that are a prescribed condition to the allocation of federal funds to the state, and by clarifying that nothing in this act affects the statutory right of objection based on conscience or religion as set forth in RCW 48.43.065; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 6360 by Senator Keiser

AN ACT Relating to including mental health prescriptions in electronic medical records; amending RCW 41.05.021 and 70.02.230; and providing an effective date.

Referred to Committee on Health Care.

SB 6361 by Senators Angel, Sheldon, Hatfield, Brown, Hobbs, Conway, Mullet, Keiser, Cleveland and Rivers

AN ACT Relating to incrementally increasing the distribution percentage of liquor revolving fund revenues under RCW 66.08.190 to cities and counties; amending RCW 66.08.190; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6362 by Senators Bailey, Becker, Frockt, Kohl-Welles and Tom

AN ACT Relating to creating efficiencies for institutions of higher education; and amending RCW 28B.15.102, 42.16.010, 44.28.816, and 43.88.110.

Referred to Committee on Higher Education.

SB 6363 by Senators Kohl-Welles, Darneille, O'Ban, Hargrove and Keiser

AN ACT Relating to creating a statewide ombuds for behavioral health services; and adding a new chapter to Title 43 RCW.

Referred to Committee on Human Services & Corrections.

SB 6364 by Senators Kohl-Welles, Fraser, Keiser, Rolfes and Cleveland

AN ACT Relating to parental rights and responsibilities of sexual assault perpetrators and survivors; amending RCW 26.09.191 and 26.33.170; reenacting and amending RCW 26.26.011; and adding new sections to chapter 26.26 RCW.

Referred to Committee on Law & Justice.

SB 6365 by Senators Frockt, McAuliffe, O'Ban, Fain, Litzow, Pedersen, Darneille, Rolfes, Kohl-Welles, Tom, Liias and Cleveland

AN ACT Relating to creating a pilot program to provide educational stability for homeless children; adding a new section to chapter 43.185C RCW; creating a new section; making an appropriation; and providing an expiration date.

TENTH DAY, JANUARY 22, 2014

2014 REGULAR SESSION

Referred to Committee on Financial Institutions, Housing & Insurance.

experience; and amending RCW 36.70A.250 and 36.70A.260.

SB 6366 by Senators Honeyford, Roach and King

Referred to Committee on Governmental Operations.

AN ACT Relating to making tax preferences for the bee industry permanent; amending RCW 82.04.630, 82.08.0204, 82.08.200, and 82.12.0204; and creating a new section.

SB 6373 by Senators Roach, O'Ban, Sheldon and Litzow

AN ACT Relating to instruction in Spanish and Chinese languages; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

Referred to Committee on Early Learning & K-12 Education.

SB 6367 by Senator Mullet

SB 6374 by Senators Roach and Padden

AN ACT Relating to medication synchronization and dispensing fee standardization; and adding a new section to chapter 48.44 RCW.

AN ACT Relating to parent and child relationship termination; and amending RCW 13.34.132, 13.34.180, 26.09.191, 26.26.505, and 26.33.170.

Referred to Committee on Health Care.

Referred to Committee on Human Services & Corrections.

SB 6368 by Senators Roach, Holmquist Newbry, Benton, Sheldon, Padden, Chase, Eide, Mullet and Dammeier

SB 6375 by Senators Roach and Schoesler

AN ACT Relating to adjusting the dollar threshold for substantial development under the shoreline management act for certain pleasure craft-related construction; and reenacting and amending RCW 90.58.030.

AN ACT Relating to the sale of in-vehicle electronic toll collection system equipment; and adding a new section to chapter 47.56 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

Referred to Committee on Transportation.

SB 6369 by Senator Baumgartner

SB 6376 by Senators McAuliffe, Kohl-Welles and Chase

AN ACT Relating to the removal of snow from streets that are part of state highways; and amending RCW 47.24.020.

AN ACT Relating to including information on preventing sexual abuse and violence in sexual health education; and amending RCW 28A.300.475.

Referred to Committee on Transportation.

Referred to Committee on Early Learning & K-12 Education.

SB 6370 by Senators King, Eide and Kohl-Welles

MOTION

AN ACT Relating to a tuition and fees exemption for children and surviving spouses of certain highway workers; and amending RCW 28B.15.380.

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6351 which was referred to the Committee on Health Care and Senate Bill No. 6370 which was referred to Committee on Higher Education.

Referred to Committee on Transportation.

MOTION

SB 6371 by Senator Roach

AN ACT Relating to removing the requirement that candidates and authorized political committees must file contribution and expenditure reports electronically; and amending RCW 42.17A.245.

At 10:09 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, January 23, 2014.

Referred to Committee on Governmental Operations.

BRAD OWEN, President of the Senate

SB 6372 by Senator Roach

AN ACT Relating to ensuring growth management hearings board members meet qualifications relating to land use

HUNTER G. GOODMAN, Secretary of the Senate

ELEVENTH DAY

 NOON SESSION

Senate Chamber, Olympia, Thursday, January 23, 2014

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 22, 2014

SB 5970 Prime Sponsor, Senator O'Ban: Evaluating military training and experience toward meeting licensing requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

January 22, 2014

SB 5981 Prime Sponsor, Senator Sheldon: Increasing the number of superior court judges in Mason county. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

January 22, 2014

SB 5996 Prime Sponsor, Senator Angel: Requiring the department of licensing to adopt rules regarding online learning for training in cosmetology, manicuring, barbering, esthetics, and instruction. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5996 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

January 22, 2014

SB 5998 Prime Sponsor, Senator Angel: Establishing the position and authority of warrant officers in first-class cities to enforce court orders and outstanding warrants. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

January 22, 2014

SB 6009 Prime Sponsor, Senator Padden: Establishing a special allegation for habitual property offenders. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member.

Passed to Committee on Rules for second reading.

January 22, 2014

SB 6011 Prime Sponsor, Senator Padden: Increasing penalties for random assaults. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senator Kline, Ranking Member.

Passed to Committee on Rules for second reading.

January 22, 2014

SB 6024 Prime Sponsor, Senator O'Ban: Modifying organized retail theft provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member.

Passed to Committee on Rules for second reading.

January 21, 2014

SB 6034 Prime Sponsor, Senator Pearson: Concerning state parks partnership opportunities. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline and Parlette.

Passed to Committee on Rules for second reading.

January 21, 2014

SB 6035 Prime Sponsor, Senator Kline: Regarding the safety of ski area conveyances. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dinsel; Hargrove; Hewitt; Kline and Parlette.

Passed to Committee on Rules for second reading.

January 21, 2014

SB 6036 Prime Sponsor, Senator Schoesler: Concerning the Milwaukee Road corridor. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dinsel; Hargrove; Hewitt; Kline and Parlette.

Passed to Committee on Rules for second reading.

January 22, 2014

SB 6046 Prime Sponsor, Senator Keiser: Implementing procedures concerning certain whistleblowers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6046 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

January 22, 2014

SB 6065 Prime Sponsor, Senator King: Protecting children under the age of eighteen from the harmful effects of exposure to ultraviolet radiation associated with tanning devices. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

January 22, 2014

SB 6103 Prime Sponsor, Senator McAuliffe: Concerning misrepresentation of a floral product business's geographic location. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM SECRETARY OF STATE

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE
NO. 594

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29A.72.230, and WAC 434-379-010, the Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature No. 594 to be examined in the following manner:

1. It was determined that 346,834 signatures were submitted by the sponsors of the initiative. A random sample of 10,588 signatures were taken from those submitted.
2. Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 9,486 valid signatures, 1,100 signatures that were invalid and 2 pairs of duplicated signatures in the sample;
3. We calculated an allowance for the chance error of sampling (50) by multiplying the square root of the number of invalid signatures by 1.5;
4. We estimated the upper limit of the number of signatures on the initiative petition which were invalid (37,663) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;
5. We determined the maximum allowable number of pairs of signatures on the petition (62, 799) by subtracting the sum of the number of signatures required by Article II, Section 1 of the Washington State Constitution (246,372) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;
6. We determined the expected number of pairs of signatures in the sample (59) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;
7. We determined the acceptable number of pairs of signatures in the sample (46) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and
8. The number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample.

Therefore, I hereby declare initiative to the Legislature No. 594 to contain sufficient signatures.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 22nd day of January, 2014.

KIM WYMAN,
Secretary of State

Seal

MOTION

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

MESSAGE FROM THE HOUSE

January 22, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1038,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 22, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1090,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
SUBSTITUTE HOUSE BILL NO. 1536,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1950,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6377 by Senator Ranker

AN ACT Relating to the reduction of greenhouse gas and particulate emissions by state ferry vessels; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6378 by Senator Ranker

AN ACT Relating to penalties associated with a recreational pass or permit; amending RCW 79A.80.080; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

SB 6379 by Senator Hill

AN ACT Relating to the period of time the department of revenue must grant or deny a refund request; and amending RCW 82.32.060.

Referred to Committee on Ways & Means.

SB 6380 by Senator O'Ban

AN ACT Relating to deficit reimbursement agreements with counties owning and operating ferry systems; and amending RCW 47.56.725.

Referred to Committee on Transportation.

SB 6381 by Senators Ranker and Rolfes

AN ACT Relating to watershed councils in the Puget Sound basin; and creating new sections.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6382 by Senators Angel and Sheldon

AN ACT Relating to approval of short plats; and amending RCW 58.17.140.

Referred to Committee on Governmental Operations.

SB 6383 by Senators Becker, Pedersen and Kohl-Welles

AN ACT Relating to coordinating and expanding efforts with private and public partnerships to help ensure Washington's healthiest next generation; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care.

SB 6384 by Senators Padden and Schoesler

AN ACT Relating to venue of actions by or against counties; and amending RCW 36.01.050.

Referred to Committee on Law & Justice.

SB 6385 by Senators Keiser and Frockt

AN ACT Relating to designating the disciplining authority for dental hygienists; amending RCW 18.29.005, 18.29.021, 18.29.045, 18.29.056, 18.29.100, 18.29.110, 18.29.120, 18.29.130, 18.29.140, 18.29.150, 18.29.160, 18.29.170, 18.29.180, 18.29.190, 18.29.210, 18.29.220, 18.32.0357, and 43.70.650; reenacting and amending RCW 18.130.040 and 18.130.040; providing effective dates; and providing an expiration date.

Referred to Committee on Health Care.

SB 6386 by Senators Holmquist Newbry, Kohl-Welles, Hewitt and Brown

AN ACT Relating to alcohol tasting by students under twenty-one years of age; and amending RCW 66.20.010 and 66.44.270.

Referred to Committee on Commerce & Labor.

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SB 6387 by Senators Hill, Hargrove, Ranker, Fain, Braun, Tom, Dammeier, Parlette, Becker, Schoesler, Hewitt, Bailey, King, Angel, Roach, Keiser, Litzow, Kohl-Welles, O'Ban and Conway

AN ACT Relating to reducing the number of individuals with developmental disabilities who have requested a service but the provision of a specific service would exceed program capacity; amending RCW 71A.10.020 and 71A.16.050; creating a new section; and making appropriations.

Referred to Committee on Health Care.

SB 6388 by Senator Padden

AN ACT Relating to pass-through wholesale food distributors; amending RCW 43.20.145; adding a new section to chapter 43.24 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 6389 by Senators Darneille and Chase

AN ACT Relating to mandatory multiple consecutive enhancements; and amending RCW 9.94A.535.

Referred to Committee on Law & Justice.

SB 6390 by Senators Darneille and Chase

AN ACT Relating to forming the juvenile sentencing task force to review and make recommendations regarding juvenile sentencing matters; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6391 by Senators Fain and Mullet

AN ACT Relating to the financial solvency of insurance companies; amending RCW 42.56.400, 48.02.065, 48.13.061, 48.18.545, 48.18.547, 48.19.035, 48.38.010, 48.97.005, 48.125.140, 48.155.010, 48.155.015, 42.56.400, and 42.56.400; reenacting and amending RCW 42.56.400; adding new sections to chapter 48.31B RCW; adding a new chapter to Title 48 RCW; creating new sections; repealing RCW 48.31B.005, 48.31B.010, 48.31B.015, 48.31B.020, 48.31B.025, 48.31B.030, 48.31B.035, 48.31B.040, 48.31B.045, 48.31B.050, 48.31B.055, 48.31B.060, 48.31B.065, 48.31B.070, 48.31B.900, 48.31B.901, 48.31B.902, 48.31C.010, 48.31C.020, 48.31C.030, 48.31C.040, 48.31C.050, 48.31C.060, 48.31C.070, 48.31C.080, 48.31C.090, 48.31C.100, 48.31C.110, 48.31C.120, 48.31C.130, 48.31C.140, 48.31C.150, 48.31C.160, 48.31C.900, and 48.31C.901; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6392 by Senator Baumgartner

AN ACT Relating to unemployment benefits; amending RCW 50.20.010; adding a new section to chapter 50.20 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 6393 by Senator Baumgartner

AN ACT Relating to distributing marijuana tax revenues for local law enforcement officers; amending RCW 69.50.540; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6394 by Senator Darneille

AN ACT Relating to income eligibility for temporary assistance for needy families benefits for a child; and amending RCW 74.12.037.

Referred to Committee on Human Services & Corrections.

SB 6395 by Senator Darneille

AN ACT Relating to placement of a defendant determined to be incompetent; amending RCW 10.77.086, 10.77.088, and 10.77.220; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6396 by Senators Darneille, Cleveland, Kohl-Welles, Chase and McAuliffe

AN ACT Relating to allowing youthful offenders who complete their sentences prior to age twenty-one equal access to a full continuum of rehabilitative and reentry services; and amending RCW 9.94A.728, 13.40.020, 13.40.110, 72.01.410, and 72.05.020.

Referred to Committee on Human Services & Corrections.

SB 6397 by Senators Liias, Honeyford and Conway

AN ACT Relating to retired law enforcement officers and firefighters employed in certain public positions; amending RCW 41.26.500; and creating a new section.

Referred to Committee on Ways & Means.

SB 6398 by Senators Darneille and Chase

AN ACT Relating to child support; amending RCW 26.23.035; adding new sections to chapter 26.23 RCW; adding a new section to chapter 9.46 RCW; adding a new section to chapter 67.16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6399 by Senators Darneille, O'Ban, Cleveland, Kohl-Welles, McAuliffe and Conway

AN ACT Relating to creating an office of corrections ombuds; and adding a new chapter to Title 43 RCW.

Referred to Committee on Human Services & Corrections.

SB 6400 by Senators Hobbs, O'Ban, Tom and Conway

AN ACT Relating to insurance for enlisted members of the Washington national guard; and adding a new section to chapter 38.24 RCW.

Referred to Committee on Health Care.

SB 6401 by Senators Lias, Hobbs, McCoy and McAuliffe

AN ACT Relating to electronic salary and wage payments by counties; and amending RCW 41.04.240.

Referred to Committee on Governmental Operations.

SB 6402 by Senators Honeyford, Hatfield, Brown, Dansel, Parlette and Bailey

AN ACT Relating to defining honey bee products and services as an agricultural product; and reenacting and amending RCW 82.04.213.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6403 by Senators Sheldon and Roach

AN ACT Relating to juvenile offender court records; and amending RCW 13.50.050 and 10.97.050.

Referred to Committee on Human Services & Corrections.

SB 6404 by Senator Benton

AN ACT Relating to annexations by code cities in counties with four hundred thousand or more residents; and amending RCW 35A.14.297, 35A.14.299, 35A.14.460, 35A.14.470, and 35A.14.480.

Referred to Committee on Governmental Operations.

SB 6405 by Senators Baumgartner, Padden, Hargrove and Cleveland

AN ACT Relating to providing greater consistency in how nonprofit tax-exempt property may be used without jeopardizing the property's tax-exempt status; amending RCW 84.36.020, 84.36.020, 84.36.030, 84.36.032, 84.36.035, 84.36.037, 84.36.037, 84.36.050, 84.36.060, 84.36.260, 84.36.264, and 84.36.805; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SJM 8013 by Senators Hobbs, King, Eide, Chase, McAuliffe and Conway

Requesting that a portion of state route number 395 be named the Thomas Stephen "Tom" Foley Memorial Highway.

Referred to Committee on Transportation.

SJR 8215 by Senators Padden, O'Ban and Roach

Amending the state Constitution so that only persons who are qualified voters in a county are elected or appointed to the office of judge of the superior court for that county.

Referred to Committee on Law & Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1038 by House Committee on Business & Financial Services (originally sponsored by Representatives Ryu, Kagi, Bergquist, Reykdal and Jinkins)

AN ACT Relating to requiring the department of licensing to adopt rules to allow online learning for training in the areas of cosmetology, manicuring, barbering, esthetics, and instructor-training; amending RCW 18.16.020; adding a new section to chapter 18.16 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

ESHB 1090 by House Committee on Local Government (originally sponsored by Representatives Shea, Reykdal, Crouse, Holy, Springer and Dahlquist)

AN ACT Relating to increasing the dollar amount for construction of a dock that does not qualify as a substantial development under the shoreline management act; and reenacting and amending RCW 90.58.030.

Referred to Committee on Natural Resources & Parks.

ESHB 1294 by House Committee on Environment (originally sponsored by Representatives Van De Wege, Hudgins, Pollet, Maxwell, S. Hunt, Upthegrove, Tharinger, Fey, Farrell, Moscoso, Hunter, Stanford, Reykdal, Fitzgibbon, Bergquist, Tarleton, Goodman, Kagi, Hansen, Jinkins, Habib, Pedersen, Ryu, Lias, Riccelli, Roberts, Morrell, Clibborn and Ormsby)

AN ACT Relating to flame retardants; amending RCW 70.240.020 and 70.240.010; and adding a new section to chapter 70.240 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1536 by House Committee on Higher Education (originally sponsored by Representatives Seaquist, Appleton, Haler, Springer, Stanford, McCoy, Upthegrove, Ormsby, Moscoso, S. Hunt, Ryu, Fitzgibbon, Lytton, Sawyer, Lias, Dunshee, Orwall, Cody, Stonier, Kagi, Moeller, Sells, Reykdal, Fey and Pollet)

AN ACT Relating to membership on community and technical college boards of trustees; and reenacting and amending RCW 28B.50.100.

Referred to Committee on Higher Education.

ESHB 1950 by House Committee on Environment (originally sponsored by Representative Haler)

AN ACT Relating to designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, and wastewater pipes as an eligible

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renewable resource under chapter 19.285 RCW; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION
8671

By Senators Brown, Angel, Padden, Braun, Baumgartner, Roach, and Dammeier

WHEREAS, Washington State is committed to the promotion of safety programs, policies, and actions; and

WHEREAS, Thousands of motorcyclists travel the roads, streets, highways, and interstate systems of Washington State every day; and

WHEREAS, Motorcycles are fuel-efficient vehicles that have access to Washington State High Occupancy Vehicle lanes, promoting a less congested travel way; and

WHEREAS, Motorcyclists help to provide funds for the transportation infrastructure of Washington State that they and others use; and

WHEREAS, The majority of the motorcycling community is committed to motorcycle safety and awareness and promotes policies and procedures for themselves and other motorists in order to create a safe roadway for all; and

WHEREAS, The motorcycling community is filled with people dedicated to charitable organizations and activities; and

WHEREAS, Hundreds of motorcyclists, like those of Bikers Against Child Abuse (BACA), band together to support kids and other vulnerable communities all around the state; and

WHEREAS, The Month of May is recognized nationally and throughout the state as Motorcyclist Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the Month of May as Motorcycle Safety and Awareness Month; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the AAA Washington office, the ABATE of Washington office, the Washington Road Riders Association office, Bikers Against Child Abuse (BACA), and the headquarters of the Washington State Patrol and the Washington State Department of Transportation.

Senator Brown spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8671.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed motorcyclists and members of the Bikers Against Child Abuse; the American Automobile Association and ABATE organizations who were seated in the gallery.

MOTION

At 12:07 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, January 24, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 24, 2014

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 2014

SB 5334 Prime Sponsor, Senator Hewitt: Concerning public facilities' grants and loans. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Rules for second reading.

January 23, 2014

SB 5887 Prime Sponsor, Senator Rivers: Concerning the medical use of cannabis. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5887 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Pedersen, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Commerce & Labor.

January 23, 2014

SB 5976 Prime Sponsor, Senator Fain: Addressing the notice given to owners of life insurance policies about alternative transactions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Benton, Ranking Member; Fain; Hatfield and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Mullet, Vice Chair and Nelson.

Passed to Committee on Rules for second reading.

January 23, 2014

SB 5977 Prime Sponsor, Senator Hobbs: Addressing the regulation of service contracts and protection product guarantees. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5977 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 23, 2014

SB 6029 Prime Sponsor, Senator Benton: Concerning credit unions' mergers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 23, 2014

SB 6134 Prime Sponsor, Senator Hobbs: Addressing nondepository institutions regulated by the department of financial institutions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 23, 2014

SB 6135 Prime Sponsor, Senator Benton: Addressing banks and trust companies. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5334 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6406 by Senators Cleveland, Eide, Billig and Chase

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AN ACT Relating to vehicle headlights; and amending RCW 46.37.020.

Referred to Committee on Transportation.

SB 6407 by Senators Cleveland, Ranker, Keiser and Darneille

AN ACT Relating to consent to medical care by a minor; and adding a new section to chapter 70.01 RCW.

Referred to Committee on Health Care.

SB 6408 by Senators Cleveland, Keiser, Ranker and Chase

AN ACT Relating to authorizing physician assistants to perform ophthalmic-related services under employment or supervision by a medical doctor or an osteopathic physician; and amending RCW 18.71A.060.

Referred to Committee on Health Care.

SB 6409 by Senators Cleveland and Chase

AN ACT Relating to implementing changes to child support based on the child support schedule work group report; amending RCW 26.19.011, 26.19.020, 26.19.065, 26.19.075, and 26.19.090; adding a new section to chapter 26.19 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6410 by Senators Cleveland and Chase

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

Referred to Committee on Human Services & Corrections.

SB 6411 by Senator Cleveland

AN ACT Relating to small estate guardian reporting intervals and training reporting requirements; adding a new section to chapter 11.92 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6412 by Senators Cleveland, Rolfes, Hasegawa, Chase, Ranker, Braun and Kline

AN ACT Relating to tax, penalty, and interest assessments on claims for collection of sales tax debt; and amending RCW 82.08.050.

Referred to Committee on Ways & Means.

SB 6413 by Senators Fain, Eide, Padden, Pearson, Hobbs, Angel, King, Becker, Tom, Sheldon, Dammeier, Honeyford, Hill, O'Ban, Litzow, Brown, Schoesler and Rolfes

AN ACT Relating to prior offenses for driving under the influence or physical control of a vehicle under the influence; and amending RCW 46.61.5055.

Referred to Committee on Law & Justice.

SB 6414 by Senators Fain, Tom, Eide, Hill, Angel, Braun, Becker, Litzow, Bailey, Brown, Schoesler and Rolfes

AN ACT Relating to improving lobbyist reporting and disclosure; amending RCW 42.17A.050, 42.17A.615, 42.17A.620, and 42.52.150; and adding new sections to chapter 42.17A RCW.

Referred to Committee on Governmental Operations.

SB 6415 by Senators Fain, Angel, Tom, Dammeier, Hill, Becker, Eide, Hobbs, King, Brown, Bailey, Litzow, Schoesler, Braun and Rolfes

AN ACT Relating to consecutive sentences for driving under the influence or physical control of a vehicle under the influence of intoxicating liquor, marijuana, or any drug; and amending RCW 9.94A.589, 46.20.740, and 46.20.750.

Referred to Committee on Law & Justice.

SB 6416 by Senators Hatfield and Hobbs

AN ACT Relating to dealer deliveries to active duty law enforcement officers; amending RCW 9.41.090; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6417 by Senators Chase, Rolfes, Kline and Kohl-Welles

AN ACT Relating to involving communities in environmental decision making; adding a new chapter to Title 70 RCW; creating a new section; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6418 by Senators Litzow, Fain, Dammeier, Angel, Tom, Bailey, Becker and Mullet

AN ACT Relating to creating flexibility for the educator retooling conditional scholarship program; and amending RCW 28A.660.045.

Referred to Committee on Early Learning & K-12 Education.

SB 6419 by Senators Cleveland, Benton, Keiser, Darneille, Frockt, Billig, Chase, Rolfes, Nelson, Dammeier, Fraser, Eide, Kohl-Welles, Kline, Pedersen, Hargrove, Ranker, Conway and McAuliffe

AN ACT Relating to medicaid programs and expanding access to care in border communities; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

SB 6420 by Senators Keiser, Bailey, Chase and Conway

AN ACT Relating to investigations involving vulnerable adults; and amending RCW 74.34.020.

Referred to Committee on Health Care.

SB 6421 by Senators Bailey, Keiser and Becker

AN ACT Relating to certification exemptions and training requirements for individual providers who work less than twenty hours per month for a single client, or who only provide limited respite services; and amending RCW 18.88B.041, 74.39A.076, and 74.39A.341.

Referred to Committee on Health Care.

SB 6422 by Senators Becker and Keiser

AN ACT Relating to electronic timekeeping for in-home personal care or respite services; and amending RCW 74.39A.325.

Referred to Committee on Health Care.

SB 6423 by Senators Bailey, Kohl-Welles, Litzow, McAuliffe, Dammeier, Frockt, Fain, Mullet, Chase and Tom

AN ACT Relating to the opportunity scholarship program; amending RCW 28B.145.020, 28B.145.030, and 28B.145.050; and adding a new section to chapter 28B.145 RCW.

Referred to Committee on Higher Education.

SB 6424 by Senators Roach, McAuliffe, Litzow, Fain, Bailey, Mullet, Hasegawa and Tom

AN ACT Relating to establishing a state seal of biliteracy for high school students; amending RCW 28A.230.125; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6425 by Senators Hasegawa, Roach, Keiser, McCoy, Eide, Kline and Chase

AN ACT Relating to joint venture agreements involving public hospital districts; amending RCW 70.44.240; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6426 by Senators Hasegawa, Chase and Kline

AN ACT Relating to increasing the available funding limit of the linked deposit program; and amending RCW 43.86A.030.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6427 by Senators Hasegawa, McCoy and Chase

AN ACT Relating to creation of the Puget Sound port authority; amending RCW 53.47.020; adding a new chapter to Title 53 RCW; and providing an effective date.

Referred to Committee on Trade & Economic Development.

SB 6428 by Senators Liias and Hasegawa

AN ACT Relating to heavy civil construction projects; amending RCW 39.10.210, 39.10.280, 39.10.340, 39.10.350, 39.10.360, 39.10.370, and 39.10.390; and reenacting and amending RCW 43.131.408.

Referred to Committee on Governmental Operations.

SB 6429 by Senators Darneille, Hargrove, Chase and Kline

AN ACT Relating to the advisory committee on the disproportionate representation of children of color in Washington's child welfare system; amending RCW 74.13.096; repealing 2009 c 520 s 96 (uncodified); and repealing 2007 c 465 s 3 (uncodified).

Referred to Committee on Human Services & Corrections.

SB 6430 by Senators Liias, Fain, Hobbs, Litzow, Eide, Dammeier, McAuliffe, Baumgartner, Cleveland, Angel and Ericksen

AN ACT Relating to extending tax preferences for high-technology research and development; amending RCW 82.04.4452 and 82.63.030; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 6431 by Senators Hargrove, Kohl-Welles, Liias, Kline, Rolfes, Parlette, Frockt, Pedersen and Conway

AN ACT Relating to assistance for schools in implementing youth suicide prevention activities; amending RCW 28A.300.288; creating a new section; and making an appropriation.

Referred to Committee on Early Learning & K-12 Education.

SB 6432 by Senators Roach, Benton, Danel, Hargrove and Kline

AN ACT Relating to ending the use of manufacturing standards as a law enforcement profiling tool; amending RCW 46.37.530; and creating a new section.

Referred to Committee on Transportation.

SB 6433 by Senators Padden, Kline and Darneille

AN ACT Relating to prohibiting discrimination by an individual or entity on the basis of creed; reenacting and amending RCW 49.60.040; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Law & Justice.

SB 6434 by Senators O'Ban, Kohl-Welles, Fain, Kline, Bailey, Angel, Becker, Dammeier and Chase

AN ACT Relating to seizure and forfeiture of property for patronizing a prostitute; and amending RCW 9A.88.150.

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Referred to Committee on Law & Justice.

SB 6441 by Senators Kohl-Welles, Darneille, Chase, Keiser, Hobbs, Hatfield, Kline, Rolfes and Conway

SB 6435 by Senators O'Ban, Kohl-Welles, Bailey, Kline, Angel, Becker and Chase

AN ACT Relating to consumer warranty protections; and adding new sections to chapter 62A.2 RCW.

AN ACT Relating to mandatory restitution for sexual exploitation of children; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Commerce & Labor.

Referred to Committee on Law & Justice.

SB 6442 by Senators Brown, Hatfield, Schoesler, Hobbs, Honeyford, Hewitt, Kohl-Welles, Keiser, Kline and Rolfes

SB 6436 by Senators Frockt, Bailey, Kohl-Welles and Hargrove

AN ACT Relating to allowing sales of growlers of cider; and adding a new section to chapter 66.28 RCW.

AN ACT Relating to creating a work group to make recommendations for the continued viability of the college bound scholarship program; creating new sections; and providing an expiration date.

Referred to Committee on Commerce & Labor.

Referred to Committee on Higher Education.

SB 6443 by Senators Liias, Angel, Eide, Bailey and Rolfes

SB 6437 by Senators Conway, Hasegawa, Kohl-Welles, Chase and Kline

AN ACT Relating to time period and monetary limits on ferry vessel and terminal work by state forces; and amending RCW 47.28.030.

AN ACT Relating to registration requirements for contractors; amending RCW 18.27.030 and 18.27.070; and creating a new section.

Referred to Committee on Transportation.

Referred to Committee on Commerce & Labor.

SB 6444 by Senators Litzow, Angel, Tom, Bailey, Billig, Fain and Keiser

SB 6438 by Senators Liias, McAuliffe, Rolfes, Hasegawa, Billig, Conway, McCoy, Kohl-Welles and Keiser

AN ACT Relating to breakfast after the bell programs in certain public schools; and adding new sections to chapter 28A.235 RCW.

AN ACT Relating to enhancing the basic education allocation formula to adopt the staffing resources recommended by the quality education council; amending RCW 28A.150.260; adding a new section to chapter 28A.150 RCW; creating a new section; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

Referred to Committee on Early Learning & K-12 Education.

MOTION

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

SB 6439 by Senators Liias, Litzow, McAuliffe, Billig, Kohl-Welles, Keiser, Pedersen, Mullet, Rolfes, Cleveland, Fraser and Frockt

AN ACT Relating to preventing harassment, intimidation, and bullying in public schools; and amending RCW 28A.300.285.

MOTION

Senator Frockt moved adoption of the following resolution:

Referred to Committee on Early Learning & K-12 Education.

SENATE RESOLUTION
8665

SB 6440 by Senators King, Eide and Kline

By Senators Ranker, Frockt, Hobbs, and Eide

AN ACT Relating to imposing motor vehicle fuel taxes on compressed natural gas and liquefied natural gas used for transportation purposes; amending RCW 82.38.030, 82.38.075, 82.80.010, 82.80.110, 82.80.120, 82.47.010, 82.47.020, 46.16A.060, 46.37.467, 82.04.310, 82.04.120, 82.12.022, 82.14.230, 35.21.870, and 82.14.030; adding a new section to chapter 82.16 RCW; creating new sections; and providing an effective date.

WHEREAS, Nelson Rolihlahla Mandela was unique to the world in his influence and impact, embodying the transcendent truth that the cruelty of ignorance withers in the light of a just cause; and

WHEREAS, Mandela's life reminds us that there is no greater example than to stand for equality, and his legacy reminds us that history and humanity will always aspire to those who did; and

WHEREAS, Mandela was freed from prison after twenty-seven years and immediately began negotiating with South African President Frederik Willem de Klerk to begin the process of ending apartheid; and

Referred to Committee on Transportation.

WHEREAS, On December 10, 1993, Mandela and de Klerk were awarded the Nobel Peace Prize for their work to peacefully bring an end to apartheid and lay the foundation for democracy on a one person – one vote principle; and

WHEREAS, The first democratic election in 1994 allowed people of all races to vote as equals, wherein Mandela became the first president of a post-apartheid South Africa; and

WHEREAS, The 1994 election began the process of restoring balance to a bitterly divided nation, reminding the world that free and fair elections are at the foundation of freedom and democracy; and

WHEREAS, Forgiveness and inclusiveness were a hallmark of his presidency; and

WHEREAS, His contributions as a leader and statesman to the nation of South Africa provided many lessons for all nations – particularly regarding the importance of civil rights which allow open elections and provide protections against unwarranted search and imprisonment; and

WHEREAS, Mandela firmly believed that, "Education is the most powerful weapon which you can use to change the world"; and

WHEREAS, Mandela stressed that the ability for all families to be lovingly united was paramount to the anti-apartheid movement; and

WHEREAS, While the fight for equality is an ongoing battle, Mandela's example in South Africa reminds us that it is one we must continue;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the life and work of Nelson Rolihlahla Mandela for his invaluable contributions to the lives of those in South Africa and the world at large.

Senators Frockt and Ranker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8665.

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

MOTION

At 10:14 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, January 27, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 27, 2014

The Senate was called to order at 12:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Karlie Chilcott and Natalie Childress, presented the Colors. Senator Pearson offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 2014

SB 5979 Prime Sponsor, Senator Sheldon: Modifying provisions governing commercial motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Fain, Budget Leadership Cabinet; Liias; Mullet and Rolfes.

Passed to Committee on Rules for second reading.

January 24, 2014

SB 6061 Prime Sponsor, Senator Litzow: Requiring adoption of high school academic acceleration policies. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Brown; Cleveland; Fain; Hill; Mullet and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator McAuliffe, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

January 24, 2014

SB 6062 Prime Sponsor, Senator Hill: Requiring internet access to public school data and expenditure information. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6062 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice

Chair; Billig; Brown; Cleveland; Fain; Hill; Mullet; Rivers; Rolfes, Assistant Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator McAuliffe, Ranking Member.

Passed to Committee on Ways & Means.

January 24, 2014

SB 6064 Prime Sponsor, Senator Litzow: Requiring an analysis of how school districts use school days. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6064 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

January 24, 2014

SB 6104 Prime Sponsor, Senator McAuliffe: Establishing the interactive gaming in schools public-private partnership. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6104 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

January 24, 2014

SB 6105 Prime Sponsor, Senator McAuliffe: Concerning school library information and technology programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6105 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

January 24, 2014

SB 6129 Prime Sponsor, Senator Hill: Concerning paraeducator development. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6129 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

January 23, 2014

SB 6178 Prime Sponsor, Senator Kohl-Welles: Aligning the medical marijuana system with the recreational marijuana system. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 6178 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Pedersen, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

Passed to Committee on Commerce & Labor.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 24, 2014

SGA 9120 TAKIYAH JACKSON, appointed on October 11, 2012, for the term ending June 30, 2014, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

January 24, 2014

SGA 9187 JODI N THEW, appointed on July 7, 2011, for the term ending June 30, 2014, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

January 24, 2014

SGA 9201 NOAH ZEICHNER, appointed on July 7, 2011, for the term ending June 30, 2015, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

January 23, 2014

SGA 9228 PAT KOHLER, appointed on June 1, 2013, for the term ending at the governor's pleasure, as Director of the Department of Licensing. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Fain, Budget Leadership Cabinet; Liias; Mullet and Rolfes.

Passed to Committee on Rules for second reading.

January 24, 2014

SGA 9305 DAMIEN J PATTENAUDE, appointed on July 8, 2013, for the term ending June 30, 2014, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

January 24, 2014

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1251,
SUBSTITUTE HOUSE BILL NO. 1254,
HOUSE BILL NO. 1348,
SUBSTITUTE HOUSE BILL NO. 1669,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,
SUBSTITUTE HOUSE BILL NO. 1843,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6445 by Senators Roach and Kline

AN ACT Relating to the definition of uniformed personnel for the purposes of public employees' collective bargaining; and amending RCW 41.56.030.

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Referred to Committee on Commerce & Labor.

SB 6446 by Senators Schoesler, Hewitt and Ranker

AN ACT Relating to payments in lieu of taxes on county game lands; amending RCW 77.12.203; and providing an effective date.

Referred to Committee on Natural Resources & Parks.

SB 6447 by Senator Rivers

AN ACT Relating to guardians ad litem; amending RCW 26.12.175, 26.12.177, and 26.12.183; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6448 by Senators Padden, Hatfield and Roach

AN ACT Relating to authorizing establishment of ethics defense trust funds; amending RCW 42.52.150; and adding new sections to chapter 42.52 RCW.

Referred to Committee on Law & Justice.

SB 6449 by Senators Pedersen, Litzow, Keiser, Kohl-Welles, Cleveland, Ranker, Frockt, Hobbs, Hasegawa, Rolfes, Billig, Darneille, Chase, Kline, Hatfield, Nelson, Eide, McCoy, Conway, McAuliffe, Liias, Mullet, Fraser and Tom

AN ACT Relating to restricting the practice of sexual orientation change efforts; amending RCW 18.130.020 and 18.130.180; and creating a new section.

Referred to Committee on Health Care.

SB 6450 by Senators Pedersen, Kohl-Welles, Pearson, Liias, Ericksen and Kline

AN ACT Relating to on-water dwellings; amending RCW 90.58.270; and creating a new section.

Referred to Committee on Natural Resources & Parks.

SB 6451 by Senators Pedersen, Frockt, Kohl-Welles, Chase, Litzow, Hasegawa, Nelson, McCoy, Hobbs and McAuliffe

AN ACT Relating to the school construction assistance program; amending RCW 28A.525.162 and 28A.525.166; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

SB 6452 by Senators Eide and Baumgartner

AN ACT Relating to providing a sales and use tax exemption for certain new building construction by maintenance repair operators for commercial airplanes; amending RCW 82.08.980, 82.08.980, 82.12.980, and 82.12.980; providing a contingent effective date; and providing contingent expiration dates.

Referred to Committee on Ways & Means.

SB 6453 by Senators Dammeier and Keiser

AN ACT Relating to agency on aging case management oversight; and amending RCW 74.39A.095.

Referred to Committee on Health Care.

SB 6454 by Senator Keiser

AN ACT Relating to exempting from public inspection certain public works proposals and documents; and amending RCW 39.10.470.

Referred to Committee on Governmental Operations.

SB 6455 by Senator Keiser

AN ACT Relating to alternative contracting performance goals; amending RCW 39.10.330; and reenacting and amending RCW 43.131.408.

Referred to Committee on Governmental Operations.

SB 6456 by Senators King and Liias

AN ACT Relating to requirements before issuance of an initial vehicle registration; and amending RCW 46.16A.050.

Referred to Committee on Transportation.

SB 6457 by Senators King and Liias

AN ACT Relating to the processing of quick titles by subagents; and amending RCW 46.12.555.

Referred to Committee on Transportation.

SB 6458 by Senators Becker, Angel, Dammeier, Brown, Tom, Schoesler, Bailey, Braun, Hill, Baumgartner, Litzow, Parlette and Honeyford

AN ACT Relating to repealing provisions that establish the office of the insurance commissioner and replacing that office with a Washington state insurance board; amending RCW 48.02.060; adding new sections to chapter 48.02 RCW; creating a new section; repealing RCW 48.02.010, 48.02.020, 48.02.030, and 48.02.050; and providing an effective date.

Referred to Committee on Health Care.

SB 6459 by Senator Tom

AN ACT Relating to defining the compensation used for calculating retirement benefits for elected service; and amending RCW 41.40.010.

Referred to Committee on Ways & Means.

SB 6460 by Senators Tom, Ranker, Fain, Bailey and Frockt

AN ACT Relating to exempting the names and e-mail addresses of persons on public agency e-mail distribution

lists from disclosure; and reenacting and amending RCW 42.56.230.

Referred to Committee on Governmental Operations.

SB 6461 by Senators Dansel, Hobbs, Ericksen and Hatfield

AN ACT Relating to establishing a process for the payment of impact fees through provisions stipulated in recorded covenants; amending RCW 82.02.050 and 36.70A.070; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6462 by Senators Keiser and Kohl-Welles

AN ACT Relating to volunteer health care professionals licensed in a foreign jurisdiction; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

SB 6463 by Senators Angel and Dansel

AN ACT Relating to including the facilities of certain public water systems in the utilities element of a comprehensive plan; and amending RCW 36.70A.070.

Referred to Committee on Governmental Operations.

SB 6464 by Senators O'Ban, Parlette and Becker

AN ACT Relating to broadening health insurance coverage options for the citizens of Washington; amending RCW 48.43.700, 48.43.705, and 48.43.715; adding new sections to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1251 by Representatives Stonier, Carlyle, Seaquist, Harris, Maxwell, Takko, Kochmar, Vick, MacEwen, Fitzgibbon, Morrell, Tarleton, Haler, Riccelli and Bergquist

AN ACT Relating to membership on the opportunity scholarship board; and amending RCW 28B.145.020.

Referred to Committee on Higher Education.

SHB 1254 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Manweller and Condotta)

AN ACT Relating to prevailing wage filings; and amending RCW 39.12.070.

Referred to Committee on Commerce & Labor.

HB 1348 by Representatives Reykdal, Hope, Stanford, Pollet, S. Hunt, Ryu, Seaquist, Goodman, Haigh, Wylie, Fitzgibbon, Santos, Pettigrew, Lytton, Blake, Moscoso, Sells, Orwall, Liias, Roberts, Carlyle, Sullivan, Upthegrove, Dunshie, Maxwell, Green, Riccelli, Ormsby, Springer, Appleton, McCoy, Van De Wege, Bergquist, Tarleton, Fey and Hudgins

AN ACT Relating to modifying collective bargaining law related to providing additional compensation for academic employees at community and technical colleges; amending RCW 28B.52.035 and 28B.50.140; and creating a new section.

Referred to Committee on Commerce & Labor.

SHB 1669 by House Committee on Higher Education (originally sponsored by Representatives Pollet, Haler, Cody, Tarleton, Johnson, Seaquist, Farrell, Magendanz, Riccelli and Ryu)

AN ACT Relating to self-supporting, fee-based programs at four-year institutions of higher education; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

ESHB 1769 by House Committee on Capital Budget (originally sponsored by Representatives Stonier, Zeiger, Stanford, Warnick, Seaquist, Haler, Ryu, Springer, Morrell, Fey, Pollet, Riccelli and Fagan)

AN ACT Relating to creating efficiencies for institutions of higher education; and amending RCW 43.88.110.

Referred to Committee on Ways & Means.

SHB 1843 by House Committee on Higher Education (originally sponsored by Representatives Pollet, Seaquist, Tarleton, Ryu and Tharinger)

AN ACT Relating to evaluating compliance and performance for participation in financial aid programs; and amending RCW 28B.92.050.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6448 which was referred to the Committee on Law & Justice.

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION 8670

By Senator Fain

WHEREAS, The Senate adopted permanent rules for the 2013-2015 biennium under Senate Resolution 8601; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied; and

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WHEREAS, The Senate desires to change the total membership on the Financial Institutions, Housing & Insurance committee from seven members to eight members;

NOW, THEREFORE, BE IT RESOLVED, That Rule 41 is amended as follows:

"Rule 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

Standing Committee	Total Membership	
1. Agriculture, Water & Rural Economic Development	6	6
2. Commerce & Labor	7	
3. Early Learning & K-12 Education	11	
4. Energy, Environment & Telecommunications	9	
5. Financial Institutions, Housing & Insurance	(7) 8	
6. Governmental Operations	7	
7. Health Care	9	
8. Higher Education	7	
9. Human Services & Corrections	5	
10. Law & Justice	7	
11. Natural Resources & Parks	7	
12. Rules	21 (plus the Lieutenant Governor)	
13. Trade & Economic Development	7	
14. Transportation	15	
15. Ways & Means	23	

MOTION

Senator Becker moved that the following amendment by Senators Becker and Pedersen be adopted:

On page 2, line 6 of the floor resolution, strike "9" and insert "~~(9)~~ 8"

Senators Becker and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker and Pedersen on page 2, line 6 to Engrossed Senate Resolution No. 8670.

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

The President declared the question before the Senate to be the adoption of Engrossed Senate Resolution No. 8670.

Senator Hobbs spoke in favor of adoption of the resolution.

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

STANDING COMMITTEE APPOINTMENTS

The President announced the following Standing Committee Assignments.

Financial Institutions Housing & Insurance

Senator Angel is appointed to the committee

Natural Resources & Parks

Senator Liias is appointed to the committee as Ranking member

Trade & Economic Development

Senator Liias is appointed to the committee

Senator Angel is designated as Vice Chair

Transportation

Senator Liias is appointed to the committee

Co-Chair and Vice Co-Chair Designations for Financial Institutions Housing and Insurance Committee

Senator Angel and Senator Hobbs are designated as Co-Chairs

Senator Benton and Senator Mullet are designated as Vice Co-Chairs

Health Care

Senator Ericksen is removed from the committee

POINT OF INQUIRY

Senator Hatfield: "Thank you Mr. President. Would the good gentleman from the Forty-Seventh District yield to a question? He will not. Will the gentleman from the Forty-Eighth perhaps? Okay. How about our Floor Leader from the District Twenty-Three it is? Would the good lady from the Twenty-Third District yield to a question?"

President Owen: "Senator Rolfes? Senator Hatfield, please continue."

Senator Hatfield: "Senator Rolfes then. I just want to make clear and I think Senator Hobbs alluded to it that what we are voting on is a change from the opening day of session. This is in fact the vote that would remove Senator Hobbs' sole chairmanship of the Financial Institutions Committee, correct?"

Senator Rolfes: "Mr. President, may I respond to that question?"

President Owen: "Senator Rolfes."

Senator Rolfes: "This, for the information of the members and the good Senator from Grays Harbor area, is the motion that would remove Senator Hobbs from his responsibility as Chair and make it a Co-Chair arrangement in the FIHI Committee as well as designating Vice Co-Chairs. So the Committee would have four leaders and Senator Hobbs would no longer be the Chair."

MOTION

Senator Rolfes: "Thank you Mr. President. I would request a division of motion to confirm. I would request that we first vote to confirm the top half of the paper before us. Do we need a motion from the floor first before I move that?"

MOTION

Senator Fain moved that the appointments be confirmed.

The President declared the question before the Senate to be the confirmation of appointments to the Standing Committees and relieving Senator Erickson from his position on the Health Care Committee as designated with the exception of the appointments of Co-Chairs of the Committee on Financial Institutions, Housing & Insurance.

The appointments were confirmed by voice vote.

PARLIAMENTARY INQUIRY

Senator Hatfield: "Now that we have the second half of the first this sheet before us, is that correct?"

REPLY BY THE PRESIDENT

President Owen: "That is correct."

MOTION

Senator Hatfield moved that further consideration of the confirmation of the appointments of Co-Chairs of the Committee on Financial Institutions, Housing & Insurance Committee be post pone until February 8th. For the body's information, that is the day after cut off for moving bills out of committee.

The President declared the question before the Senate to be the motion by Senator Hatfield that further consideration of the confirmation of the appointments of Co-Chairs of the Committee on Financial Institutions, Housing & Insurance be deferred until February 8th.

Senator Fain spoke against the motion
Senator Hatfield spoke in favor of the motion.

The President declared the question before the Senate is the motion by Senator Hatfield to post pone consideration of confirmation of Co-Chairs for the Financial Institutions, Housing & Insurance Committee until February 8th.

The motion by Senator Hatfield that further consideration of the appointments be deferred failed by a rising vote.

Senator Fain spoke in favor of the motion to adopt Co-Chairs

Senator Rolfes demanded a roll call.

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

Senator Hobbs spoke against the motion to confirm.
Senator Parlette spoke against the motion to confirm.

The President declared the question before the Senate to be the confirmation of appointments of Co-Chairs of the Committee on Financial Institutions Housing & Insurance.

ROLL CALL

The Secretary called the roll on the confirmation of the appointments of Co-Chairs of the Committee on Financial Institutions, Housing & Insurance and the appointments were confirmed by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

MOTION

At 12:28 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Tuesday, January 28, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 28, 2014

The Senate was called to order at 12:00 noon by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 27, 2014

SB 5963 Prime Sponsor, Senator Bailey: Concerning the composition of the officer promotion board. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 5974 Prime Sponsor, Senator Hewitt: Concerning veterans' homes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Danel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 5975 Prime Sponsor, Senator Conway: Concerning the veterans innovations program. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5975 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Danel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6015 Prime Sponsor, Senator Roach: Reconciling election laws. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6015 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair;

Conway; Danel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6022 Prime Sponsor, Senator O'Ban: Protecting state hospital workers. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair and Padden.

MINORITY recommendation: Do not pass. Signed by Senators Darneille, Ranking Member and Hargrove.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6025 Prime Sponsor, Senator O'Ban: Creating a sentence enhancement for body armor. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Rules for second reading.

January 21, 2014

SB 6028 Prime Sponsor, Senator Baumgartner: Declaring electricity from a generation facility powered by the combustion of solid waste in a municipally owned energy recovery facility to be an eligible renewable resource for the purposes of chapter 19.285 RCW, the energy independence act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6028 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown and Honeyford.

MINORITY recommendation: Do not pass. Signed by Senators Chase; Litzow; McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6085 Prime Sponsor, Senator O'Ban: Concerning prior offenses within fifteen years for driving under the influence or physical control of a vehicle violations. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6085 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Kline, Ranking Member and Pedersen.

Passed to Committee on Ways & Means.

January 27, 2014

SB 6090 Prime Sponsor, Senator Padden: Modifying driving under the influence and physical control of a vehicle under the influence provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Kline, Ranking Member and Pedersen.

Passed to Committee on Ways & Means.

January 27, 2014

SB 6094 Prime Sponsor, Senator Hargrove: Authorizing the use of jail data for research purposes in the public interest. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6094 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6131 Prime Sponsor, Senator King: Modifying special occasion licenses provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6131 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6139 Prime Sponsor, Senator Becker: Concerning the protection of patient health care information in the comprehensive hospital abstract reporting system. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6145 Prime Sponsor, Senator Hatfield: Declaring the *Ostrea lurida* the official oyster of the state of Washington. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6145 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair;

Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6148 Prime Sponsor, Senator King: Concerning snack bar licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6152 Prime Sponsor, Senator Litzow: Changing explicit alternative routes to teacher certification program requirements to expectations for program outcomes. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6153 Prime Sponsor, Senator Litzow: Requiring the collection of teacher attendance that matches student, course, and teacher. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

January 27, 2014

SB 6157 Prime Sponsor, Senator Hatfield: Concerning a hazardous substance tax exemption for certain hazardous substances defined under RCW 82.21.020(1)(c) that are used as agricultural crop protection products and warehoused but not otherwise used, manufactured, packaged, or sold in this state. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Hobbs; Honeyford, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Eide.

Passed to Committee on Ways & Means.

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SB 6159 Prime Sponsor, Senator Conway: Concerning the regulation of alcoholic beverages. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6165 Prime Sponsor, Senator Hasegawa: Concerning accountability in caucus political committee accounts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6196 Prime Sponsor, Senator Becker: Requiring physicians and physician assistants to provide requested demographic information at the time of license renewal. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6220 Prime Sponsor, Senator Braun: Concerning retail license fees for retailers when selling for resale. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member and Hewitt.

Passed to Committee on Ways & Means.

January 27, 2014

SB 6222 Prime Sponsor, Senator Holmquist Newbry: Streamlining and simplifying alcohol permits and licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6226 Prime Sponsor, Senator Holmquist Newbry: Concerning sales by craft and general licensed distilleries of spirits for off-premise consumption and spirits samples for on-premise consumption. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6226 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6237 Prime Sponsor, Senator Honeyford: Addressing license issuance fees imposed on spirits retail licensees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt and Kohl-Welles.

Passed to Committee on Ways & Means.

January 27, 2014

SB 6250 Prime Sponsor, Senator Dammeier: Requiring submission of digital copies of public employees' collective bargaining agreements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6250 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

January 27, 2014

SB 6418 Prime Sponsor, Senator Litzow: Creating flexibility for the educator retooling conditional scholarship program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6418 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

January 27, 2014

SB 6430 Prime Sponsor, Senator Liias: Extending tax preferences for high-technology research and development. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers and Tom.

Passed to Committee on Trade & Economic Development.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 27, 2014

SGA 9099 CONNIE L FLETCHER, appointed on January 23, 2012, for the term ending January 30, 2015, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

January 27, 2014

SGA 9265 JEFFREY C ESTES, appointed on January 13, 2014, for the term ending January 12, 2018, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6418 which was referred to the Committee on Rules.

MOTION

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

MESSAGE FROM THE HOUSE

January 27, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1103,
ENGROSSED HOUSE BILL NO. 1267,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1279,
SUBSTITUTE HOUSE BILL NO. 1413,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1417,
HOUSE BILL NO. 2106,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6465 by Senator Rivers

AN ACT Relating to electric personal assistive mobility devices; amending RCW 46.04.1695; and providing an effective date.

Referred to Committee on Transportation.

SB 6466 by Senators Rivers and Roach

AN ACT Relating to hiring preferences for veterans; amending RCW 9.41.280; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6467 by Senators Honeyford, Bailey, Becker, Angel and Pearson

AN ACT Relating to ensuring that existing exempt water uses in the Skagit river basin are not subject to interruption; adding a new section to chapter 90.44 RCW; and creating a new section.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6468 by Senators O'Ban, Bailey and Kohl-Welles

AN ACT Relating to suicide prevention; amending 2012 c 181 s 1 (uncodified); reenacting and amending RCW 43.70.442; adding a new section to chapter 71.24 RCW; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

SB 6469 by Senator Hargrove

AN ACT Relating to access to juvenile records; amending RCW 13.50.050, 13.40.080, 13.40.150, 13.50.050, and 10.97.050; adding a new section to chapter 2.68 RCW; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6470 by Senators Cleveland, Keiser, Frockt and Kohl-Welles

AN ACT Relating to child abuse investigations; amending RCW 26.44.020, 26.44.050, and 26.44.185; and adding a new section to chapter 7.68 RCW.

Referred to Committee on Human Services & Corrections.

SB 6471 by Senator Baumgartner

AN ACT Relating to creating a teen summer employment wage; and adding new sections to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

SB 6472 by Senators Hill, Keiser and Fraser

AN ACT Relating to simplifying the taxation of amusement, recreation, and physical fitness services; amending RCW

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82.04.050, 82.04.060, 82.08.0291, 82.12.020, 82.12.02595, 82.12.035, 82.12.040, 82.12.860, and 82.32.087; reenacting and amending RCW 82.04.190 and 82.12.010; creating a new section; repealing RCW 82.12.02917; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6473 by Senators Angel, Benton, Hatfield, Eide, Hobbs, Conway, Pearson, Hasegawa, Keiser, Chase, Bailey, Roach, Liias, McCoy, Darneille and Kohl-Welles

AN ACT Relating to railroad crews; amending RCW 81.40.010; repealing RCW 81.40.035; and providing an effective date.

Referred to Committee on Transportation.

SB 6474 by Senator Rivers

AN ACT Relating to the furnishing of background check information by navigator applicants; and amending RCW 43.71.075.

Referred to Committee on Health Care.

SB 6475 by Senator Rivers

AN ACT Relating to hardship property tax waivers for interest and penalties; and amending RCW 84.56.025.

Referred to Committee on Governmental Operations.

SB 6476 by Senators Chase and Kline

AN ACT Relating to increasing the dollar limits for small works roster projects; and amending RCW 39.04.155.

Referred to Committee on Governmental Operations.

SB 6477 by Senators Chase, Hasegawa, Kline, Rolfes, Keiser, Kohl-Welles, Conway, Frockt and Ranker

AN ACT Relating to increasing tax exemption transparency and accountability; amending RCW 43.06.400, 43.06.400, 43.88.030, 43.136.035, 43.136.045, 43.136.055, and 43.136.065; adding new sections to chapter 43.88 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6478 by Senators Hill and Hargrove

AN ACT Relating to streamlining forest and fish agreement-related programs providing funding with accountability; amending RCW 84.33.081, 43.09.475, 84.33.0775, and 84.33.046; reenacting and amending RCW 76.09.405 and 76.09.020; adding a new section to chapter 43.09 RCW; adding a new section to chapter 76.09 RCW; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 6479 by Senators Frockt, Fain, Darneille, Kohl-Welles, Rivers and Kline

AN ACT Relating to providing caregivers authority to allow children placed in their care to participate in normal childhood activities based on a reasonable and prudent parent standard; reenacting and amending RCW 74.15.030; and adding a new section to chapter 74.13 RCW.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

Referred to Committee on Human Services & Corrections.

SHB 1103 by House Committee on Government Operations & Elections (originally sponsored by Representatives Van De Wege, S. Hunt, Stanford, Liias, Hayes, Morrell, Appleton, Fitzgibbon, Hudgins, Reykdal and Bergquist)

AN ACT Relating to uniform ballot design; amending RCW 29A.36.111; and adding a new section to chapter 29A.36 RCW.

Referred to Committee on Governmental Operations.

EHB 1267 by Representatives Fitzgibbon, S. Hunt, Stanford, Appleton, Ryu, Van De Wege, Lytton, Tharinger, Hudgins, Liias, Upthegrove, Farrell, Cody, Sawyer, Jinkins, Roberts, Reykdal, Maxwell, Riccelli, Santos, Pollet, Bergquist, Hansen and Ormsby

AN ACT Relating to extending the time period for voter registration; and amending RCW 29A.08.140.

Referred to Committee on Governmental Operations.

ESHB 1279 by House Committee on Government Operations & Elections (originally sponsored by Representatives Bergquist, Riccelli, S. Hunt, Sawyer, Farrell, Stonier, Reykdal, Fitzgibbon, Lytton, Liias, Maxwell, Orwall, Jinkins, Upthegrove, Pedersen, Ryu, Carlyle, Roberts, Tharinger, Hudgins, Fey, Morrell, Santos, Pollet, Hansen and Ormsby)

AN ACT Relating to motor voter preregistration for sixteen and seventeen year olds; amending RCW 46.20.155 and 29A.08.710; reenacting and amending RCW 42.56.250; creating new sections; and providing an effective date.

Referred to Committee on Governmental Operations.

SHB 1413 by House Committee on Government Operations & Elections (originally sponsored by Representatives Moscoso, S. Hunt, Santos, Liias, Ryu, Fey, Upthegrove, Dunshee, Tarleton, Pedersen, Bergquist, Hudgins, McCoy, Maxwell, Cody, Jinkins, Appleton, Sawyer, Roberts, Fitzgibbon, Habib, Reykdal, Pollet, Ormsby, Green, Kagi, Freeman, Riccelli and Farrell)

AN ACT Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections, requiring redistricting and new elections in certain circumstances, and establishing a cause of action to redress lack of voter opportunity; amending RCW 36.32.020, 54.12.010, and 29A.76.010; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 35.21 RCW;

adding a new section to chapter 35A.21 RCW; adding a new section to chapter 52.14 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on Governmental Operations.

ESHB 1417 by House Committee on Local Government (originally sponsored by Representatives Manweller, Fagan and Warnick)

AN ACT Relating to the administration of irrigation districts; and amending RCW 87.03.135, 87.03.620, 87.03.630, 87.06.030, 87.03.437, and 87.03.015.

Referred to Committee on Agriculture, Water & Rural Economic Development.

HB 2106 by Representatives Hawkins, Bergquist, Condotta, Fitzgibbon, Manweller, Pollet, S. Hunt, Wylie, Haler and Appleton

AN ACT Relating to holding a primary for county offices; and amending RCW 29A.52.112.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, January 29, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 29, 2014

The Senate was called to order at 10:00 a.m. by President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Sheyanne Lewis and Curtis Lillie, presented the Colors. Pastor Crystal Krachunis of Faith and Victory Church of Auburn offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 2014

SB 5965 Prime Sponsor, Senator Padden: Concerning sexually violent predators. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5965 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6026 Prime Sponsor, Senator Roach: Concerning county financial actions for a concluded fiscal year. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Dinsel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6042 Prime Sponsor, Senator Baumgartner: Establishing an incentive-based methodology of distributing state appropriations to public four-year institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner and Tom.

Passed to Committee on Ways & Means.

January 28, 2014

SB 6045 Prime Sponsor, Senator Brown: Promoting economic development through enhancing transparency and predictability of state agency permitting and review processes. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Liias and Pedersen.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6069 Prime Sponsor, Senator Rivers: Modifying community custody conditions for sex offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6069 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6095 Prime Sponsor, Senator Hargrove: Concerning background checks for persons with whom dependent children are placed. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6095 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6101 Prime Sponsor, Senator Fain: Concerning extended foster care services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6101 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Padden.

Passed to Committee on Ways & Means.

January 28, 2014

SB 6114 Prime Sponsor, Senator Benton: Revising local government treasury practices and procedures. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Dinsel and McCoy.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6181 Prime Sponsor, Senator Braun: Concerning child care subsidies and child support enforcement services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6181 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Hargrove.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 28, 2014

SGA 9206 STEVEN R HILL, appointed on January 16, 2013, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 6 (Seattle, So. Seattle, and No. Seattle Community Colleges). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9214 DONALD "BUD" HOVER, appointed on April 1, 2013, for the term ending at the governors pleasure, as Director of the Department of Agriculture. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hatfield, Chair; Brown; Eide and Hobbs.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9257 CATHERINE P D'AMBROSIO, appointed on November 4, 2013, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 7 (Shoreline Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9259 MAUD DAUDON, appointed on May 7, 2013, for the term ending June 30, 2015, as Member of the Washington State Student Achievement Council. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9276 LILLIAN HUNTER, appointed on October 28, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Technical College District #28, (Bates). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9278 JOHN JESSOP, appointed on July 1, 2013, for the term ending June 30, 2014, as Member of the Board of Trustees, Community College District No. 23 (Edmonds Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9288 THOMAS W LUX, appointed on November 4, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 7 (Shoreline Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9295 AMY L MCCOY, appointed on July 29, 2013, for the term ending June 30, 2014, as Member of the Board of Trustees, Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9300 RAI NAUMAN MUMTAZ, appointed on July 11, 2013, for the term ending June 30, 2014, as Member of the Washington State Student Achievement Council. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014
SGA 9309 JAY A REICH, appointed on June 21, 2013, for the term ending April 3, 2016, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6480 by Senators McCoy, Kline, Kohl-Welles and Chase

AN ACT Relating to the exemption of information concerning archaeological resources and traditional cultural places from public disclosure; and amending RCW 42.56.300.

Referred to Committee on Governmental Operations.

SB 6481 by Senators O'Ban, Kohl-Welles and Benton

AN ACT Relating to investing in programs proven to promote recovery for persons with mental illness and chemical dependency disorders; amending RCW 70.47.030; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6482 by Senators Kohl-Welles, Bailey, Frockt and Tom

AN ACT Relating to the dashboard for four-year institutions of higher education; amending RCW 28B.77.090; and creating a new section.

Referred to Committee on Higher Education.

SB 6483 by Senators Keiser, Honeyford, Frockt, Dammeier, Billig, Hargrove, Kohl-Welles, Kline and McAuliffe

AN ACT Relating to creating a competitive grant program to provide additional classroom space to support all-day kindergarten; and amending RCW 28A.150.315.

Referred to Committee on Ways & Means.

SB 6484 by Senators Hill, Angel, Bailey, Becker, Litzow, Tom, Braun, Honeyford and Parlette

AN ACT Relating to creating a state agency innovation and efficiency grant program; adding new sections to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6485 by Senators Darneille, Pedersen, Kohl-Welles and Kline

AN ACT Relating to implementing federal child support program license withholding, restriction, and suspension requirements; amending RCW 74.20A.320; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6486 by Senators Bailey, Baumgartner, Angel, Kohl-Welles, Chase and Benton

AN ACT Relating to creating a sales tax holiday for school instructional material for higher education students; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6487 by Senator Hill

AN ACT Relating to the local sales and use tax that is credited against the state sales and use tax for cities to offset municipal service costs to newly annexed areas; and amending RCW 82.14.415.

Referred to Committee on Ways & Means.

SB 6488 by Senator Hasegawa

AN ACT Relating to the time limitation for vacating a judgment; and adding a new section to chapter 4.72 RCW.

Referred to Committee on Law & Justice.

SB 6489 by Senators Hasegawa and King

AN ACT Relating to parking impact mitigation from regional transit authority facility construction; and adding a new section to chapter 81.112 RCW.

Referred to Committee on Transportation.

SB 6490 by Senators Rivers, Parlette, Benton and Roach

AN ACT Relating to competitive salaries and benefits for Washington state patrol officers; and amending RCW 43.43.380.

Referred to Committee on Transportation.

SB 6491 by Senators Tom, Sheldon, Bailey, Braun, Ericksen, Honeyford, Parlette, Benton and Roach

AN ACT Relating to photo identification on electronic benefit cards issued to recipients of public assistance; and amending RCW 74.08.580.

Referred to Committee on Human Services & Corrections.

SB 6492 by Senator Chase

AN ACT Relating to statements made by juveniles during assessments or screenings for mental health or chemical dependency treatment; and amending RCW 13.40.020 and 13.40.140.

Referred to Committee on Human Services & Corrections.

SB 6493 by Senator Chase

AN ACT Relating to access to juvenile records; amending RCW 13.50.050 and 10.97.050; creating new sections; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6494 by Senator Chase

AN ACT Relating to local transit revenue; amending RCW 82.45.090, 82.45.150, 82.80.---, and 82.14.0455; adding new sections to chapter 82.80 RCW; adding new chapters to Title 82 RCW; creating a new section; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Transportation.

SB 6495 by Senators Holmquist Newbry, Baumgartner, Angel, Parlette and Braun

AN ACT Relating to establishing a temporary teen training wage; and adding new sections to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

SB 6496 by Senator Holmquist Newbry

AN ACT Relating to clarifying the application of tax exemptions for vehicles powered by clean alternative fuels; amending RCW 82.08.809 and 82.12.809; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6497 by Senators McCoy, Chase, Hasegawa, Conway, Fain, Kohl-Welles and McAuliffe

AN ACT Relating to the minority and women's business enterprises account; and amending RCW 39.19.200.

Referred to Committee on Ways & Means.

SB 6498 by Senators Chase, Kline, McAuliffe and Benton

AN ACT Relating to providing incentives for recycling beverage containers; adding a new chapter to Title 70 RCW; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6499 by Senators Dammeier, McAuliffe, Litzow, Ranker, Billig, Frockt, Tom, Hargrove, Fain and Rivers

AN ACT Relating to creating the joint task force on local education financing reform; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6483 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

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

MOTION

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

MOTION

Senator Becker moved adoption of the following resolution:

SENATE RESOLUTION 8674

By Senators Becker, Fain, Schoesler, Dammeier, Bailey, Pearson, and King

WHEREAS, Families across Washington depend on the safe and nutritious dairy products provided by the dairy farmers of Washington state; and

WHEREAS, Dairy is an essential part of a healthy diet, is one of the major food groups represented on the USDA's "MyPlate" dietary guidelines, and three cups of dairy products are recommended daily for people nine years and older; and

WHEREAS, The Dairy Farmers of Washington are cotitle sponsors of the Washington Interscholastic Activities Association Championship Tournaments, a program that cultivates and recognizes dedicated and talented young scholars, athletes, musicians, thespians, dancers, and their coaches; and

WHEREAS, There are approximately 480 family dairy farms in Washington state with approximately 262,000 dairy cows; and

WHEREAS, Washington state ranks tenth in total milk production in the United States, with 723 million gallons annually; and

WHEREAS, Washington ranks fourth in milk production per cow, with 2,760 gallons of milk per year; and

WHEREAS, Dairy foods constitute the second highest dollar-valued agricultural commodity produced in Washington, with a direct economic impact valued at 2.3 billion dollars and a total value to Washington's economy of more than 5.2 billion dollars; and

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WHEREAS, Every one million dollars in dairy products produced supports 20 local jobs in farming, processing, distributing, and marketing; and

WHEREAS, Dairy Day at the legislature is January 29, 2014, when legislators will visit with Washington dairy producers and enjoy ice cream produced in Washington provided by the Dairy Farmers of Washington, Washington State Dairy Women, and the state and county Dairy Ambassadors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Erin Peek, alternate Ambassadors Annie Birkliid and Olivia Zurcher, and the Washington State Dairy Federation.

Senators Becker, Honeyford and Baumgartner spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8674.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Erin Peek Washington State Dairy Ambassador from Arlington; Annie Birkliid, Washington State Alternate Dairy Ambassador from Enumclaw and Olivia Zurcher, Washington State Alternate Dairy Ambassador from Mesa, who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Miss Erin Peek to address the Senate:

MISS ERIN PEEK

Miss Erin Peek: "Good morning everyone. My name is Erin Peek, I'm eighteen years old and I grew up on a small family hobby farm in Arlington, Washington. It wasn't until I was thirteen years old when my older sister started milking cows at one of the local dairies that I became involved with the dairy industry. I started showing Holstein heifers through the FFA and became a junior Holstein member. As the Dairy Farmers of Washington have welcomed me with open arms into their way of life, my knowledge and passion for this industry have only grown helping me become the proud Dairy Ambassador that I am today. Of the four hundred eight dairy farms in Washington State only two are not owned by the family that live and work on them. Meaning that over 99.9 percent of all dairy farms in Washington State are family owned, passed down from generation to generation. However, it isn't just the family business that is being passed down but progressive ideas and new innovations which have helped shape our farms into the 5.2 billion dollar industry that they are today. Examples of these innovations can be seen in every aspect of today's industry. Cows are no longer milked by hand but by machines and most recently robotic milking systems which have helped increased milk production and contributed to Washington ranked fourth in the US for total milk production per cow. Advances in manure management have led to animal waste being recycled for compost, animal bedding, high quality fertilizer for crops and even energy. In 2011, six anaerobic digesters processed manure for more than eleven thousand cows creating enough energy to power two thousand seven hundred

homes. These innovations aren't just benefiting the dairy industry but the entire community as well. Community involvement is something that is cherished by the dairy farmers of Washington. In recent years dairy farmers have donated thousands of gallons of dairy products and milk, participated in food and cash drives and programs to help food banks get refrigeration equipment. They helped sponsor programs such as 'Fuel Up to Play 60' and WIAA events to encourage young people to be active and eat a healthy diet with at least three servings of dairy every single day. For these dairy families helping the community is the right thing to do and virtue is its own reward. We invite you to come and visit our family farms. You'll be welcomed with open arms the same way I was and you'll see how dairy is so much more than just an industry but a way of life for so many families. Thank you for allowing me the opportunity to speak with you this morning. I hope our paths cross again at a future dairy or agricultural event and I invite you to come and enjoy some delicious ice cream in the rotunda at noon. Thank you."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Thank you Erin and I might add, she did that without one note. Very good, thank you."

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the County Dairy Ambassador and Alternates: Samantha Schmidt, Clark County Dairy Ambassador; Colby Trusty, Grays Harbor Dairy Ambassadors; Anna DeGroot, King-Pierce Counties Dairy Ambassador; Marissa Apperson, Lewis County Dairy Ambassador; Chelsea Hansen, Skagit County Dairy Ambassador; Marcy Bartelheimer, Snohomish County Dairy Ambassador; Mikel Levi, Snohomish County Alternate Dairy Ambassador; Janis DeJager, Whatcom County Dairy Ambassador; Samantha Douge, Whatcom County Alternate Dairy Ambassador; Alexandra Bergsman, Whatcom County Alternate Dairy Ambassador and Katie Hutchins, Yakima Valley Dairy Ambassador who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Washington State Dairy Women Officers: Lynnae Rodeffer, President, Snohomish; Helen Kemp, Vice President, Amboy; Darlene De Groot, Treasurer, Enumclaw; Carrie Neff, Ambassador Committee Chair, Marysville; Nora Doelman, Ambassador Committee, Elma; Tammi Schoenbachler, Dairy Ambassador Advisor, Stanwood and Gloria Edwards, Dairy Ambassador Financial Coordinator, Oakville who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Washington Dairy Product Commissioners: Liz Anderson, Chair; Dan DeGroot; Genny DeRuyter; Kirk Robinson; Michelle Schilter; Kima Simonson; Cathy Thomasson; Jeremy Visser; Mike Ragsdale; Janet Leister, General Manager; Lynn Schmue, Director of Industry Communications; Blair Thompson, Director of Consumer Communications; and Debra French, Washington State Dairy Council Executive Director who were seated in the gallery.

MOTION

Senator Roach moved adoption of the following resolution:

SENATE RESOLUTION
8673

By Senators Roach, McCoy, Rolfes, McAuliffe, Billig, and Kohl-Welles

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through an individual's lifespan; and

WHEREAS, Autism is the fastest growing developmental disability in the United States, affecting over 2 million Americans, 1 in 88 babies born; and

WHEREAS, 1 in 54 boys are affected, as opposed to 1 in 252 girls; and

WHEREAS, Many children are not diagnosed until after 4 years of age, often because of lack of recognition of autism characteristics by general practitioners; and

WHEREAS, There are many different characteristics in individuals with autism, including delayed or deficient communication, decreased or unresponsive social interaction, unusual reaction to normal stimuli, a lack of spontaneous or imaginative play, and behavioral challenges; and

WHEREAS, There is no known cause and no known cure for autism, however with aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask symptoms of their disability; and

WHEREAS, Applied Behavior Analysis has become widely accepted among health care professionals and used in many schools and treatment clinics. Applied Behavior Analysis encourages positive behaviors and discourages negative behaviors in order to improve a variety of skills and tracks and measures a child's progress; and

WHEREAS, Autism can create significant stress on the families of those affected by autism; and

WHEREAS, All individuals with autism should be included and regarded as valuable members of our community; and

WHEREAS, Families, caregivers, advocates, and organizations, such as the Autism Society of Washington, Northwest Autism Center, Families for Effective Autism Treatment, and The Arc of Washington State, are striving to bring about positive changes for children and adults with autism; and

WHEREAS, Through research, training, public services, support groups, advocacy, and increased awareness, we will be more understanding, inclusive, and better equipped to support the growing number of individuals with autism and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support individuals with autism and acknowledge the tremendous courage that they and their families put forth every day; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Jay Inslee.

Senators Roach, Keiser, Hill and Darneille spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8673.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Washington Autism Alliance and Advocacy, Arzu Forough and her son Shayan; Diana Stadden, The ARC of Washington; Darla Helt, Southwestern Washington Parent Coalition and representatives from the Washington Toxics Coalition who were seated in the gallery.

MOTION

At 10:37 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:21 a.m. by the President Pro Tempore, Senator Sheldon presiding.

MOTION

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

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5199, by Senate Committee on Ways & Means (originally sponsored by Senators Ericksen and Holmquist Newbry).

Concerning de facto changes in water rights for irrigation purposes that involved conversion to more efficient irrigation technologies.

The bill was read on Third Reading.

MOTION

On motion of Senator Hatfield, the rules were suspended and Second Substitute Senate Bill No. 5199 was returned to second reading for the purpose of amendment.

MOTION

On motion of Senator Billig, Senator McAuliffe was excused.

MOTION

On motion of Senator Fain, further consideration of Second Substitute Senate Bill No. 5199 was deferred and the bill held its place on the second reading calendar.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5127, by Senate Committee on Commerce & Labor (originally sponsored by Senators Holmquist Newbry, Tom, King, Sheldon, Baumgartner, Ericksen, Rivers, Litzow, Benton, Dammeier, Carrell, Braun, Bailey, Honeyford, Becker, Hill, Roach, Schoesler, Parlette, Padden and Hewitt).

Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent. Revised for 1st Substitute: Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent. (REVISED FOR ENGROSSED: Amending provisions governing structured settlements by lowering age barriers and clarifying legislative intent.)

The bill was read on Third Reading.

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MOTION

On motion of Senator Holmquist Newbry, the rules were suspended and Engrossed Substitute Senate Bill No. 5127 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5127, by Senate Committee on Commerce & Labor (originally sponsored by Senators Holmquist Newbry, Tom, King, Sheldon, Baumgartner, Ericksen, Rivers, Litzow, Benton, Dammeier, Carrell, Braun, Bailey, Honeyford, Becker, Hill, Roach, Schoesler, Parlette, Padden and Hewitt)

Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent. Revised for 1st Substitute: Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent. (REVISED FOR ENGROSSED: Amending provisions governing structured settlements by lowering age barriers and clarifying legislative intent.)

The measure was read the second time.

MOTION

Senator Holmquist Newbry moved that the following amendment by Senators Holmquist Newbry and Braun be adopted:

Beginning on page 1, line 5, strike all of section 1 and insert the following:

"Sec. 1. RCW 51.04.063 and 2013 c 23 s 104 are each amended to read as follows:

(1) Notwithstanding RCW 51.04.060 or any other provision of this title, ((beginning on January 1, 2012,)) an injured worker ((who is at least fifty-five years of age on or after January 1, 2012, fifty-three years of age on or after January 1, 2015, or fifty years of age on or after January 1, 2016,)) may choose from the following:

(a) To continue to receive all benefits for which they are eligible under this title, (b) to participate in vocational training if eligible, or (c) to initiate and agree to a resolution of their claim with a structured settlement.

(2)(a) As provided in this section, the parties to an allowed claim may initiate and agree to resolve a claim with a structured settlement for all benefits other than medical. Parties as defined in (b) of this subsection may only initiate claim resolution structured settlements if at least one hundred eighty days have passed since the claim was received by the department or self-insurer and the order allowing the claim is final and binding. All requirements of this title regarding entitlement to and payment of benefits will apply during this period. All claim resolution structured settlement agreements must be approved by the board of industrial insurance appeals.

(b) For purposes of this section, "parties" means:

(i) For a state fund claim, the worker, the employer, and the department. The employer will not be a party if the costs of the claim or claims are no longer included in the calculation of the employer's experience factor used to determine premiums, if they cannot be located, are no longer in business, or they fail to respond or decline to participate after timely notice of the claim resolution settlement process provided by the board and the department.

(ii) For a self-insured claim, the worker and the employer.

(c) The claim resolution structured settlement agreements shall:

(i) Bind the parties with regard to all aspects of a claim except medical benefits unless revoked by one of the parties as provided in subsection (6) of this section;

(ii) Provide a periodic payment schedule to the worker equal to at least twenty-five percent but not more than one hundred fifty percent of the average monthly wage in the state pursuant to RCW 51.08.018, except for the initial payment which may be up to six times the average monthly wage in the state pursuant to RCW 51.08.018;

(iii) Not set aside or reverse an allowance order;

(iv) Not subject any employer who is not a signatory to the agreement to any responsibility or burden under any claim; and

(v) Not subject any funds covered under this title to any responsibility or burden without prior approval from the director or designee.

(d) For state fund claims, the department shall negotiate the claim resolution structured settlement agreement with the worker or their representative and with the employer or employers and their representative or representatives.

(e) For self-insured claims, the self-insured employer shall negotiate the agreement with the worker or his or her representative. Workers of self-insured employers who are unrepresented may request that the office of the ombuds for self-insured injured workers provide assistance or be present during negotiations.

(f) Terms of the agreement may include the parties' agreement that the claim shall remain open for future necessary medical or surgical treatment related to the injury where there is a reasonable expectation such treatment is necessary. The parties may also agree that specific future treatment shall be provided without the application required in RCW 51.32.160.

(g) Any claim resolution structured settlement agreement entered into under this section must be in writing and signed by the parties or their representatives and must clearly state that the parties understand and agree to the terms of the agreement.

(h) If a worker is not represented by an attorney at the time of signing a claim resolution structured settlement agreement, the parties must forward a copy of the signed agreement to the board with a request for a conference with an industrial appeals judge. The industrial appeals judge must schedule a conference with all parties within fourteen days for the purpose of (i) reviewing the terms of the proposed settlement agreement by the parties; and (ii) ensuring the worker has an understanding of the benefits generally available under this title and that a claim resolution structured settlement agreement may alter the benefits payable on the claim or claims. The judge may schedule the initial conference for a later date with the consent of the parties.

(i) Before approving the agreement, the industrial appeals judge shall ensure the worker has an adequate understanding of the agreement and its consequences to the worker.

(j) The industrial appeals judge may approve a claim resolution structured settlement agreement only if the judge finds that the agreement is in the best interest of the worker. When determining whether the agreement is in the best interest of the worker, the industrial appeals judge shall consider the following factors, taken as a whole, with no individual factor being determinative:

(i) The nature and extent of the injuries and disabilities of the worker;

(ii) The age and life expectancy of the injured worker;

(iii) Other benefits the injured worker is receiving or is entitled to receive and the effect a claim resolution structured settlement agreement might have on those benefits; and

(iv) The marital or domestic partnership status of the injured worker.

(k) Within seven days after the conference, the industrial appeals judge shall issue an order allowing or rejecting the claim

resolution structured settlement agreement. There is no appeal from the industrial appeals judge's decision.

(1) If the industrial appeals judge issues an order allowing the claim resolution structured settlement agreement, the order must be submitted to the board.

(3) Upon receiving the agreement, the board shall approve it within thirty working days of receipt unless it finds that:

(a) The parties have not entered into the agreement knowingly and willingly;

(b) The agreement does not meet the requirements of a claim resolution structured settlement agreement;

(c) The agreement is the result of a material misrepresentation of law or fact;

(d) The agreement is the result of harassment or coercion; or

(e) The agreement is unreasonable as a matter of law.

(4) If a worker is represented by an attorney at the time of signing a claim resolution structured settlement agreement, the parties shall submit the agreement directly to the board without the conference described in this section. The requirements of a claim resolution structured settlement agreement for the purposes of subsection (3) of this section do not include the determination under subsection (2)(j) of this section if a worker is represented by an attorney at the time of signing a claim resolution structured settlement agreement.

(5) If the board approves the agreement, it shall provide notice to all parties. The department shall place the agreement in the applicable claim file or files.

(6) A party may revoke consent to the claim resolution structured settlement agreement by providing written notice to the other parties and the board within thirty days after the date the agreement is approved by the board.

(7) To the extent the worker is entitled to any benefits while a claim resolution structured settlement agreement is being negotiated or during the revocation period of an agreement, the benefits must be paid pursuant to the requirements of this title until the agreement becomes final.

(8) A claim resolution structured settlement agreement that meets the conditions in this section and that has become final and binding as provided in this section is binding on all parties to the agreement as to its terms and the injuries and occupational diseases to which the agreement applies. A claim resolution structured settlement agreement that has become final and binding is not subject to appeal.

(9) All payments made to a worker pursuant to a final claim resolution structured settlement agreement must be reported to the department as claims costs pursuant to this title. If a self-insured employer contracts with a third-party administrator for claim services and the payment of benefits under this title, the third-party administrator shall also disburse the structured settlement payments pursuant to the agreement.

(10) Claims closed pursuant to a claim resolution structured settlement agreement can be reopened pursuant to RCW 51.32.160 for medical treatment only. Further temporary total, temporary partial, permanent partial, or permanent total benefits are not payable under the same claim or claims for which a claim resolution structured settlement agreement has been approved by the board and has become final.

(11) Parties aggrieved by the failure of any other party to comply with the terms of a claim resolution structured settlement agreement have one year from the date of failure to comply to petition to the board. If the board determines that a party has failed to comply with an agreement, it will order compliance and will impose a penalty payable to the aggrieved party of up to twenty-five percent of the monetary amount unpaid at the time the petition for noncompliance was filed. The board will also decide on any

disputes as to attorneys' fees for services related to claim resolution structured settlement agreements.

(12) Parties and their representatives may not use settlement offers or the claim resolution structured settlement agreement process to harass or coerce any party. If the department determines that an employer has engaged in a pattern of harassment or coercion, the employer may be subject to penalty or corrective action, and may be removed from the retrospective rating program or be decertified from self-insurance under RCW 51.14.030.

NEW SECTION. Sec. 2. This act may be known and cited as the workers' recovery act."

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

Senator Holmquist Newbry spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Conway: "Would the good lady from the thirteenth district yield to a question? I just had a, you know we have dropped a, Chair Holmquist Newbry, we have dropped a striking amendment on a bill that has changed substively the fiscal implications of the bill that has been here, that was here on the floor last year now this one is dropped. This substitute of course was dropped at 10:20 and we're here now considering a completely different bill than the bill we considered last year. I think this bill was considered in committee two years ago and my concern here is that we're moving a bill forward with no understanding of its fiscal implications of its impact on the Board of Industrials Appeals..."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Conway, Senator Conway, can I interrupt. I think you need to form this in a form of question."

Senator Conway: "The question is, do we have a fiscal note on this bill?"

Senator Holmquist Newbry: "Thank you Senator Conway. This bill in its current form, this isn't a striking amendment by the way, this doesn't, the changes this does and let me be clear on this is that it does change because of our good Senator from the thirty sixth district had a gender neutrality bill that was passed into law and signed by the Governor and so this amendment before us changes the word ombudsman to ombuds. It does a title change and then it goes back to our original bill which was no age limitations. So this was the bill that we had a hearing on last year so within this biennium and if I recall, I'd have to double check there was a fiscal note on the original bill as well as the bill that moved off the senate floor with the amendment limiting it to age of forty so, I think we have a fiscal from last year which is in the current biennium to look at. This was the original bill."

Senator Conway spoke on adoption of the amendment.

Senator Holmquist Newbry spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Fain: "Just ask that the members not be speaking to one another. Was a question whether or not if that was parliamentary acceptable?"

REPLY BY THE PRESIDENT PRO TEMPORE

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President Pro Tempore: "That is not acceptable. You can go through the President."

Senator Kohl-Welles spoke against adoption of the amendment.

Senator Baumgartner spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Holmquist Newbry and Braun on page 1, line 5 to Engrossed Substitute Senate Bill No. 5127.

The motion by Senator Holmquist Newbry carried and the amendment was adopted by a rising vote.

MOTION

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

On page 1, line 1 of the title, after "to" insert "creating the workers' recovery act by"

On page 1, line 3 of the title, after "creating" strike "a new section" and insert "new sections"

MOTION

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

On page 4, beginning on line 25, after "section." strike all material through "agreement." on line 29

Senators Hasegawa and Conway spoke in favor of adoption of the amendment.

Senators Brown and Holmquist Newbry spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 4, line 25 to Engrossed Substitute Senate Bill No. 5127.

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

MOTION

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

On page 6, after line 10, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 51.04 RCW to read as follows:

The department shall conduct a study to determine the frequency and extent to which injured workers who have entered into a settlement agreement pursuant to RCW 51.04.063 receive any state provided public assistance subsequent to settlement of their industrial insurance claim. State provided public assistance programs are any programs funded by the federal, state, or local unit of government that offer cash, food, medical, or housing assistance to qualified individuals. The department must report back to the legislature by the end of 2017."

On page 1, line 3 of the title, strike "section" and insert "sections"

Senator Conway spoke in favor of adoption of the amendment.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through January 29, 2014."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through January 29, 2014 by voice vote.

Senator Bailey spoke against adoption of the amendment.

Senator Frockt spoke in favor of adoption of the amendment.

PERSONAL PRIVILEGE

Senator Hasegawa: "I'd just like to bring to your attention that during the debate over the last motion on the floor I was attempting to be recognized by the President and the vote proceeded without that recognition. I subsequently had been standing trying to get the President's recognition on this particular debate and have been unable to get it. So, I just wanted to make sure that when we stand to be recognized to speak on the floor that we are recognized before urgent action is taken."

REPLY BY THE PRESIDENT

President Pro Tempore: "I appreciate that comment Senator Hasegawa. If you would, if I do not see you if would say 'Mr. President,' I believe that will help me to recognize all the forty-eight members in front of me."

Senator Holmquist Newbry spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Conway on page 6, after line 10 to Engrossed Substitute Senate Bill No. 5127.

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

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette, Angel, Padden and Braun spoke in favor of passage of the bill.

Senators Keiser, Nelson, Hasegawa, Mullet and Conway spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5127.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Erickson, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King,

Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5697, by Senators Braun, Carrell, Dammeier, Rivers and Sheldon.

Reducing the frequency of local sales and use tax changes.

The bill was read on Third Reading.

MOTION

On motion of Senator Braun, the rules were suspended and Substitute Senate Bill No. 5697 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5697, by Senate Committee on Trade & Economic Development (originally sponsored by Senators Braun, Carrell, Dammeier, Rivers and Sheldon)

Reducing the frequency of local sales and use tax changes.

The measure was read the second time.

MOTION

Senator Braun moved that the following amendment by Senators Braun and Mullet be adopted:

On page 1, beginning on line 9, after "day of" strike "~~(January)~~ April ~~(July)~~ or October" and insert "January, April, or July~~(or October)~~"

Senator Braun spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Braun and Mullet on page 1, line 9 to Substitute Senate Bill No. 5697.

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

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5697 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Mullet spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5697.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5697 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Lias, Litzow, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Darneille, Eide, Frockt, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Nelson and Pedersen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5970, by Senators O'Ban, McCoy, Schoesler, Hobbs, Hatfield, Conway, Rolfes, Holmquist Newbry and Braun

Evaluating military training and experience toward meeting licensing requirements.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 5970 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5970.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5970 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5970, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:50 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, January 30, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 30, 2014

The Senate was called to order at 12:00 noon by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 2014

SB 5886 Prime Sponsor, Senator King: Concerning the sale of certain department of transportation surplus property. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5886 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Ericksen; Fain, Budget Leadership Cabinet; Liias; Mullet; Rolfes and Sheldon.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 5957 Prime Sponsor, Senator Honeyford: Concerning the renewal of parking privileges for persons with disabilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Fain, Budget Leadership Cabinet; Liias; Mullet; O'Ban and Rolfes.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 5978 Prime Sponsor, Senator Hobbs: Addressing the regulation of service contracts and protection product guarantees. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5978 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

January 29, 2014

SB 6021 Prime Sponsor, Senator Ericksen: Concerning a qualified alternative energy resource. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Litzow; McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

January 29, 2014

SB 6086 Prime Sponsor, Senator Billig: Reducing polychlorinated biphenyls in Washington state. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6086 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Litzow McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6102 Prime Sponsor, Senator King: Transferring certain state sales and use taxes collected on state highway projects to the connecting Washington account. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6102 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig; Conway; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hatfield.

Passed to Committee on Rules for second reading.

January 29, 2014

SB 6171 Prime Sponsor, Senator Angel: Creating passenger-only ferry service districts. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6171 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Ericksen; Fain, Budget Leadership Cabinet; Liias; Mullet; Rolfes and Sheldon.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6201 Prime Sponsor, Senator Hasegawa: Creating an optional life annuity benefit for plan 2 members of the law enforcement officers' and firefighters' retirement system. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

January 29, 2014

SB 6216 Prime Sponsor, Senator Eide: Allowing certain counties to assume the administrative duties of a county ferry district. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6216 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Ericksen; Fain, Budget Leadership Cabinet; Liias; Mullet; Rolfes and Sheldon.

Passed to Committee on Rules for second reading.

January 29, 2014

SB 6243 Prime Sponsor, Senator Ericksen: Modifying the definition of "oil" or "oils." Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Litzow; McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6259 Prime Sponsor, Senator Hargrove: Providing a reduced public utility tax for log transportation businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6259 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers and Schoesler.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 29, 2014

SGA 9215 BETTE HYDE, appointed on March 8, 2013, for the term ending at the governor's pleasure, as Director of the Washington State Department of Early Learning. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

January 29, 2014

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1008,

SUBSTITUTE HOUSE BILL NO. 1047,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1313,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6500 by Senators Braun and Conway

AN ACT Relating to allowing coal transition power to qualify as an eligible renewable resource under chapter 19.285 RCW, the energy independence act; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6501 by Senators Ericksen and Darneille

AN ACT Relating to used oil recycling; amending RCW 70.95I.020 and 70.95I.030; and adding a new section to chapter 70.95I RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6502 by Senator Padden

AN ACT Relating to guardianship restrictions and disclosures; adding a new section to chapter 11.84 RCW; adding a new section to chapter 11.88 RCW; and prescribing penalties.

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 Referred to Committee on Law & Justice.

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Referred to Committee on Natural Resources & Parks.

SB 6503 by Senators Liias and Angel

AN ACT Relating to expanding the delivery of traffic safety education; adding new sections to chapter 46.82 RCW; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 6509 by Senators Liias, Pearson, Hargrove, Dansel, Ranker, McCoy and Rolfes

AN ACT Relating to fish barrier removals; amending RCW 77.55.181, 19.27.490, 35.21.404, 35.63.230, 35A.21.290, 35A.63.250, 36.70.982, 36.70.992, 36.70A.460, and 43.21C.0382; adding a new section to chapter 77.95 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

SB 6504 by Senators Liias, Fain and Rolfes

AN ACT Relating to pedestrians walking along roadways; and amending RCW 46.61.250.

Referred to Committee on Transportation.

SB 6510 by Senators Becker and King

AN ACT Relating to volunteer health care professionals licensed in a foreign jurisdiction; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

SB 6505 by Senators Hargrove, Hill and Braun

AN ACT Relating to clarifying that marijuana, useable marijuana, and marijuana-infused products are not agricultural products; amending RCW 82.04.100, 82.04.260, 82.04.260, 82.04.260, 82.04.330, 82.04.331, 82.04.4266, 82.04.625, 82.08.010, 82.08.020, 82.08.02565, 82.12.02565, 82.08.0257, 82.12.0258, 82.08.0273, 82.08.02745, 82.08.0281, 82.08.0288, 82.12.0283, 82.08.0293, 82.08.820, 82.14.430, 82.16.050, 82.29A.020, 84.36.630, 84.40.030, 82.02.010, 15.13.270, 15.13.270, 15.17.020, 15.49.061, and 20.01.030; reenacting and amending RCW 82.04.213; adding a new section to chapter 84.34 RCW; providing effective dates; providing a contingent effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SB 6511 by Senators Becker and King

AN ACT Relating to prior authorization of health care services; and adding a new section to chapter 48.165 RCW.

Referred to Committee on Health Care.

SB 6506 by Senators Conway, Hasegawa, Keiser, Darneille, Chase and Kline

AN ACT Relating to enhancing the safety of employees working for western state hospital and eastern state hospital through collective bargaining and binding interest arbitration; amending RCW 41.80.020; and adding new sections to chapter 41.56 RCW.

Referred to Committee on Commerce & Labor.

SB 6512 by Senators Becker, Sheldon, Holmquist Newbry, Rivers, Brown, Padden, Angel, Dammeier, Dansel, King, Hewitt, Honeyford and Pearson

AN ACT Relating to federal funding programs requiring changes in state law; adding a new section to chapter 44.28 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6507 by Senators Hobbs, Angel, Mullet, Fain, Nelson, Hatfield, Darneille, Benton, Pedersen and Frockt

AN ACT Relating to foreclosures; amending RCW 61.24.031, 61.24.163, 61.24.165, and 61.24.172; and reenacting and amending RCW 61.24.005.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6513 by Senators Becker, Pedersen, Dammeier, Angel and O'Ban

AN ACT Relating to court review of detention decisions under the involuntary treatment act; and amending RCW 71.05.150.

Referred to Committee on Human Services & Corrections.

SB 6508 by Senators Liias and Rolfes

AN ACT Relating to encouraging private landowners to allow public access to their land; amending RCW 4.24.210 and 9A.52.090; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 79A RCW; and prescribing penalties.

SB 6514 by Senators Kohl-Welles, Hewitt, Holmquist Newbry, Hatfield, King, Schoesler, Keiser, Tom and Kline

AN ACT Relating to modifying the definition of qualifying farmers markets for the purposes of serving and sampling beer and wine; and amending RCW 66.24.170, 66.24.175, and 66.24.244.

Referred to Committee on Commerce & Labor.

SB 6515 by Senators Brown, Chase, Hewitt and Rivers

AN ACT Relating to a pilot program that provides incentives for investments in Washington state job creation and economic development; adding a new section to chapter 82.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

SB 6516 by Senators Honeyford, Keiser, Ericksen, Braun and Chase

AN ACT Relating to creating a joint legislative task force to study financing options for water supply, flood control, and storm water projects; amending RCW 43.155.050; creating a new section; and making an appropriation.

Referred to Committee on Ways & Means.

SB 6517 by Senators Roach, Chase, Fraser and Rivers

AN ACT Relating to exempting agency employee driver's license numbers, identicard numbers, and identification numbers from public inspection and copying; and reenacting and amending RCW 42.56.250.

Referred to Committee on Governmental Operations.

SJM 8014 by Senators McCoy, Ericksen, Billig and Chase

Requesting the permanent siting and development of a federal nuclear waste repository.

Referred to Committee on Energy, Environment & Telecommunications.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1008 by Representatives S. Hunt, Appleton, Hurst, Condotta, Fitzgibbon, Tharinger, Upthegrove, Reykdal and Magendanz

AN ACT Relating to allowing sales of growlers of cider; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce & Labor.

SHB 1047 by House Committee on Public Safety (originally sponsored by Representatives Dahlquist, Hurst and Magendanz)

AN ACT Relating to photographs, microphotographs, and electronic images from traffic safety cameras and toll systems; amending RCW 46.63.160; and reenacting and amending RCW 46.63.170.

Referred to Committee on Law & Justice.

ESHB 1313 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Jinkins, Farrell, Morrell, Green, Dunshee, Lytton, Sawyer, Sells, Fitzgibbon, Riccelli, Moeller, Appleton, Reykdal, Roberts, Ryu, Pollet and Moscoso)

AN ACT Relating to establishing minimum standards for sick and safe leave from employment; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6516 which was referred to the Committee on Ways & Means.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, January 31, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 31, 2014

The Senate was called to order at 10:00 a.m. by the President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Baumgartner, Benton, Holmquist Newbry and Roach.

The Sergeant at Arms escorted Major General Bret D. Daugherty, Adjutant General and Commander of Washington National Guard to the rostrum.

The Washington State Air National Guard Honor Guard consisting of Master Sergeant Mark Soulier; Staff Sergeant Justin Fajardo; Sergeant Charles Ansell; Senior Airman Shea Davis and Senior Airman Jesse Clifford presented the Colors.

Army National Guard Specialist James Knickerbocker performed the National Anthem.

Lieutenant Colonel Christopher Bassett of the Washington National Guard offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 2014

SB 5931 Prime Sponsor, Senator Hargrove: Clarifying the requirements for health plans offered outside of the exchange. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 5987 Prime Sponsor, Senator Hatfield: Providing an additional method for water-sewer districts to disburse funds. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6006 Prime Sponsor, Senator Roach: Concerning the treatment of population enumeration data, including exempting it from public inspection and copying. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6007 Prime Sponsor, Senator Rivers: Clarifying the exemption in the public records act for customer information held by public utilities. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6007 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6031 Prime Sponsor, Senator Sheldon: Concerning lake and beach management districts. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Lias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6041 Prime Sponsor, Senator Hargrove: Regarding fish and wildlife law enforcement. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6041 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Lias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6059 Prime Sponsor, Senator Brown: Concerning charges for scanning public records. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6072 Prime Sponsor, Senator Rolfes: Providing for a biennial update on forage fish. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6072 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6076 Prime Sponsor, Senator Benton: Concerning the maintenance and operations of parks and recreational land acquired through the conservation futures program. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6076 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6078 Prime Sponsor, Senator McCoy: Recognizing "Native American Heritage Day." Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6078 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6122 Prime Sponsor, Senator O'Ban: Concerning long-term planning for developmental disabilities services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6126 Prime Sponsor, Senator O'Ban: Concerning representation of children in dependency matters. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6126 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Ways & Means.

January 30, 2014

SB 6132 Prime Sponsor, Senator Rolfes: Allowing medicare supplemental insurance premiums to be deducted from the calculation of disposable income for the purpose of qualifying for senior property tax programs. Reported by Committee on Health Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Ways & Means.

January 30, 2014

SB 6138 Prime Sponsor, Senator Bailey: Allowing the Washington state dental quality assurance commission to adopt rules regarding credential renewal requirements for dental professionals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6169 Prime Sponsor, Senator Benton: Changing membership provisions of the Washington economic development finance authority. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Baumgartner; Chase, Ranking Member; Holmquist Newbry and Pedersen.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6175 Prime Sponsor, Senator Braun: Modifying the tax appeal process. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6175 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Baumgartner and Holmquist Newbry.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Member and Pedersen.

Passed to Committee on Ways & Means.

January 30, 2014

SB 6180 Prime Sponsor, Senator Braun: Consolidating designated forest lands and open space timber lands for ease of administration. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Ways & Means.

January 30, 2014

SB 6182 Prime Sponsor, Senator Braun: Establishing a tax credit for employers participating in the apprenticeship program. Reported by Committee on Trade & Economic Development

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MAJORITY recommendation: That Substitute Senate Bill No. 6182 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Baumgartner and Holmquist Newbry.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Member and Pedersen.

Passed to Committee on Ways & Means.

January 30, 2014

SB 6185 Prime Sponsor, Senator Chase: Concerning floating houses in harbor areas. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6193 Prime Sponsor, Senator Pearson: Modifying provisions of the code that deal with migratory birds. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6194 Prime Sponsor, Senator Dansel: Providing a process for county legislative authorities to withdraw from voluntary planning under the growth management act. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Dansel and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator McCoy.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6199 Prime Sponsor, Senator Braun: Addressing wildfires caused by incendiary devices. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6199 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6207 Prime Sponsor, Senator Angel: Providing fee immunity for certain water facilities. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6207 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6212 Prime Sponsor, Senator Roach: Regarding assessments for lands occupied, used, or under the jurisdiction of a state agency. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6217 Prime Sponsor, Senator Roach: Addressing the disclosure of global positioning system data by law enforcement officers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel and McCoy.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6246 Prime Sponsor, Senator McCoy: Designating Washington's shoreline as a state maritime heritage area. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6283 Prime Sponsor, Senator Becker: Clarifying the practice of a phlebotomist. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 6283 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6284 Prime Sponsor, Senator Hill: Regarding expenditures from the public health supplemental account. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel;

Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6286 Prime Sponsor, Senator Rivers: Concerning current use valuation for land primarily used for commercial horticultural purposes. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6286 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Ways & Means.

January 30, 2014

SB 6289 Prime Sponsor, Senator Baumgartner: Allowing county treasurers to accept partial payments of property taxes in any amount at any time without previous agreement if payments are made by electronic payment and subjecting certain interest, penalties, and costs associated with delinquent property tax payments to usury limitations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Dansel; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6297 Prime Sponsor, Senator Becker: Requiring the department of health to develop and make available resources for pregnant women regarding childhood immunizations. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 6297 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6298 Prime Sponsor, Senator Becker: Creating the breastfeeding-friendly Washington designation for hospitals. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 6298 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6299 Prime Sponsor, Senator Becker: Requiring the department of health to develop and make available resources for pregnant women regarding prenatal nutrition. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6315 Prime Sponsor, Senator Holmquist Newbry: Providing for the creation of a less than countywide port district within a county containing no port districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6318 Prime Sponsor, Senator O'Ban: Providing greater small business assistance by modifying the filing threshold for business and occupation tax purposes. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6318 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Baumgartner; Chase, Ranking Member; Holmquist Newbry and Pedersen.

Passed to Committee on Ways & Means.

January 30, 2014

SB 6402 Prime Sponsor, Senator Honeyford: Defining honey bee products and services as an agricultural product. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6402 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Ways & Means.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6518 by Senator Chase

AN ACT Relating to transferring technology-based economic development programs from innovate Washington to the department of commerce; amending RCW 43.333.030, 43.333.040, 43.333.050, 43.333.800, 28B.50.902, 28B.155.010, 42.30.110, 42.56.270, 70.210.020, 70.210.030,

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70.210.050, and 70.210.060; adding new sections to chapter 43.330 RCW; adding a new section to chapter 28B.30 RCW; creating a new section; recodifying RCW 43.333.030, 43.333.040, 43.333.050, and 43.333.800; repealing RCW 43.333.010, 43.333.020, 43.333.901, and 41.06.0711; and providing an effective date.

Referred to Committee on Trade & Economic Development.

SB 6519 by Senators Litzow, Hobbs, Keiser and McAuliffe

AN ACT Relating to the reporting of public school employees' insurance benefits; amending RCW 48.02.210, 41.05.655, and 42.56.400; reenacting and amending RCW 42.56.400; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

SB 6520 by Senators Cleveland, Chase, Billig, Darneille, Keiser, Pedersen, Conway, Liias, Rolfes, Kohl-Welles and McAuliffe

AN ACT Relating to the early learning advisory council; and amending RCW 43.215.020 and 43.215.090.

Referred to Committee on Early Learning & K-12 Education.

SB 6521 by Senators Hasegawa, Kline, McCoy, Kohl-Welles, Keiser and Fraser

AN ACT Relating to the imposition of a filing fee for certain property assessment appeal petitions; and amending RCW 84.40.038.

Referred to Committee on Governmental Operations.

SB 6522 by Senators Holmquist Newbry and Conway

AN ACT Relating to restricting the use of personal information gathered during the claims resolution structured settlement agreement process; amending RCW 51.04.063; and reenacting and amending RCW 42.56.230.

Referred to Committee on Commerce & Labor.

SB 6523 by Senators Bailey, Tom, Fain, Litzow, Hill, Dammeier, Kohl-Welles, McAuliffe, Pedersen, Billig, Ranker, Hatfield, Mullet, Hobbs, Liias, Fraser, Nelson, Conway, McCoy, Keiser, Chase, Hasegawa, Frockt, Rolfes, Cleveland, Darneille, Kline and Eide

AN ACT Relating to expanding higher education opportunities for certain students; amending RCW 28B.92.010; creating a new section; and making an appropriation.

SB 6524 by Senators Ericksen, Sheldon, Benton, Baumgartner, Holmquist Newbry, Braun, Parlette and Dammeier

AN ACT Relating to the safety of the transport of hazardous materials; amending RCW 90.56.250; adding a new section

to chapter 90.56 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; creating new sections; and making an appropriation.

Referred to Committee on Energy, Environment & Telecommunications.

SJM 8015 by Senators O'Ban, Rolfes, Ericksen, Ranker, Sheldon, Benton, Baumgartner, Schoesler, Braun, Fain, Parlette, Holmquist Newbry, Chase, Kohl-Welles, Frockt and Kline

Requesting Congress implement certain increased safety measures for tank rail cars.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

Senator Fain moved that the rules be suspended and the measures listed on the Introduction and First Reading report be referred to the committees as designated with the exception of Senate Bill No. 6523 which should be placed on the second reading calendar.

Senator Padden objected to the motion

Senator Fain withdrew his motion to refer the measures to committees.

MOTION

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

MOTION

Senator Hobbs moved adoption of the following resolution:

SENATE RESOLUTION
8672

By Senators Hobbs, Litzow, Dinsel, Roach, Ericksen, Braun, Dammeier, Tom, Benton, Angel, Bailey, Becker, Hill, O'Ban, Fraser, Frockt, Schoesler, Holmquist Newbry, Pearson, King, Brown, Mullet, Padden, Kohl-Welles, Darneille, McAuliffe, Cleveland, Rolfes, Nelson, Hatfield, Pedersen, Keiser, Hargrove, Ranker, McCoy, Hasegawa, Chase, Conway, and Parlette

WHEREAS, More than eight thousand men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in nearly every legislative district throughout Washington, volunteer their time and put personal lives aside when the needs of the people of Washington state arise; and

WHEREAS, The Guard always answers the state's call in response to all emergency efforts and to protect lives and property; and

WHEREAS, The Washington Army and Air National Guard continue to provide critical support to Federal missions around the world, including Afghanistan and Kuwait, as well as supporting Federal mission requirements throughout the continental United States; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security, including cyber threats; and

WHEREAS, The Guard continues to improve the lives of Washington's young adults, many on the brink of dropping out of school, through its ongoing work of the invaluable Washington Youth Academy; and

WHEREAS, The Guard continues to actively enable the state and nation's counterdrug efforts by providing soldiers, airmen, and specialized equipment to over thirty-four local, state, and federal law enforcement agencies and community-based and other organizations; and

WHEREAS, The Guard adds value to communities by opening its Readiness Centers for public and other community and youth activities use. The Guard continues to build upon these Readiness Centers and Armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Senators Hobbs, King, O'Ban, Conway and Bailey spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8672.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Colonel Jill A. Lannon, Vice Commander, 194th Regional Support Wing, Washington Air National Guard; Colonel Kevin McMahan, Joint Future Operations Planning Office, Washington Army National Guard; and all members of the Air & Army National Guards who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Ranker: "Thank you Mr. President. You know I really try to strive to be bipartisan and work across the aisle but today, today I'm extremely frustrated. A certain member of the other side has caused this anger and frustration by wearing a Broncos orange tie on the Senate Floor. Senator Litzow is wearing a Broncos orange tie on the Senate Floor. So, Senator Litzow in the spirit of bipartisanship I brought you a more appropriate tie."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Thank you Senator Ranker for recognizing that. I thought your motion was to get a rope but it is to get a tie."

MOTION

At 10:31 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:55 a.m. by the President Pro Tempore, Senator Sheldon presiding.

MOTION

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

MOTION

On motion of Senator Fain, the rules be suspended and the measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6523 which was placed on the day's second reading calendar.

MOTION

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

THIRD READING

SENATE BILL NO. 5318, by Senators Bailey, Becker, Roach, Hobbs, Holmquist Newbry, Honeyford, Hill, Chase, Billig, Kline, Cleveland, Carrell and Shin.

Removing the one-year waiting period for veterans or active members of the military for purposes of eligibility for resident tuition.

The bill was read on Third Reading.

Senators Bailey, McCoy, Conway, O'Ban and Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senators Baumgartner, Benton, Holmquist Newbry and Roach were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5318.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Tom

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Excused: Senators Baumgartner, Benton, Holmquist Newbry and Roach

MOTION

SENATE BILL NO. 5318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

Senators Bailey, Kohl-Welles, Frockt, Tom, McAuliffe and Nelson spoke in favor of passage of the bill.

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

Senator King spoke on final passage of the bill.

SECOND READING

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6523.

SENATE BILL NO. 6523, by Senators Bailey, Tom, Fain, Litzow, Hill, Dammeier, Kohl-Welles, McAuliffe, Pedersen, Billig, Ranker, Hatfield, Mullet, Hobbs, Lias, Fraser, Nelson, Conway, McCoy, Keiser, Chase, Hasegawa, Frockt, Rolfes, Cleveland, Darneille, Kline and Eide

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6523 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

Expanding higher education opportunities for certain students.

Voting yea: Senators Bailey, Becker, Billig, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pedersen, Ranker, Rolfes, Schoesler, Sheldon and Tom

The measure was read the second time.

Voting nay: Senators Angel, Braun, Brown, Dangel, Ericksen, Hewitt, Honeyford, Padden, Pearson and Rivers

MOTION

Excused: Senators Baumgartner, Benton, Holmquist Newbry and Roach

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

On page 1, at the beginning of line 7, insert "(1)"

SENATE BILL NO. 6523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Beginning on page 1, line 12, after "education." strike all material through "services." on page 2, line 6, and insert the following:

MOTION

"(2) State need grants under this chapter are available only to:

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

(a) Students who are resident students as defined in RCW 28B.15.012(2) (a) through (d);

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

(b) Students who are resident students as defined in RCW 28B.15.012(2)(e) and who have been granted deferred action for childhood arrival status pursuant to the rules adopted by the United States citizenship and immigration services.

MOTION

(3) In order to be eligible for state need grant funds under subsection (2)(b) of this section, a student must qualify for the state need grant within four years of the effective date of this section. Such a student may remain eligible to receive funds for up to seven years from the date of the student's first grant."

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

Senator Ericksen spoke in favor of adoption of the amendment.

MOTION

Senators Nelson and Kohl-Welles spoke against adoption of the amendment.

POINT OF ORDER

Senator Hargrove moved adoption of the following resolution:

Senator Kohl-Welles: "I object. I believe the speaker's impugning my motives and what I said, mischaracterizing them. I never said, 'thousands and thousands of individuals'."

SENATE RESOLUTION
8676

REPLY BY THE PRESIDENT PRO TEMPORE

By Senator Hargrove

President Pro Tempore: "Senator Ericksen, please continue but keep in mind Senator Kohl-Welles had admonition."

WHEREAS, The Washington State Senate is VERY confident the Seattle Seahawks will defeat the Denver Broncos on Sunday; and

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 1, line 7 to Senate Bill No. 6523.

WHEREAS, With all due respect to the fine people of the State of Colorado, the 12th Man numbered 30,000 strong just to see their team off to the Super Bowl, while Colorado managed 300 or so to see their Broncos off; and

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

WHEREAS, The Seattle Seahawks gave their fans much to be proud of, indeed, inspiring them to not just set the world record for stadium noise once, but TWICE in one season; and

WHEREAS, The 12th Man has been known to trigger seismic events (that would be earthquakes for you middle of the country folk), for real; and

WHEREAS, Colorado makes some fine craft beverages, but really? Do you want to start that fight with the state that invented the genre? Between fine coffee, brewers, and wineries, Seattle is the beverage capital of the United States, if not the world; and

WHEREAS, We wholeheartedly agree and hope that your admittedly incredible quarterback does resemble Mount Elbert: A little rocky and immobile; and

WHEREAS, Your 14ers are really nice, but c'mon, have you seen Mount Rainier? Cloaked in glaciers and rising nearly 2.5 miles above its surroundings, it is more singular, more monumental, and more intimidating than any of Colorado's 14ers, much like the Seahawks over the Broncos; and

WHEREAS, The Great State of Colorado has named 53 individual 14ers after 53 individual players, because the Broncos are a band of individuals, however the State of Washington resolves to name one magnificent mountain after the Seahawks because they are and act as a TEAM;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby rename Mount Rainier as "Mount Seattle Seahawks" from this point until 12:00 a.m. Monday, February 3, 2014; and

BE IT FURTHER RESOLVED, That the Washington State Legislature respectfully request of the United States Department of the Interior that Mount Rainier's namesake National Park (yeah, our Mountain is that cool, it warrants its own National Park) be retitled "12th Man National Park" for the same time period; and

BE IT FURTHER RESOLVED, That Sunday, February 2nd be proclaimed SEAHAWK SUNDAY in the great State of Washington.

Senators Hargrove, Angel, Kohl-Welles and Parlette spoke in favor of adoption of the resolution.

POINT OF ORDER

Senator Conway: "Mr. President, could you lead us in a 12th man chant for the Seahawks for their victory on Sunday?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "I would be pleased to lead us in a chant for recognizing the fantastic Seattle Seahawks. So, all at once, GO HAWKS!"

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8676.

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

MOTION

At 12:52 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, February 3, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWENTY SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 3, 2014

The Senate was called to order at 12:00 noon by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 2014

SB 5973 Prime Sponsor, Senator Rolfes: Creating the community forest trust account. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5973 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Parlette; Rivers and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6039 Prime Sponsor, Senator Pearson: Ensuring hunter safety. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6039 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline and Parlette.

Passed to Committee on Ways & Means.

January 30, 2014

SB 6054 Prime Sponsor, Senator Honeyford: Regarding aeronautic safety. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6054 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Mullet; O'Ban and Rolfes.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6109 Prime Sponsor, Senator Hobbs: Concerning the processing of certain motor vehicle-related violations applicable to rental cars. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Mullet; O'Ban and Rolfes.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6150 Prime Sponsor, Senator Bailey: Concerning Medal of Honor special license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6150 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Mullet; O'Ban and Rolfes.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6151 Prime Sponsor, Senator Hill: Concerning the creation of cultural access authorities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Billig; Braun; Conway; Fraser; Frockt; Hargrove, Ranking Member; Hatfield and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Dammeier; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6274 Prime Sponsor, Senator Hill: Providing oversight of state agency tortious conduct through legislative hearings. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6274 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6280 Prime Sponsor, Senator King: Concerning department of transportation numbers for commercial motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6280 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Mullet; O'Ban and Rolfes.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6281 Prime Sponsor, Senator Roach: Ensuring an effective hunter education program. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6281 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6296 Prime Sponsor, Senator Mullet: Requiring an electric motorcycle registration renewal fee. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6296 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Ericksen; Fain, Budget Leadership Cabinet; Liias; Mullet; O'Ban and Rolfes.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6321 Prime Sponsor, Senator Bailey: Removing the statutory provision that allows members of plan 3 of the public employees' retirement system, school employees' retirement system, and teachers' retirement system to select a new contribution rate option each year. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6333 Prime Sponsor, Senator Schoesler: Concerning tax statute clarifications, simplifications, and technical corrections. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6333 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6340 Prime Sponsor, Senator Hill: Aligning student transportation formulas with 2013 session laws. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

January 30, 2014

SB 6352 Prime Sponsor, Senator Fain: Providing an exemption for certain lodging services from the convention and trade center tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Billig; Braun; Conway; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Becker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dammeier and Hasegawa.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 30, 2014

SGA 9204 BRIAN BONLENDER, appointed on February 1, 2013, for the term ending at the governor's pleasure, as Director of the Department of Commerce. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Chase, Ranking Member; Liias and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Angel, Vice Chair; Baumgartner and Holmquist Newbry.

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Passed to Committee on Rules for second reading.

January 31, 2014

SGA 9244 CYNTHIA L BENNETT, appointed on July 2, 2013, for the term ending July 1, 2018, as Member of the State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

January 31, 2014

SGA 9296 NANCY L MCDANIEL, appointed on October 11, 2013, for the term ending July 1, 2018, as Member of the State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM SECRETARY OF STATE

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE NO 591

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29A.72.230, and WAC 434.379.010, the Office of the Secretary of State has caused the signatures submitted in support of initiative to the Legislature No. 591 to be examined in the flowing manner:

1. It was determined that 349,860 signatures were submitted by the sponsors of the initiative. A random sample of 10,669 signatures was taken from those submitted;
2. Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 9,286 valid signatures, 1,365 signatures that were invalid and 18 pairs of duplicated signatures in the sample;

3. We calculated an allowance for the chance error of sampling (55) by multiplying the square root of the number of invalid signatures by 1.5;
4. We estimated the upper limit of the number of signatures on the initiative petition which were invalid (46,579) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;
5. We determined the maximum allowable number of pairs of signatures on the petition (56,909) by subtracting the sum of the number of signatures required by Article II, Section 1 of the Washington State Constitution (246,372) and the estimate of the upper limit of the number if invalid signatures on the petition from the number of signatures submitted;
6. We determined the expected number of pairs of signatures in the sample (53) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;
7. We determined the acceptable number of pairs of signatures in the sample (41) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and
8. The number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample.

Therefore, I hereby declare initiative to the Legislature No. 591 to contain sufficient signatures.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 30th day of January, 2014.

KIM WYMAN,
Secretary of State

Seal

MOTION

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

MESSAGE FROM THE HOUSE

January 31, 2014

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1107,
- HOUSE BILL NO. 1145,
- SUBSTITUTE HOUSE BILL NO. 1858,
- HOUSE BILL NO. 1859,
- SECOND SUBSTITUTE HOUSE BILL NO. 1909,
- HOUSE BILL NO. 2115,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6525 by Senator Braun

AN ACT Relating to exempting from the prevailing wage laws work performed or funded by nonprofit organizations; and amending RCW 39.12.020.

Referred to Committee on Commerce & Labor.

SB 6526 by Senator Braun

AN ACT Relating to aligning workers' compensation disability awards with federal retirement standards, increasing permanent partial disability awards, and decreasing workers' compensation rates; amending RCW 51.32.060, 51.32.067, 51.32.080, 51.16.035, and 51.32.040; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 6527 by Senator Ranker

AN ACT Relating to providing life alert services; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Health Care.

SB 6528 by Senators Angel and Rolfes

AN ACT Relating to survey reporting by the transportation commission; and amending RCW 47.60.286.

Referred to Committee on Transportation.

SB 6529 by Senators McCoy, Kohl-Welles and McAuliffe

AN ACT Relating to implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee; amending RCW 28A.600.015, 28A.600.020, 28A.600.460, 43.41.400, 28A.405.106, 28A.405.120, 28A.660.045, 28A.660.050, and 28A.180.040; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.657 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28B.50 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

SB 6530 by Senators Chase, McAuliffe, Rolfes, Kline, Conway and Kohl-Welles

AN ACT Relating to restoring cost-of-living increases for educational employees; amending RCW 28A.400.205, 28B.50.465, 28B.50.468, and 28A.405.415; and creating a new section.

Referred to Committee on Ways & Means.

SB 6531 by Senators Chase, McAuliffe, Rolfes, Conway, McCoy, Kline and Kohl-Welles

AN ACT Relating to establishing the minimum wage for classified school employees; amending RCW 28A.400.200; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6532 by Senators Rolfes, McAuliffe, Chase, McCoy, Kline, Conway and Kohl-Welles

AN ACT Relating to establishing competitive wages for beginning teacher salaries; amending RCW 28A.400.200; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6533 by Senators Honeyford and Hatfield

AN ACT Relating to best practice for water banks; reenacting and amending RCW 90.42.020; adding new sections to chapter 90.42 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6534 by Senators Pedersen, Roach and Kline

AN ACT Relating to prevailing party fees and costs for appeals of land use decisions; and amending RCW 4.84.370.

Referred to Committee on Governmental Operations.

SB 6535 by Senator Roach

AN ACT Relating to the provision of evidence-based supports for struggling students by community-based organizations; adding a new section to chapter 28A.300 RCW; creating a new section; and making an appropriation.

Referred to Committee on Early Learning & K-12 Education.

SB 6536 by Senator Roach

AN ACT Relating to permits for variances and conditional uses under the shoreline management act of 1971; and amending RCW 90.58.140.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6537 by Senator Roach

AN ACT Relating to the certification of minority and women's business enterprises; and amending RCW 39.19.150.

Referred to Committee on Governmental Operations.

SB 6538 by Senators Rivers, Cleveland, Brown, Litzow, Billig and McAuliffe

AN ACT Relating to connecting children involved in the child welfare system to quality early care and education programming; amending RCW 43.215.405; adding a new section to chapter 26.44 RCW; and adding a new section to chapter 43.215 RCW.

Referred to Committee on Early Learning & K-12 Education.

TWENTY SECOND DAY, FEBRUARY 3, 2014

2014 REGULAR SESSION

SB 6539 by Senators Rivers, Cleveland and Brown

HB 1145 by Representatives Goodman, Klippert, Roberts, Orwall, Moscoso, Upthegrove, Ryu, Green, Morrell and Fey

AN ACT Relating to clarifying the applicability of child abduction statutes to residential provisions ordered by a court; amending RCW 9A.40.060; creating a new section; and prescribing penalties.

AN ACT Relating to providing credit towards child support obligations for veterans benefits; and amending RCW 26.18.190.

Referred to Committee on Law & Justice.

Referred to Committee on Law & Justice.

SB 6540 by Senator Ericksen

SHB 1858 by House Committee on Higher Education (originally sponsored by Representatives McCoy, Appleton, Morrell, Ryu and Ormsby)

AN ACT Relating to banning tris(1,3-dichloro-2-propyl)phosphate and tris(2-chloroethyl)phosphate flame retardants in children's products and residential upholstered furniture; amending RCW 70.240.050; and adding a new section to chapter 70.240 RCW.

AN ACT Relating to awarding academic credit for military training; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

Referred to Committee on Higher Education.

SB 6541 by Senators Ericksen, McCoy and Billig

HB 1859 by Representatives Appleton, Morrell, Ryu and Ormsby

AN ACT Relating to encouraging reliable distributed renewable energy; amending RCW 82.16.120; adding new sections to chapter 82.16 RCW; adding new sections to chapter 80.28 RCW; adding a new section to chapter 80.60 RCW; adding a new chapter to Title 19 RCW; and providing an effective date.

AN ACT Relating to evaluating military training and experience toward meeting licensing requirements; amending RCW 18.340.010, 18.340.020, 19.105.570, 42.44.220, 46.82.440, 64.36.350, and 67.08.320; adding new sections to chapter 18.340 RCW; and repealing RCW 18.08.500, 18.11.290, 18.16.300, 18.39.570, 18.43.190, 18.85.490, 18.96.230, 18.140.290, 18.145.150, 18.165.310, 18.170.310, 18.185.310, 18.210.230, 18.220.211, 18.280.200, and 18.300.160.

Referred to Committee on Energy, Environment & Telecommunications.

Referred to Committee on Governmental Operations.

SB 6542 by Senator Kohl-Welles

2SHB 1909 by House Committee on Appropriations (originally sponsored by Representatives S. Hunt, O'Ban, Morrell, Hayes and Bergquist)

AN ACT Relating to establishing the state cannabis industry coordinating committee; creating new sections; and providing an expiration date.

AN ACT Relating to veteran-owned businesses; amending RCW 43.60A.190, 43.60A.195, and 43.60A.200; and reenacting and amending RCW 43.60A.010.

Referred to Committee on Commerce & Labor.

Referred to Committee on Governmental Operations.

SB 6543 by Senators Keiser and Hill

HB 2115 by Representatives Johnson, Appleton, Seaquist, Goodman, Moscoso, Klippert, Morrell, Orwall, Tarleton, Green, Smith, Zeiger, Haler, Ross, Hayes and Walkinshaw

AN ACT Relating to prohibiting a person from obtaining certain liquor and marijuana licenses or permits if convicted of unlawful use of an automated sales suppression device or phantom-ware; amending RCW 66.24.010; adding a new section to chapter 69.50 RCW; and adding a new section to chapter 69.51A RCW.

AN ACT Relating to the composition of the officer promotion board; and amending RCW 38.12.125.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

Referred to Committee on Commerce & Labor.

Referred to Committee on Governmental Operations.

SHB 1107 by House Committee on Judiciary (originally sponsored by Representatives McCoy, Shea, Appleton, Orwall, Jinkins, Morrell, Ryu, Green and Freeman)

MOTION

AN ACT Relating to residential provisions for children of parents with military duties; amending RCW 26.09.260; reenacting and amending RCW 26.09.004; and adding a new section to chapter 26.09 RCW.

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

Referred to Committee on Law & Justice.

At 12:04 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Tuesday, February 4, 2014.

HUNTER G. GOODMAN, Secretary of the Senate

TWENTY THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 4, 2014

The Senate was called to order at 12:00 noon by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 3, 2014

SB 5956 Prime Sponsor, Senator Hatfield: Concerning short-barreled rifles. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 5971 Prime Sponsor, Senator Roach: Concerning the continuity of government and operations in the event of an emergency, disaster, or attack. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5971 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Conway; Dansel and McCoy.

Passed to Committee on Ways & Means.

February 3, 2014

SB 5997 Prime Sponsor, Senator Angel: Authorizing the termination of all legal responsibilities of a nonparent if genetic testing shows by clear and convincing evidence that a man is not the genetic father of a child. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6010 Prime Sponsor, Senator Padden: Establishing penalties for altered or shaved keys. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Kline, Ranking Member and Pedersen.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6018 Prime Sponsor, Senator Fraser: Concerning the training of code enforcement officials. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Conway, Ranking Member; Hasegawa; Hewitt and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6023 Prime Sponsor, Senator O'Ban: Including searches by school resource officers and local police school liaison officers within the warrantless school search exception. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6023 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6056 Prime Sponsor, Senator Litzow: Changing due dates for certain requirements of the office of the superintendent of public instruction. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6074 Prime Sponsor, Senator Frockt: Enacting provisions to improve educational outcomes for homeless students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6074 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6084 Prime Sponsor, Senator O'Ban: Concerning property tax exemptions for service-connected disabled veterans and senior citizens. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6084 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hewitt; Kohl-Welles; Padden; Rivers and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt; Parlette and Tom.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6088 Prime Sponsor, Senator Baumgartner: Reducing the size of the state supreme court. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6089 Prime Sponsor, Senator Padden: Prohibiting the use of eminent domain for economic development. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6093 Prime Sponsor, Senator Rolfes: Allowing valid portable background check clearance cards issued by the department of early learning to be used by certain educational employees and their contractors for purposes of their background check requirements. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6098 Prime Sponsor, Senator Billig: Increasing transparency of campaign contributions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Dansel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6115 Prime Sponsor, Senator Benton: Exempting licensed private investigators from process server requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6125 Prime Sponsor, Senator Benton: Concerning eminent domain. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6133 Prime Sponsor, Senator Braun: Concerning expiration dates related to real estate broker provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6143 Prime Sponsor, Senator Padden: Clarifying tenant remedies upon landlord's failure to perform duties. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

TWENTY THIRD DAY, FEBRUARY 4, 2014

2014 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member and Hasegawa.

February 3, 2014

SB 6208 Prime Sponsor, Senator Hill: Preserving the integrity of veterans' benefit-related services. Reported by Committee on Commerce & Labor

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

February 3, 2014
SB 6244 Prime Sponsor, Senator Hewitt: Placing restrictions on when representation under a public collective bargaining agreement may be challenged. Reported by Committee on Commerce & Labor

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

February 3, 2014

SB 6210 Prime Sponsor, Senator Roach: Simplifying procedures for obtaining an order for refund of property taxes. Reported by Committee on Governmental Operations

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Kohl-Welles.

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6219 Prime Sponsor, Senator Danel: Concerning actions for damage arising from vehicular traffic on a primitive road. Reported by Committee on Law & Justice

February 3, 2014
SB 6248 Prime Sponsor, Senator Pearson: Making the unlawful possession of instruments of financial fraud a crime. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6236 Prime Sponsor, Senator Kohl-Welles: Authorizing an increase in the total outstanding indebtedness of the higher education facilities authority. Reported by Committee on Ways & Means

February 3, 2014
SB 6251 Prime Sponsor, Senator Roach: Creating an inactive certification, license, or registration status for real estate appraisers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Parlette; Rivers; Schoesler and Tom.

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

February 3, 2014
SB 6279 Prime Sponsor, Senator Kline: Creating effective and timely access to magistrates for purposes of reviewing search warrant applications. Reported by Committee on Law & Justice

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6279 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

February 3, 2014

SB 6238 Prime Sponsor, Senator Honeyford: Clarifying the issuance, regulation, and sale of spirits retail licenses held by owners of former state and contract liquor stores. Reported by Committee on Commerce & Labor

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6307 Prime Sponsor, Senator Braun: Preempting local employment laws and contracts. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6328 Prime Sponsor, Senator Roach: Concerning deferred compensation plans. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6348 Prime Sponsor, Senator Roach: Concerning personal financial affairs reporting by public hospital district officials. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6386 Prime Sponsor, Senator Holmquist Newbry: Clarifying provisions that allow for the tasting of alcohol by students under twenty-one years of age. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6388 Prime Sponsor, Senator Padden: Concerning pass-through wholesale food distributors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Kohl-Welles.

Passed to Committee on Ways & Means.

February 3, 2014

SB 6425 Prime Sponsor, Senator Hasegawa: Providing direction to public hospital districts regarding limits on delegation of authority pursuant to joint venture agreements. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Danel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6455 Prime Sponsor, Senator Keiser: Concerning alternative contracting performance goals. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6495 Prime Sponsor, Senator Holmquist Newbry: Establishing a temporary teen training wage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 3, 2014

SJR 8213 Prime Sponsor, Senator Roach: Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig; Conway; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield and Kohl-Welles.

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6018 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE HOUSE

February 3, 2014

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 1063,
- HOUSE BILL NO. 1173,
- SUBSTITUTE HOUSE BILL NO. 1260,
- SUBSTITUTE HOUSE BILL NO. 1292,
- HOUSE BILL NO. 1339,
- SUBSTITUTE HOUSE BILL NO. 1409,
- ENGROSSED HOUSE BILL NO. 1538,
- ENGROSSED HOUSE BILL NO. 1593,
- HOUSE BILL NO. 1724,
- SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1727,

SUBSTITUTE HOUSE BILL NO. 1805,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6544 by Senator Pearson

AN ACT Relating to establishing a mineral prospecting and mining advisory committee; and adding a new section to chapter 77.55 RCW.

Referred to Committee on Natural Resources & Parks.

SB 6545 by Senators Braun, Rivers, Brown and Benton

AN ACT Relating to extending specific aerospace tax preferences to include other types of commercial aircraft to encourage the migration of good wage jobs in the state; amending RCW 82.32.550, 82.04.260, 82.04.260, 82.04.260, 82.04.260, 82.04.4463, 82.04.4463, 82.04.4461, 82.04.4461, 82.08.975, 82.08.975, 82.08.980, and 82.12.980; providing effective dates; providing contingent effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6546 by Senators Rivers, Keiser, Mullet, Brown, Dansel, Hasegawa, Eide, Liias, Hatfield, Hobbs, Angel, Conway, O'Ban, Ericksen, Parlette, Pearson, Billig, Padden, Becker, Rolfes, Kohl-Welles, Chase, McCoy, McAuliffe, Benton and Kline

AN ACT Relating to restoring resources to the capital budget beginning with the 2015-2017 biennium; and amending RCW 82.45.060, 82.16.020, 82.18.040, and 43.135.045.

Referred to Committee on Ways & Means.

SB 6547 by Senators Holmquist Newbry, Hobbs and Liias

AN ACT Relating to providing a comprehensive spirits sales tax reduction for all consumers in both on-premise and off-premise settings; and amending RCW 82.08.150.

Referred to Committee on Commerce & Labor.

SB 6548 by Senators Fraser, Chase, Conway, Kline, Kohl-Welles, McCoy and Keiser

AN ACT Relating to protecting taxpayers by providing for accountability and transparency in government contracting; amending RCW 39.26.180, 43.19.008, 39.26.200, and 39.26.020; adding a new section to chapter 39.26 RCW; adding a new section to chapter 44.28 RCW; and creating new sections.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1063 by Representatives Fitzgibbon, Cody, Kagi, Ryu and Appleton

AN ACT Relating to senior center licenses; amending RCW 66.20.300 and 66.20.310; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 1173 by Representatives Santos, Ryu, Roberts, Maxwell and Bergquist

AN ACT Relating to the financial education public-private partnership; amending RCW 28A.300.450 and 28A.300.460; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Early Learning & K-12 Education.

SHB 1260 by House Committee on Capital Budget (originally sponsored by Representatives Warnick and Stanford)

AN ACT Relating to public facilities' grants and loans; amending RCW 43.160.010, 43.160.020, 43.160.030, 43.160.050, 43.160.076, 43.160.080, and 43.160.900; adding new sections to chapter 43.160 RCW; and repealing RCW 43.160.060, 43.160.070, and 43.160.078.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SHB 1292 by House Committee on Public Safety (originally sponsored by Representatives Orwall, Goodman, Roberts, Appleton, Green, Hope, Kochmar, Moscoso, Jinkins, Uptegrove and Ryu)

AN ACT Relating to vacating prostitution convictions; and reenacting and amending RCW 9.96.060.

Referred to Committee on Law & Justice.

HB 1339 by Representatives Tharinger, Angel, Cody, Harris, Jinkins, Green and Moscoso

AN ACT Relating to East Asian medicine practitioners; and amending RCW 18.06.010 and 18.06.140.

Referred to Committee on Health Care.

SHB 1409 by House Committee on Health Care & Wellness (originally sponsored by Representatives Tharinger, Schmick, Cody, Clibborn, Ross and Jinkins)

AN ACT Relating to the requirements of allopathic physician licensure; amending RCW 18.71.050, 18.71.055, and 18.71.095; and adding a new section to chapter 18.71 RCW; and repealing RCW 18.71.051.

Referred to Committee on Health Care.

EHB 1538 by Representatives Morrell, Angel, Green, Ryu, Jinkins and Pollet

AN ACT Relating to the safe practice of public health nurses dispensing certain medications; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Health Care.

EHB 1593 by Representatives Jinkins, Angel, Kagi, Rodne, Cody, Clibborn, Riccelli, Moeller, Ryu, Pollet and Morrell

AN ACT Relating to providing access to the prescription drug monitoring database for clinical laboratories; amending RCW 70.225.040; and adding new sections to chapter 70.225 RCW.

Referred to Committee on Health Care.

HB 1724 by Representatives Roberts, Kagi, Pettigrew, Goodman, Green, Reykdal, Cody, Jinkins, Appleton, Freeman, Moeller, Ryu, Pollet, Moscoso and Bergquist

AN ACT Relating to statements made by juveniles during assessments or screenings for mental health or chemical dependency treatment; and amending RCW 13.40.020 and 13.40.140.

Referred to Committee on Human Services & Corrections.

2E2SHB 1727 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Green, Walsh, Ryu, Appleton, Tharinger and Pollet)

AN ACT Relating to raising licensure limits to allow assisted living facilities to serve a higher acuity resident population; amending RCW 18.20.330, 18.20.160, 18.20.030, and 18.20.090; reenacting and amending RCW 18.20.020; and adding new sections to chapter 18.20 RCW.

Referred to Committee on Health Care.

SHB 1805 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Hansen, Haler, Nealey and Appleton)

AN ACT Relating to culinary class wine restaurant specialty licenses; amending RCW 66.20.300 and 66.20.310; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1260 which was referred to the Committee on Agriculture, Water & Rural Economic Development.

On motion of Senator Fain and without objection, the rules be suspended and the following measures listed on the day's "Disposition of Bills" were referred to the Committee on Rules X-File: Senate Bill No. 5069; Senate Bill No. 5098; Substitute Senate Bill No. 5100; Engrossed Substitute Senate Bill No. 5176; Senate Bill No. 5198; Engrossed Substitute Senate Bill No. 5208; Engrossed Second Substitute Senate Bill No. 5237; Substitute Senate Bill No. 5239; Engrossed Second Substitute Senate Bill No. 5243; Engrossed Second Substitute Senate Bill No. 5244; Senate Bill No. 5335; Senate Bill No. 5349; Senate Bill No. 5377; Senate Bill No. 5408; Substitute Senate Bill No. 5452; Senate Bill No. 5516; Substitute Senate Bill No. 5523; Substitute Senate Bill No. 5755; Senate Bill No. 5784; Engrossed Substitute Senate Bill No. 5587 and Second Substitute Senate Bill No. 5794.

MOTION

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

MOTION

Senator Hargrove moved adoption of the following resolution:

SENATE RESOLUTION 8677

By Senator Hargrove

WHEREAS, Dr. R. James Cook had a long and distinguished career at Washington State University, where he dedicated forty years to pursue cutting edge research in plant pathology and crop and soil science, revolutionizing how agriculture approaches crop productivity and disease management; and

WHEREAS, Prior to Dr. Cook's career at Washington State University, he served as the Chief Scientist at the United States Department of Agriculture and received a Superior Service Award; and

WHEREAS, The Washington State University Faculty Association for Scholarship and Research honored Dr. Cook with a Lifetime Achievement Award; and

WHEREAS, Dr. Cook was awarded the Wolf Prize for Agriculture by the Wolf Foundation for his seminal discoveries in plant pathology and soil microbiology; and

WHEREAS, Dr. Cook published more than two hundred peer-reviewed journal articles and book chapters and has coauthored two books contributing to our understanding of many critical topics in plant health; and

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WHEREAS, Dr. Cook was the first to recognize and document a "green bridge" of living roots transferring diseases from one plant to another, thus identifying a major contributor to root disease; and

WHEREAS, Dr. Cook developed a management strategy to reduce the impact of the green bridge through innovations in crop rotation strategies; and

WHEREAS, Dr. Cook is a distinguished researcher who has made many cost-saving and effective contributions to agricultural practices related to direct seed practices; and

WHEREAS, Dr. Cook's work has improved disease control in wheat and barley and has contributed to a paradigm shift in how plant diseases are treated in many other crops, resulting in increased production of valuable food crops; and

WHEREAS, As a recognized and esteemed plant pathologist, Dr. Cook contributed to modern science's understanding of cereal root diseases and methods to use crop rotation to minimize root disease with his research spanning multiple diseases worldwide; and

WHEREAS, As chair of a Study Committee for the Washington State Academy of Sciences, Dr. Cook and the Study Committee conducted important research to identify approaches and opportunities for research on understanding and managing root diseases of Douglas fir; and

WHEREAS, Douglas fir is the backbone of Washington State's timber economy, making this research critical for the long-term economic and environmental health of Washington State; and

WHEREAS, As a gubernatorial appointment, Dr. Cook was entrusted to serve as Trustee of the Washington State Life Science Discovery Fund Authority; and

WHEREAS, Dr. Cook served for two years as Interim Dean of the College of Agricultural, Human, and Natural Resources Sciences at Washington State University; and

WHEREAS, Dr. Cook has been an esteemed member of the National Academy of Sciences, the American Association for the Advancement of Science, and the International Society of Plant Pathologists, and served as president of the Washington Academy of Sciences; and

WHEREAS, Dr. Cook served as president and fellow of the American Phytopathological Society; and

WHEREAS, In 1998, the Washington Wheat Commission made a 1.5 million dollar gift to the Washington State University

Foundation to establish the R. James Cook Endowed Chair in Wheat Research, with Dr. Cook as the first holder of the chair;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate and commemorate the distinguished and multifaceted research career of Dr. R. James Cook; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dr. R. James Cook and members of his family.

Senator Hargrove spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8677.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Dr. James Cook and Commissioner Public Lands Peter Goldmark who were seated in the gallery.

MOTION

At 12:11 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, February 5, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWENTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 5, 2014

The Senate was called to order at 10:00 a.m. by the President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senator Hobbs.

The Sergeant at Arms Color Guard consisting of Pages Alexander Balkan and Emily Christopher, presented the Colors. Ms. Elizabeth Austen, Poet Laureate of Washington offered a poem.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 4, 2014

SB 5520 Prime Sponsor, Senator Billig: Establishing a regional fire protection service authority formation process for cities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Hasegawa, Ranking Member and McCoy.

MINORITY recommendation: Do not pass. Signed by Senator Benton, Vice Chair.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 5741 Prime Sponsor, Senator Fain: Allowing the use of lodging taxes for financing workforce housing and tourism promotion activities or facilities. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5741 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Liias and Pedersen.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6003 Prime Sponsor, Senator Roach: Addressing the scope of state fire service mobilization. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6003 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6017 Prime Sponsor, Senator Kohl-Welles: Modifying seizure and forfeiture provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6017 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Ways & Means.

February 4, 2014

SB 6040 Prime Sponsor, Senator Honeyford: Concerning invasive species. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6040 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Danel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Ways & Means.

February 4, 2014

SB 6052 Prime Sponsor, Senator Honeyford: Concerning habitat and recreation land acquisitions. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Danel; Hargrove and Hewitt.

MINORITY recommendation: Do not pass. Signed by Senator Liias, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kline.

Passed to Committee on Ways & Means.

February 4, 2014

SB 6060 Prime Sponsor, Senator Angel: Concerning certain public water systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6060 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6087 Prime Sponsor, Senator Honeyford: Protecting water quality while maintaining and enhancing the viability of agriculture. Reported by Committee on Agriculture, Water & Rural Economic Development

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MAJORITY recommendation: Do pass. Signed by Senators Brown; Eide; Honeyford, Ranking Member and Schoesler.

SB 6188 Prime Sponsor, Senator O'Ban: Dedicating a portion of state sales tax revenues derived from certain short-term major public events for county economic development use. Reported by Committee on Trade & Economic Development

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hatfield, Chair.

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry and Liias.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Pedersen.

February 4, 2014

SB 6096 Prime Sponsor, Senator Pearson: Providing for property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas. Reported by Committee on Trade & Economic Development

Passed to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6096 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Liias and Pedersen.

February 4, 2014

SB 6195 Prime Sponsor, Senator Braun: Concerning long-term funding for a state tourism marketing program. Reported by Committee on Trade & Economic Development

Passed to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6195 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Liias and Pedersen.

February 4, 2014

SB 6110 Prime Sponsor, Senator Ericksen: Regulating retainage bonds on public contracts. Reported by Committee on Financial Institutions, Housing & Insurance

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6110 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Nelson and Roach.

February 4, 2014

SB 6215 Prime Sponsor, Senator Mullet: Clarifying and correcting RCW 82.08.962 and 82.12.962 regarding the sales and use tax treatment of machinery and equipment purchases by companies producing pipeline-quality natural gas using landfill gas. Reported by Committee on Energy, Environment & Telecommunications

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hatfield.

MAJORITY recommendation: That Substitute Senate Bill No. 6215 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Honeyford and Ranker.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6146 Prime Sponsor, Senator Cleveland: Concerning county electronic public auctions. Reported by Committee on Governmental Operations

MINORITY recommendation: Do not pass. Signed by Senators Chase; McCoy, Ranking Member.

Passed to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6146 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

February 4, 2014

SB 6267 Prime Sponsor, Senator Hill: Concerning high-technology research and development tax incentives. Reported by Committee on Trade & Economic Development

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Holmquist Newbry and Liias.

February 4, 2014

SB 6164 Prime Sponsor, Senator Roach: Allowing a standing committee of the legislature to hold a public hearing on a ballot proposition. Reported by Committee on Governmental Operations

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Member and Pedersen.

Passed to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6164 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

February 4, 2014

SB 6287 Prime Sponsor, Senator Danel: Concerning a pilot program for cougar control. Reported by Committee on Natural Resources & Parks

Passed to Committee on Rules for second reading.

February 4, 2014

MAJORITY recommendation: That Substitute Senate Bill No. 6287 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dandel; Hargrove; Hewitt and Parlette.

MINORITY recommendation: Do not pass. Signed by Senators Kline; Liias, Ranking Member.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6330 Prime Sponsor, Senator Sheldon: Promoting affordable housing in urban growth areas. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6330 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Ways & Means.

February 4, 2014

SB 6368 Prime Sponsor, Senator Roach: Adjusting the dollar threshold for substantial development under the shoreline management act for certain pleasure craft-related construction. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6368 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Chase; Honeyford; McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6428 Prime Sponsor, Senator Liias: Concerning heavy civil construction projects. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6430 Prime Sponsor, Senator Liias: Extending tax preferences for high-technology research and development. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Holmquist Newbry and Liias.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Member and Pedersen.

Passed to Committee on Ways & Means.

February 4, 2014

SB 6450 Prime Sponsor, Senator Pedersen: Concerning on-water dwellings. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6450 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dandel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6467 Prime Sponsor, Senator Honeyford: Ensuring that existing exempt water uses in the Skagit river basin are not subject to interruption. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6467 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Honeyford, Ranking Member and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Eide.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6534 Prime Sponsor, Senator Pedersen: Removing certain conditions for awarding prevailing party fees and costs for appeals of land use decisions. Reported by Committee on Governmental Operations

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Law & Justice.

February 4, 2014

SJM 8015 Prime Sponsor, Senator O'Ban: Requesting Congress implement certain increased safety measures for tank rail cars. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

February 4, 2014

ESHB 1950 Prime Sponsor, Committee on Environment: Designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW. (REVISED FOR ENGROSSED: Designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, water pipes whose primary purpose is for conveyance of water for domestic use, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW.) Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; McCoy, Ranking Member and Ranker.

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Passed to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9234 JEFFREY CHARBONNEAU, appointed on May 7, 2013, for the term ending June 30, 2016, as Member of the Washington State Student Achievement Council. Reported by Committee on Higher Education

February 4, 2014

SGA 9270 CLAIRE GRACE, appointed on July 1, 2013, for the term ending May 17, 2017, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9235 FREDERICK GOLDBERG, appointed on March 20, 2013, for the term ending September 30, 2014, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

February 4, 2014

SGA 9273 HEIDI HEYWOOD, appointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 13 (Lower Columbia College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9241 DEBBIE J AHL, reappointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education

February 4, 2014

SGA 9277 URIEL R INIGUEZ, appointed on January 1, 2014, for the term ending September 30, 2019, as Member of the Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9248 JACK BURKMAN, reappointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 14 (Clark College). Reported by Committee on Higher Education

February 4, 2014

SGA 9282 KEITH L KESSLER, reappointed on October 1, 2013, for the term ending September 30, 2019, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9255 BETTY J COBBS, appointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 5 (Everett Community College). Reported by Committee on Higher Education

February 4, 2014

SGA 9292 MARK MATTHE, appointed on August 5, 2013, for the term ending June 30, 2017, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9301 LEE NEWGENT, appointed on August 5, 2013, for the term ending June 30, 2017, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9314 ERIK S ROHRER, reappointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 1 (Peninsula College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9335 CARL J ZAPORA, appointed on December 23, 2013, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 23 (Edmonds Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6003 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6549 by Senators Hobbs, Hatfield and Pearson

AN ACT Relating to creating demonstration projects for preserving agricultural land and public infrastructure in flood plains; and adding a new section to chapter 43.23 RCW.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SB 6550 by Senators Holmquist Newbry, Hobbs, Parlette, Lias, Hewitt, Hatfield, Fain, Conway, McAuliffe and Mullet

AN ACT Relating to providing a sales and use tax exemption for sales and uses related to eligible server equipment and power infrastructures installed in eligible computer data centers; amending RCW 82.08.986 and 82.12.986; creating a new section; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 6551 by Senator Parlette

AN ACT Relating to payments to counties in lieu of property taxes by the department of fish and wildlife; amending RCW 77.12.203; repealing RCW 77.12.201; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6552 by Senators Rolfes, Dammeier, Litzow, Rivers, Tom, Fain, Hill, Kohl-Welles, Mullet, McAuliffe and Cleveland

AN ACT Relating to improving student success by increasing instructional hour and graduation requirements; amending RCW 28A.700.070, 28A.230.097, 28A.150.220, and 28A.230.090; amending 2013 2nd sp.s. c 4 s 502 (uncodified); creating a new section; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

The Senate was called to order at 10:57 a.m. by the President Pro Tempore, Senator Sheldon presiding.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Miss Washington USA, Miss Allyson Rowe of Spokane, who was seated at the rostrum.

MOTION

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

MOTION

On motion of Senator Billig, Senators Frockt and Hobbs were excused.

MOTION

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On motion of Senator Rivers, Senator Baumgartner was excused.

SENATE BILL NO. 6045, by Senators Brown, Chase, Rivers, Schoesler, Bailey, Angel, Becker, Honeyford and Roach

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5199, by Senate Committee on Ways & Means (originally sponsored by Senators Ericksen and Holmquist Newbry)

Promoting economic development through enhancing transparency and predictability of state agency permitting and review processes.

Concerning de facto changes in water rights for irrigation purposes that involved conversion to more efficient irrigation technologies.

The measure was read the second time.

The measure was read the second time.

MOTION

MOTION

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

On motion of Senator Brown, the rules were suspended, Senate Bill No. 6045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On page 1, line 18, after "microirrigation technology" insert "prior to January 1, 2010"

Senators Brown, Chase and Ranker spoke in favor of passage of the bill.

Senator Ericksen spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6045.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 1, line 18 to Second Substitute Senate Bill No. 5199.

ROLL CALL

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

The Secretary called the roll on the final passage of Senate Bill No. 6045 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

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

Voting nay: Senators Fraser, McCoy and Nelson

Excused: Senators Baumgartner, Frockt and Hobbs

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5199.

SENATE BILL NO. 6045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5199 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

SENATE BILL NO. 5996, by Senators Angel, Fain and McAuliffe

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Litzow, McAuliffe, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Requiring the department of licensing to adopt rules regarding online learning for training in cosmetology, manicuring, barbering, esthetics, and instruction. Revised for 1st Substitute: Requiring the department of licensing to adopt rules regarding online learning for training in cosmetology, manicuring, barbering, esthetics, master esthetics, and instruction.

Voting nay: Senators Chase, Fraser, Hasegawa, Kline, Kohl-Welles, Liias, McCoy and Pedersen

MOTIONS

Excused: Senators Baumgartner, Frockt and Hobbs

On motion of Senator Angel, Substitute Senate Bill No. 5996 was substituted for Senate Bill No. 5996 and the substitute bill was placed on the second reading and read the second time.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 5996 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

SECOND READING

POINT OF INQUIRY

Senator Conway: “Would Senator Angel yield to a question? Would you trust your hair to someone who only has learned how to do hair through online learning?”

Senator Angel: “This applies sir to just the portions that are appropriate through the ethics portions.”

Senators Conway spoke against passage of the bill.

POINT OF INQUIRY

Senator Honeyford: “Would Senator Conway yield to a question? Thank you Senator Conway. Do you have enough hair to worry about?”

Senator Conway: “I won’t answer that question, thank you.”

Senators Honeyford and Chase spoke against passage of the bill.

Senators Ericksen, McAuliffe, Kohl-Welles and Benton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5996.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5996 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O’Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner, Frockt and Hobbs

SUBSTITUTE SENATE BILL NO. 5996, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Angel: “Ok, you know today is Seahawks day and those of us wearing the blue and green, maybe blue and green hair would have been ok today. I want to thank all of you for the opportunity to be a part of you and to pass this first bill with a majority vote. I have a little something from my district. Now, as you know, I have Gig Harbor, Bremerton and Port Orchard and there is something in there from all three. However, where I reside in Port Orchard is known nationally for the Seagull Calling Contest. It is my honor to be able to share with you today seagull splat candy made in Port Orchard. Thank you Mr. President.”

POINT OF INQUIRY

Senator Ranker: “Would Senator Angel yield to a question? I’m curious if you would give us an example of this seagull calling that happens in your community. Can you give us an example of what that sounds like please?”

Senator Angel: “Well, I tell you what, I have judged those contests for many years and they vary greatly so, I do not have that degree of expertise.”

PERSONAL PRIVILEGE

Senator Fraser: “Thank you Mr. President. On behalf of our caucus I’d like to congratulate our new senator on her first bill. It was nice to see her enjoy the exceptionally good humor we can have here in the Senate. I also thank you for not answering the last question.”

PERSONAL PRIVILEGE

Senator Bailey: “Thank you. I would like to also thank the good lady for being here and we’re very excited that she’s here. First of all I’d like to call attention to the resemblance that this candy has to things that I sometimes see on the wharf of the good lady’s district. I’m sure it tastes better. The other thing is that I’d like to also thank her since she is the first person called on to vote and I no longer have to have that privilege. Thank you.”

PERSONAL PRIVILEGE

Senator Parlette: “Well, I cannot resist. I’m thrilled to have another woman in our caucus!”

PERSONAL PRIVILEGE

Senator Rolfes: “Thank you. I would like to be, say something serious. When the good gentle lady from the Twenty Sixth first ran for office in Kitsap County as a County Commissioner I was on our City Council and she was running for the County Commission and she went in our Fourth of July parade handing out flyers that were really nice. They said, ‘Vote for an Angel to represent you’ and they were very cute and I think they were coming out of a baby stroller if I recall. It was the epitome of cute I want to recognize that her last, her experience last summer and last fall was not as cute and I want to congratulate her on her achievement and welcome her to the Senate. I look forward to working with you over here as well.”

SECOND READING

SENATE BILL NO. 6013, by Senators Mullet and Tom

Making a technical correction to school law governing the use of epinephrine autoinjectors (EPI pens).

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 6013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Litzow spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6013.

ROLL CALL

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The Secretary called the roll on the final passage of Senate Bill No. 6013 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner, Frockt and Hobbs

SENATE BILL NO. 6013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8213, by Senators Roach, Becker, Benton, Sheldon, Baumgartner, Brown, Dansel, Angel, Schoesler, Braun, Bailey, Dammeier, O'Ban, Litzow, Rivers, Parlette, Padden, Pearson and Honeyford

Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes.

The measure was read the second time.

MOTION

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

On page 1, line 8, after "(1)" insert "(a)"

On page 1, line 14, after "election." strike "For the purposes of this subsection, "raises" and insert the following:

"(b) The definitions in this subsection (1)(b) apply throughout this subsection (1) unless the context clearly requires otherwise.

(i) "Raises"

On page 1, line 17, after "fund." insert ""Raises taxes" does not include any action or combination of actions by the legislature that is: (A) A curative or remedial clarification of legislative intent; (B) a modification or repeal of a previously enacted tax preference; (C) a transfer of existing revenues between state accounts; or (D) a change to the use of existing revenues.

(ii) "Tax preference" means an exemption, exclusion, or deduction from the base of a state tax; a credit against a state tax; a deferral of a state tax; or a preferential state tax rate."

Senators Hargrove, Mullet, Hasegawa and Fraser spoke in favor of adoption of the amendment.

Senators Roach, Benton, Ericksen and Padden spoke against adoption of the amendment.

Senator Rolfes demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 1, line 8 to Senate Joint Resolution No. 8213.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hargrove and the amendment was not adopted by the following vote: Yeas, 20; Nays, 26; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Hargrove, Hasegawa, Hatfield, Keiser, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Voting nay: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Kline, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner, Frockt and Hobbs

MOTION

On motion of Senator Roach, the rules were suspended, Senate Joint Resolution No. 8213 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

REMARKS BY SENATOR ROACH

Senator Roach: "Thank you Mr. President, members of the Senate. Gee, this is a real privilege. You understand that today I get to stand and speak to the message that the voters of the State of Washington gave us with the vote on 1183, 1185. And this is the two-thirds majority vote. The reason that it's such a pleasure is because it makes state history. 1185 makes state history, with sixty-four percent of the people of the state of Washington voting for it. Sixty-four percent of the people of the state of Washington wanted to protect their property, their pocket books. They decided that they wanted to increase the incentive for the legislature to look at reforming government before raising taxes. That's what the message was. Reform government before, it's so easy right? To raise taxes. This is what the voters want. They want this particular resolution, joint resolution to go to them and give them the opportunity to change the constitution. They want it embedded in their constitution to protect themselves. By the way, this is not an unusual thing. Seventeen other states in the country have a super-majority required in their constitutions to raise taxes. We pride ourselves in being vanguards here in Washington State. We certainly have been on a number of issues but not when it comes to taxes. Now's the time. The people are vanguard but the legislature's not following what the people have to say. I wanted to just pull from the voting results and I'm going to not mention any names but I am going to mention district numbers because these are."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator, are you asking for permission to read?"

Senator Roach: "Yes, may I?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Permission granted to read."

Senator Roach: "Thank you Mr. President because I love this stuff."

REMARKS BY SENATOR ROACH

Senator Roach: "District number Five which is your Maple Valley, Black Diamond area, sixty eight percent of the people in the Fifth District voted for 1185. They wanted to make it tougher

to raise taxes. Another speaker came out of the Eleventh District. The Eleventh District, we're talking Renton. Are you ready, sixty two percent of the people in the Eleventh District voted for 1185. Where's the confetti? Here we go, the Twenty Second District, Senator Fraser, in the heart of state government. Oops, wasn't going to say her name but I'll tell you what, fifty four percent of the people here voted to make sure government wouldn't be easily able to raise their taxes. I love the Twenty Fourth District out there where we want to put those logging trucks. These are blue collar workers. These are the people who have been out of a job and these are the people who struggle with the economy and they're smart people. They are informed people. I hate anybody call anybody's people in anybody's district not so. Sixty six percent of the people in that district out on the Peninsula where they suffer from the recession, where we would call it a depression, voted for 1185. So, I think we'll hear some discussion on the floor. I'd like to have people stand up and argue against what the people did. One little thing, I believe, one, two, three, four, five. Five legislative districts in the state of Washington voted against this. It's really hard to see this Mr. President; may I show my small little illustration?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "You may Senator Roach."

REMARKS BY SENATOR ROACH

Senator Roach: "Thank you Mr. President. This is a picture of the state of Washington and embedded there with that dark orange color, its bronco color I made sure, everything else is Seahawks color ok. So, in the Bronco color you will see these districts in downtown Seattle. Those are the only places that voted against 1185. And then this spring here, all this green stuff all that Seahawk green stuff, that's the rest of the state where we overwhelming to bring the average sixty four percent of the people voted for 1185. I look forward to the debate and the closing debate. Thank you Mr. President."

REMARKS BY SENATOR KLINE

Senator Kline: "Thank you Mr. President. Very often leadership consists of getting what the folks want. They elect you to go get it, you go get it. That's sometimes what defines leadership. Sometimes leadership consist of turning to the folks who want something and having to tell them why not. That's the tougher aspect of leadership. The good Senator that just read out the numbers also read out the numbers of districts represented by people that are going to show real leadership here. I appreciate that. It's easy to fight against taxes. Tax cuts are like candy in a candy store. All the kids want some. And like some parents we are sometimes in the position of having to say no for their own good. I know that sounds, what's the word? it sound parental. It sounds we know better. Sometimes its leadership and it's not funny and I don't have to worry about it. My district is one of those little districts in there colored so faithfully in Bronco colors. The fact is in my district the people understand the need for government to work. They do not want government to be so starved that it can be dragged into somebody's bathtub and drowned which is the purpose of all of this. So, they voted no and I urge you to vote no. Thank you."

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you Mr. President. Well, I made it a history of standing for things consistently over thirty years

and some of those over time aren't so popular and some of those things people on your side of the aisle appreciate even maybe not so popular in my district. I was full well ready to vote for this constitutional amendment had we dealt with the tax loophole issue, the transfer sheet, etc. I spent six months here last year, I spent way more time with Senator Hill than I did with my wife and family. It's not that you're a bad guy. It was a very difficult session to pull together a budget. And the two pieces of that budget that we pulled together that made it work was the Bracken fix and the telecom bill, both would have required a two-thirds vote. We just barely got through as it was before we caused a major disaster. So, when we're dealing with tax loop holes, and we're dealing with tax preferences and we're dealing with things that affect a small percentage of people in most cases, or at least could, in most cases and perhaps have even been through the tax preferences committee that says that they're not working and we're not talking about sales tax on food here. I don't believe that one has been before the sales preference committee. We're talking about lots of things that were set up at different points and time when things have changed. So, if we had made that amendment then I think that this would have been a reasonable constitutional amendment to put in because we would have been dealing with big new things, like the income tax or like raising the sales tax rate. I wanted to respond to one other point here. That is that the public was saying 'reform before taxes.' Well, over the last six years of the recessionary period, if we had just done carry forward on current programs without any new crimes of the day or whatever, our budget would be around forty four billion. And right now it's around thirty two billion. That's about a twenty five percent decrease in programs because of reforms we've done. We've essentially completely eliminated the GAU program for people who are unemployable right now. They don't get a cash grant anymore. We've cut housing programs. We've cut TANF grants. We've made cuts and reforms all through our budget to lower most of what we had to cover there, through reforms and cuts. And very little in revenue came in during that period. I think the natural tendency of the Legislature is to be very skeptical of taxes. The public's natural tendency is to be very skeptical of taxes. And, like I said, had this particular amendment been adopted and we limited it to big new things that I think certainly raises the level of two-thirds vote. But for small tax preferences, whether it be for bull semen or whatever else might get a tax preference, you know I'm not sure that raises to the two-thirds level. Also, I would like to just talk, my final point is about math because this isn't two-thirds. This is really twelve percent because the House could pass a tax loophole closure unanimously and send it over to the Senate and seventeen members in the Senate could stop that from being changed. So, that's twelve percent of the entire Legislature could stop a tax loophole. So, when you get down to that size of a vote then it raises questions about, are we going to have, well, even if we have a big emergency. Let's say we have a tsunami on the coast in that same area that's so depressed and our budget is totally turned upside down because I have cities under water. We could still people in other areas saying, 'you know, we agree we need more money, we need to raise taxes but only when we do this reform bill, that reform bill, this reform bill, that reform bill.' And we've seen that kind of scenario in the not-so-distant past. So I would just say, like I said, you can talk to our Whip if you want. I was prepared to vote for this with the amendment on it. Without the amendment on it, I think it creates all sorts of problems going forward and I'm going to be voting no."

REMARKS BY SENATOR BENTON

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Senator Benton: “Thank you Mr. President. Well I’d like to remind the body that whether or not you like the two-thirds concept, which I certainly like. There’s no reason to vote yes or no on this bill. The previous speaker said it could create some problems. They’re not any different than any problem that we have on any other piece of legislation we pass. The House passes anything a hundred percent, the same scenario applies. So, it’s not any different than regular business around here. It’s not an issue whether you like this bill or not. The issue is, do you believe the people have the right to say? You’re not voting today to create a two-thirds cap on requirement for raising taxes. The people of the state have already done that. Our activist Supreme Court decided they didn’t like it and threw it out which leaves the only recourse for the citizens of this state is to put it into the Constitution. And that’s what this vote here represents. It’s a vote to allow the citizens of this state. Now a few years ago the very same argument was made on the other side, Mr. President, that we should allow a simple majority for school levies to go to the vote of the people and that voting for it or against it on the floor had nothing to do with the actual content of the legislation. It had to do with whether or not you thought the people of this state had a right to vote on it. I submit to you the same argument me make here today. Your yes or no vote on this bill, SJR 8213, reflects whether or not you believe citizens in your district have a right to vote on a constitutional amendment proposed by the Legislature. And why is the Legislature proposing a constitutional amendment? Because the citizens by an overwhelming majority, forty five, forty four out of forty nine districts voted this in with a sixty percent plus vote. Yet the court knocked it down. That’s why. So, we say ok, we’re going to honor the will of the people of this state and we’re going to honor the will of the people in our district and we’re going to give them the opportunity to weigh in on this. If they like it, if they still like it, like they did last November then they’ll vote for it and if they don’t it will never become part of the Constitution. But make no mistake about it, your vote here today will be recorded as a vote not only on the measure but more importantly on whether or not you trust the citizens of this state to add items to their Constitution. The Constitution of this state puts all legislative power in the hands of the citizens and thank goodness for that. You know, very few states only about seventeen have referendums and initiative opportunities and that’s because the people that move west after living in states where they had tyrannical state governments decided that when they created these new states they wanted one last stop-gap measure to protect themselves from their government. And that’s why they put referendum and initiative clauses in this Constitution. And that’s why we have the right to amend our Constitution by putting a measure out to the people to vote on. Now, I believe citizens have a right to add or take away from their Constitution. Certainly the other side agreed to that when it was a simple majority for school levies. I certainly hope that those, especially in southwest Washington, which I represent, and I looked at every district Mr. President, if I may read from the list?”

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: “Senator Benton, you may read, briefly.”

REMARKS BY SENATOR BENTON

Senator Benton: “Thank you. That every district in southwest Washington Mr. President has passed this measure overwhelmingly. Even in downtown Vancouver, in the forty

ninth district, sixty seven percent ,more than two-thirds of the citizens voting in downtown Vancouver have supported 1185. In every other district in southwest Washington has even a higher percentage than that and that’s pretty much true for most of the rest of the state. So I would say that the five districts that didn’t pass this, you want to represent your folks back home? Go ahead and vote no. But for the forty four districts that had an overwhelming vote on this measure, if you want to represent your citizens today, which you have been elected to do, you should give them an opportunity to vote on this measure by voting yes today and putting it on the ballot this November. Thank you Mr. President.”

REMARKS BY SENATOR LIAS

Senator Liias: “Thank you Mr. President. I appreciate this debate. I think it is about the heart of our democracy and that is how do we make decisions together? I appreciate the previous Senator’s comments about giving the people the choice to vote on this important issue and Mr. President when we look at our state Constitution, it is unique compared to some of these other western states. In Oregon and in California the people themselves can amend the constitution directly at the ballot box. But Mr. President here in Washington our framers decided they wanted the Legislature to play a role in determining in how we change our fundamental governing document. That’s why this issue is before us today. It isn’t just about what do the people of Washington State want or believe, it’s also about what do we, their elected representatives, believe is in the best interest in our state. That’s why I’m rising in opposition to this constitutional amendment. I believe that adopting this constitutional amendment would not move our state forward. It would not be a good decision for the people of the State of Washington and I have in a unique position. I get to represent the city of Mukilteo and one of my constituents has been a frequent sponsor of initiatives on this subject Mr. President. So, I hear a lot from my constituents about these particular issues. In fact, the constituents in my district have voted both for and against these proposals. Initiative 960 they voted against a super-majority requirement and in later votes they voted for it. So, I think the citizens of Washington are not firmly decided on how they want us to move forward. I think a couple of good reasons why this is not the right answer for our state. Firstly, our system is funded on majority rule. The majority makes the decisions in our system of government and I moved recently from a situation where I was in that majority and today I serve in a situation where I’m not in the majority that makes the decisions and yet I remain firmly fixed to that position. That the majority in the Senate, the majority in the House should be able to make the decisions on behalf of our people. Thomas Jefferson told us, a group of citizens in a letter that where the principal of majority rules ceases to exist their government ends. Our founding fathers really believe that giving the majority the right to make decisions is the only way that that system could work. Mr. President, I also rise in opposition because I believe that this enshrines the special interest tax breaks and loop holes in our tax code forever. We know that the special interest have a lot of voices in the legislative process and convincing seventeen members of this body to oppose a repeal is very simple, out of one hundred forty seven legislators. And so, requiring a two-thirds vote to get rid of even one of those loop holes, even loop holes that were created a long time ago that have no purpose today, that the commission on citizenship commission he said serve no purpose, that every newspaper in our state say have no purpose couldn’t be repealed if seventeen senators could be convinced to vote against it. The final reason I rise in

opposition to this is because I believe it's time for Washington to invest in our transportation system. When I look back at 2003-2005, the last two times this state approved a transportation revenue package is to invest in congestion relief in my district and in yours. Neither of those bills received a two-thirds vote by either chamber of the Legislature. Our Legislature would not be able to make the difficult decisions around transportation if we were called to reach that super majority fairly. Raising taxes is difficult and so is deciding which projects to fund and if seventeen senators could say, 'I won't vote for this until my pet project is included,' that is what breaks down the system. That's why Thomas Jefferson said a majority should make the decisions. That's why I'm rising in opposition in this amendment and I hope you'll join me in standing up for the majority rule in Washington and for a transportation revenue investment package."

REMARKS BY SENATOR ERICKSEN

Senator Ericksen: "Thank you Mr. President. Rising to support of the Senate Joint Resolution, on the senate floor we can talk about the Constitution and we can view the tax increase issue from these chambers here. But I think it's important that every single decision that we make we think about it from the people on the ground, in our own communities of a family of four. What does it mean to them? What does it mean to a small business owner in our districts? Mr. President, I asked my staff this year to go through and add up all the tax proposed this year and how would that impact a family of four that live in Ferndale? And you look at all the ones that are out there, the tax increase that's coming up, that's proposed out of the House, the one percent for education from OSPI, gas taxes, weight fees, all the different taxes that are being proposed that are added on to the people of Washington State. For a family of four, we're looking at upwards of three thousand dollars in Ferndale in tax increases. And now, for those people, that's real money. For me, that's real money. And why the people all over Washington support the two-thirds requirement? Because they're worried about the government continuing reaching into their pockets and taking out their money. They're worried about how much Obama Care is going to cost them. They're worried about how much a low carbon fuel standards going to take out of their daily, their ability to get around and communicate and drive their kids around. There's real fear out there in our society about the government reaching in and taking money from you. And that's why the people support this. That's why we should let them vote on it. And I believe last year this legislative body, we came together and two-thirds voted to repeal the sales tax exemption on land lines for phones. We came together and did that, two-thirds vote. There are many times we have come together and said we can work together with the two-thirds vote to get these things done. Sometimes we don't even think about needing two-thirds, we just do it. And for how many years for all of these tax exemptions incentives been on the books when only a simple majority was required to repeal them and we never did? We never did with a simple majority either. So, what the people are asking for is a little bit of protection to feel safer in their homes, to feel the taxes, if we're going to go take more of their money out of their wallet it's going to be a little bit harder for us to do that here because as hard for us to get the two-thirds. Think how much harder for that family of four living in Ferndale to live with three thousand less dollars in their checking account because twenty-five people here and fifty people over there said they know how to use your money better. We're not saying, get rid of taxes. Taxes will continue to grow in Washington State. We'll still be getting more money coming in. And when we have an emergency, we should be able to come together. I believe in these institutions can put aside partisan

politics in times of emergencies and crisis to come together and get the votes needed to protect the communities in Washington. We'll do that but the people need protection. They need to feel safe and they need to know that we aren't simply going to go out and reach into their pocket books, into their small businesses and take their money without having at least a two-thirds vote here in Olympia. This is a great initiative. The people deserve to have the chance to vote on this and I believe overwhelmingly they will support this and they will tell us in Olympia, 'Do your job better.'"

REMARKS BY SENATOR KEISER

Senator Keiser: "Thank you Mr. President. After a long debate and a long week in the Legislature I like to go home on Friday nights, turn on TV, kick back and watch a comedy show; Bill Maher. One of my favorite parts of the Bill Maher program is something called 'New Rules.' We're doing this today, we're doing new rule, it's called the rule of seventeen, it's called super minority rules and it's a bit of a comedy, in my opinion. We're talking about tax increases? The state sales tax has not been increased since 1983. Since 1983 how many tax loop holes have we passed? Count them up, dozens and dozens more. We're good at passing tax loop holes and in this proposal before us we will lock in every one of those tax loop holes. They will be there forever because we have new rules. I urge you to vote no."

REMARKS BY SENATOR ANGEL

Senator Angel: "Thank you Mr. President. I think the bottom line of this today is the will of the people. The people voted for this. They gave us our marching directions and in my district darned near seventy percent of those people said two-thirds is appropriate. We are here to do the peoples' work. They have spoken. Let's give them the chance to speak again. I believe they've already spoken but let's give them that chance again. 'The Will of The People.' Thank you Mr. President."

REMARKS BY SENATOR HASEGAWA

Senator Hasegawa: "Thank you Mr. President. The good Senator from the Thirty First called out the Eleventh District and she wanted a response so I'm more than willing to, happy to give that response. She said that sixty two percent of my district voted for the unconstitutional imitative that does what the constitutional amendment does. That's true. People think that the Eleventh District is this great bastion of liberalism. It's not that. They're just good down to earth, hardworking folk that are tired of seeing this huge disparity happen within our society. They're tired of, they're feeling over taxed. Maybe they are because over time there's been this huge shift of tax burdens from the corporations and the one percent onto working families and they're tired of it but this constitutional amendment doesn't help bring fairness back into our tax system. So, to respond to that sixty two percent that voted for the two-third initiative. Subsequent to that I was elected with almost seventy percent and my campaign issue has always been to bring fairness back into our tax system. It seems like, and as I mentioned earlier, those that have the most money to invest in our legislative process are able to get the best tax breaks. That's totally wrong. If our legislative body wants to re-shift and say let's bring fairness in our system again, we have to have the ability to do that. Our constituents elect us to do just that, to bring fairness into the system. This whole question of the two-thirds vote was addressed by our founders who wrote the Constitution. They specifically looked at this issue and rejected it because they knew that growing a state from the wilderness into one of the top

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thriving metropolis and centers of industries in the world required an investment. That investment comes in the form of taxes. Taxes are the dues that we pay to live in a civilized society. If we want to continue to have hope for our children and their future in a growing global economy, we have to be able to invest in it. It's not just going to spring up from the dirt. We are elected to represent our people and use our best judgment and if they don't like the decisions we, make vote us out. That's democracy. But a two-thirds, to impose a minority rule, that is, it's a blasphemy, against democracy. In our union, Teamster's Union, we use to have minority rule and I ran on a reform platform and we were able to get from minority rule back to majority rule. I am very proud of that accomplishment but to see our Legislature take a step backwards to minority rule just seems like blasphemy of democracy and what it is all about. So, I think this bill should probably be called 'the protect corporate tax loop holes act' because essentially that's what it does. It blocks us from bringing fairness back into our tax system. I very strongly urge a 'No' vote against this constitutional amendment."

REMARKS BY SENATOR PEDERSEN

Senator Pedersen: "Thank you Mr. President. I rise to make two quick points, and I guess I will just note for the gentle lady from the Thirty First District my district is probably at one end of the spectrum in the voting on this and consistently opposed to the initiatives that were before the voters, but the two points are these: number one, there is nothing about the current system that prevents any tax payer from bringing an initiative to undo or for that matter bring a referendum petition to undo actions by this Legislature in quote unquote 'raising taxes.' If he or she is satisfied with those specific decisions made by the legislature. And in the relevantly rare cases where this Legislature has taken action to raise taxes, the citizens have not been bashful about exercising those constitutional rights. The other point that I would like to make is that although there has been repeated reference to the will of the tax payers and the strong support around the state for these initiatives, none of the five initiatives that have passed for the last twenty years came anywhere close to the level of support that the citizens across the state showed for teacher COLA and for reducing class sizes. And one of the pickles that this constitutional amendment would inevitably put us in is an inability to find our obligations to our kids in public schools. So, I think this is a bad policy direction for us and I urge rejection of the amendment."

REMARKS BY SENATOR BRAUN

Senator Braun: "Thank you Mr. President. So, I rise in support of this resolution. This is easy for me I personally supported the initiatives. All five of them. My district supports them by seventy five percent. I believe in the wisdom of the people so perhaps you can draw from that that my district is wiser than other but I won't say that here. What I really want to talk about is I want to talk about is I want to address this notion that government would be unworkable with this constitutional amendment. I think that just going back one year will prove that to be false. We're all familiar with the five tax increases that would be subject to this that we passed last year. There were five on the advisory ballot. We all got to explain them in our districts. Four of those five passed by greater than two-thirds majority. Some of us didn't even realize that they were passing by greater than two-thirds. They were just the right thing to do so we did the right thing. The one that didn't was the Bracken decision. I'm familiar with that because I a role in negotiating it. I would

submit, and even though I supported the ultimate solution, I would submit that we could still have gotten to a two-thirds support on that and we would have gotten a better result for the State of Washington. So, to suggest that we can't do our job well, or we can't do our job even, with this requirement is simply not the case. Yes, we have to do hard things but hard things are doable and this doesn't stop us from getting the will of the people done. So, with that, I would urge your support of the amendment. Thank you."

REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you Mr. President. I rise in opposition to this measure. And it's really interesting, we keep hearing about the will of the people. We cannot betray what the will the will of the people is, what our constituents want but we have had many initiatives that have been approved by the voters but there's one that was approved very sizably. However, there are those in this chamber who consistently, year after year, after year introduce legislation to repeal or amend this particular initiative that was approved by the voters overwhelmingly in 1998. It was Initiative 688 that was approved by sixty-six point fourteen percent. What was that imitative? It was Initiative to support the minimum wage. We have legislation this year to amend that, year after year after year. And it's really interesting to me that with that particular initiative the will of people apparently does not count."

REMARKS BY SENATOR MCAULIFFE

Senator McAuliffe: "Thank you Mr. President. I stand in opposition to Senate Joint Resolution No. 8213. We have a constitutional obligation to fully fund basic education. Our children deserve a strong education system that fully funds their opportunity to have a class size where they have the opportunity for individual attention. We have an obligation to make sure that those teachers in that classroom have the professional development and the tools they need in order to be a high quality teacher. They are the key to our children's education. The McCleary court order has told us that we must fully fund basic education, that we have not lived up to our constitutional obligation. Ladies and Gentlemen of the Senate, I say this because in 2007 we passed a simple majority and the vote was 33 to 16. It took us fifteen years to pass the simple majority, fifteen years. That is how difficult it is to get the kind of votes we need for our children when we talk about our need to fund education. So, we have until 2018 now. We need to approximately think about eight billion dollars to fully fund basic education and I will challenge you, each and every one of you to take a two-thirds vote on the taxes needed to fully fund education for our children. So, fifteen years, remember that. Our kids cannot wait. I ask you to vote no."

MOTION

On motion of Senator Braun and without objection, the remarks regarding on the final passage of Senate Joint Resolution No. 8213 were spread upon the Journal.

REMARKS BY SENATOR ROACH

Senator Roach: "Thank you Mr. President, ladies and gentlemen of the Senate. In closing debate I wanted to mention a few things. First of all, the good senator from the Forty Third, I think he's sitting there, mentioned the good senator from the Thirty-First, that would be me, talked about the number of people

that voted for 1185. It is true, that 1185 did not have the percentage that was highest in state history but they had the number of voters, one point nine million people voted in favor of 1185. Every time, in the five times that this issues come before the voters, the number of voters has increased as has its percentage. I wanted to address the good senator from the Eleventh talking about a huge tax shifts and talking about tax breaks that there totally wrong and so forth. Well, a couple of things, the people of the state do have the right to referendum. If there's something there that they haven't liked, then that should go to the referendum but I will tell you that these things passed, the last time twenty five years we could say, under a very progressively dominate Legislature. I think the House was only in the hands of the Republican party for just a couple of years, there was a tie. I've served under the governor's, Governor Gardner, Governor Locke, Governor Gregoire, Governor Insee and those governors have to sign the bills. So, if we're complaining about what somebody might say is a loop whole obviously there was a more prevailing argument or they wouldn't have passed the more liberal body in both of these chambers as it's been historically or they would not have received a vote, a signature from the Governor. I want to talk about those people that are in need. I looked at these vote totals. The senator from the Seventh District, we've talked in committee about the unemployment rate, which is near thirty percent I believe. The income rate, average income is twenty four thousand dollars a year. These are people that we might logically think are benefiting greatly from the services that the government may give from food stamps, from a variety of programs and so forth and yet seventy-five percent of the people in the Seventh District did in fact vote in favor of 1185. It says something about their character probably that they want to be able to have that chance to succeed and they know they can't do if their taxes are too high and that they are prohibitive and if government doesn't reform itself. The good senator from the Nineteenth District, another area that I think most people think is not the most prosperous in our state, seventy percent of the people, seventy percent of the people, many of whom are availing themselves of the programs. The senator from I believe it is Senator Kline, I'm going to guess, Pardon? The Thirty Seventh District. Well, I think what you stated had to do with the fact that we needed more money to provide good government. In order to have that, we have to raise taxes and that is extremely well-stated for the people in your district Senator Kline, I always thought you did. You're my wonderful nemesis and sometimes we..."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Roach, would you address the President with your comments?"

REMARKS BY SENATOR ROACH

Senator Roach: "Thank you Mr. President. So, what I would like to do is close by saying again that this measure has not been exceeded in state history by the number of registered voters who voted for the initiative but this measure has been passed in seventeen other states similar measures. This measure is one that the people of the state of Washington want and that we should be, as the previous speaker also said working together. That working together doesn't just mean here. Doesn't mean having a thought that we are better than or more educated than the people. It means we should be working with the people in my opinion and they liked 1185. And I think we should allow them to have a chance to vote for it in a form of a constitutional amendment. I urge passage of the resolution."

Senator Braun moved that all the remarks be spread upon the journal.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8213.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8213 and the resolution failed to pass the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dandel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Hargrove, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Excused: Senators Baumgartner, Frockt and Hobbs

SENATE JOINT RESOLUTION NO. 8213, having failed to receive the necessary constitutional majority, was declared lost.

STATEMENT FOR THE JOURNAL

On February 5, the Senate considered Senate Joint Resolution No. 8213, which, if passed by a two-thirds supermajority, would have placed a proposed constitutional amendment before the people. That amendment would have, if passed, required a two-thirds vote in each chamber of the legislature in order to raise taxes. Upon final passage, the resolution received 25 'Yea' votes, eight short of number required for passage.

I was excused from voting by the President. Had I been present, I would have voted 'No'"

SENATOR FROCKT, 46TH LEGISLATIVE DISTRICT

MOTION

At 12:42 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:37 p.m. by Vice President Pro Tempore, Senator Brown presiding.

MOTION

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 5, 2014

SB 6350 Prime Sponsor, Senator Roach: Securing damages for persons injured by violations of the state Constitution. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson and Pedersen.

Passed to Committee on Governmental Operations.

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MOTION

HUNTER G. GOODMAN, Secretary of the Senate

On motion of Senator Fain, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

At 3:38 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, February 6, 2014.

BRAD OWEN, President of the Senate

TWENTY FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 6, 2014

The Senate was called to order at 12:00 noon by the Vice President Pro Tempore, Senator Brown presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 2014

SB 5020 Prime Sponsor, Senator Sheldon: Modifying indigent defense provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5020 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kline, Ranking Member.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 5125 Prime Sponsor, Senator Holmquist Newbry: Addressing workers' compensation reform through clarification of occupational disease claims. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 5156 Prime Sponsor, Senator Benton: Requiring notification to parents or guardians in cases of abortion. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5156 be substituted therefor, and the substitute bill do

pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 5958 Prime Sponsor, Senator McAuliffe: Concerning accountability in providing opportunities for certain students to participate in transition services. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5958 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 5, 2014

SB 5986 Prime Sponsor, Senator Ericksen: Eliminating the reduction in state basic education funding that occurs in counties with federal forest lands. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5986 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Brown; Fain; Hill; Rivers; Rolfes, Assistant Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Cleveland; McAuliffe, Ranking Member and Mullet.

Passed to Committee on Ways & Means.

February 5, 2014

SB 6121 Prime Sponsor, Senator Dammeier: Concerning the calculation and allocation of appropriations for alternative learning experience courses. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6121 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 5, 2014

SB 6127 Prime Sponsor, Senator Litzow: Improving quality in the early care and education system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6127 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 5, 2014

SB 6144 Prime Sponsor, Senator Fain: Concerning cosmetology training and licensure requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6144 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6149 Prime Sponsor, Senator Angel: Addressing contractor liability for industrial insurance premiums for not-for-profit nonemergency medicaid transportation brokers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6149 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Conway, Ranking Member; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senator Kohl-Welles.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6179 Prime Sponsor, Senator Braun: Authorizing workers' compensation group self-insurance plans. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6179 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6186 Prime Sponsor, Senator King: Concerning certain public works contracting requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6186 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6206 Prime Sponsor, Senator Honeyford: Concerning telecommunications installations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6227 Prime Sponsor, Senator Eide: Enhancing public safety by reducing distracted driving incidents caused by the use of personal wireless communications devices. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6227 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Fain, Budget Leadership Cabinet; Liias; Mullet; O'Ban and Rolfes.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6269 Prime Sponsor, Senator Angel: Concerning the first mortgage interest business and occupation tax deduction. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6269 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Fain; Hatfield and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Mullet, Vice Co-Chair and Nelson.

Passed to Committee on Ways & Means.

February 4, 2014

SB 6273 Prime Sponsor, Senator Hobbs: Revising provisions governing money transmitters. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6273 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6277 Prime Sponsor, Senator Honeyford: Concerning telecommunications work experience for purposes of eligibility toward limited energy specialty electrician certification. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6290 Prime Sponsor, Senator Sheldon: Regarding miniature hobby boilers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6290 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6300 Prime Sponsor, Senator Becker: Protecting public sector workers' rights through public disclosure of public sector unions' finances. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6300 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6313 Prime Sponsor, Senator Darneille: Concerning a surcharge for local homeless housing and assistance. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6313 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield and Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Nelson.

Passed to Committee on Ways & Means.

February 5, 2014

SB 6317 Prime Sponsor, Senator Angel: Improving the accuracy of the prevailing rate of wage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6317 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6319 Prime Sponsor, Senator Bailey: Modifying the definition of residential real property in homeowners' associations. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6446 Prime Sponsor, Senator Schoesler: Concerning payments in lieu of taxes on county game lands. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6446 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6471 Prime Sponsor, Senator Baumgartner: Creating a teen summer employment wage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6471 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6499 Prime Sponsor, Senator Dammeier: Creating the joint task force on local education financing reform. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6499 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Fain; Hill and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; McAuliffe, Ranking Member and Mullet.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

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SB 6507 Prime Sponsor, Senator Hobbs: Modifying certain provisions governing foreclosures. Reported by Committee on Financial Institutions, Housing & Insurance

MESSAGE FROM THE HOUSE

February 5, 2014

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6509 Prime Sponsor, Senator Liias: Concerning fish barrier removals. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6509 be substituted therefor, and the substitute bill do pass. Signed by Senators Danel; Hargrove; Hewitt; Kline and Parlette.

Passed to Committee on Ways & Means.

February 5, 2014

SJR 8215 Prime Sponsor, Senator Padden: Amending the state Constitution so that only persons who are qualified voters in a county are elected or appointed to the office of judge of the superior court for that county. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Rules for second reading.

MOTION

Senator Fain moved that the measures listed on the Standing Committee report be referred to the committees as designated.

MOTION

Senator Rolfes moved to amend the motion by Senator Fain and that Senate Bill No. 6186 be referred to the Committee on Transportation.

Senator Rolfes spoke in favor of the motion.

MOTION

On motion of Senator Rolfes, the motion by Senator Rolfes to amend the motion by Senator Fain was withdrawn.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Fain that the measures listed on the Standing Committee report be referred to the committees as designated and the motion carried by voice vote.

MOTION

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

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1448,

HOUSE BILL NO. 1607,

HOUSE BILL NO. 2127,

HOUSE BILL NO. 2148,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6553 by Senators Kline, Hobbs, Hatfield and Fain

AN ACT Relating to the distribution of real property sale proceeds; and amending RCW 6.21.110.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6554 by Senator Ranker

AN ACT Relating to providing life alert services; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6555 by Senators Litzow, Hill, Tom, Hobbs, Dammeier, Rivers and Fain

AN ACT Relating to systematic reviews of education investments; and adding new sections to chapter 28A.150 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6556 by Senators Kohl-Welles, Pedersen, McAuliffe, Darneille, Fraser, Nelson, Hasegawa, McCoy, Conway, Chase, Frockt, Billig, Keiser, Ranker, Rolfes and Kline

AN ACT Relating to studying barriers to access; and creating new sections.

Referred to Committee on Governmental Operations.

SB 6557 by Senator Baumgartner

AN ACT Relating to electrician licensing and identification requirements; and amending RCW 19.28.271.

Referred to Committee on Commerce & Labor.

SB 6558 by Senators O'Ban and Darneille

AN ACT Relating to intensive home and community-based mental health services for medicaid-eligible children; amending RCW 71.24.065; creating new sections; and making an appropriation.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2ESHB 1448 by House Committee on Health Care & Wellness (originally sponsored by Representatives Bergquist, Ross, Cody, Harris, Green, Rodne, Tharinger, Johnson, Manweller, Magendanz and Morrell)

AN ACT Relating to telemedicine; amending RCW 70.41.020 and 70.41.230; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 74.09 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health Care.

HB 1607 by Representative Rodne

AN ACT Relating to alternative means of service in forcible entry and forcible and unlawful detainer actions; and adding a new section to chapter 59.12 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 2127 by Representatives Van De Wege and Tharinger

AN ACT Relating to the authority of medical program directors; and amending RCW 18.71.212.

Referred to Committee on Health Care.

HB 2148 by Representatives Cody, Pollet, Senn, Appleton, S. Hunt, Takko, Sells, Carlyle, Fitzgibbon, Springer, Green, Reykdal, Lytton, Tharinger, Jinkins, Roberts, Goodman, Liias, Kagi, Van De Wege, Clibborn, Ryu, Ormsby, Fey, Walkinshaw, Farrell, Hudgins, Santos, Bergquist, Pettigrew and Riccelli

AN ACT Relating to preserving health insurance coverage for the voluntary termination of a pregnancy by requiring health plans issued or renewed on or after January 1, 2015, that provide coverage for maternity care or services to provide a covered person with substantially equivalent coverage to permit the voluntary termination of a pregnancy, by prohibiting a health plan from limiting in any way a woman's access to services related to the voluntary termination of a pregnancy other than terms and conditions generally applicable to the health plan's coverage of maternity care or services including applicable cost sharing, by not limiting in any way a woman's constitutionally or statutorily protected right to voluntarily terminate a pregnancy, by clarifying that health plans are not required to cover abortions that would be unlawful under RCW 9.02.120, by providing an exemption for a multistate plan that does not cover the voluntary termination of pregnancies under federal law, by making the provisions of this act inapplicable to the minimum extent necessary to avoid noncompliance with federal requirements that are a prescribed condition to the

allocation of federal funds to the state, and by clarifying that nothing in this act affects the statutory right of objection based on conscience or religion as set forth in RCW 48.43.065; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6553 which was referred to the Committee on Financial Institutions, Housing & Insurance.

MOTION

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

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION 8668

By Senators Schoesler and Hatfield

WHEREAS, The 4-H Youth Development Program of Washington State University Extension has assisted the young people in Washington develop essential "life skills" since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering citizenship, science, math and technology literacy, health and wellness, communication, and decision-making skills; and

WHEREAS, Over 90,000 young people and 8,000 adult volunteers throughout Washington participated in 4-H Youth Development Programs in 2013; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the State Capitol as part of an annual statewide educational program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government program focused this year on lobbying and its impact; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens and realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pat BoyEs, the State 4-H Director for the Washington State University Extension 4-H Youth Development Program.

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Senator Schoesler spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8668.

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

MOTION

Senator Dandel moved adoption of the following resolution:

SENATE RESOLUTION
8675

By Senator Dandel

WHEREAS, British Columbia and Washington State share a border, many natural resources, and geological and geographic similarities; and

WHEREAS, British Columbia and Washington State often work together to achieve mutual goals, including British Columbia working together with Whatcom, Okanogan, Ferry, Stevens, and Pend Oreille counties to secure and streamline border crossings, facilitating transportation of goods and travelers throughout the region; and

WHEREAS, The paramount duty of Washington State is the education of our youth in order to prepare them to be our leaders in the future; and

WHEREAS, British Columbia recognizes the importance and value of quality civic education; and

WHEREAS, The Legislative Assembly of British Columbia and Washington State Legislature sponsor nationally renowned internship programs meant to educate interns and promote political awareness; and

WHEREAS, Washington State undergraduate interns spend their winter quarter or spring semester working in Olympia with staff and members of the Washington State Senate or House of Representatives; and

WHEREAS, In addition to their office work, interns participate in weekly academic seminars and workshops, learning about the process of a representative democracy with a bicameral legislature; and

WHEREAS, The British Columbia Legislative Internship Program offers an opportunity to university graduates to supplement their academic training by observing the daily workings of the Legislative Assembly firsthand; and

WHEREAS, Interns acquire skills and knowledge that they can apply to chosen careers and future life experiences, which further

contributes to a greater public understanding and appreciation of parliamentary government; and

WHEREAS, The exchange program represents a shadowing opportunity by which British Columbia interns can visit the state capitol in Olympia and Washington State interns can visit the provincial capitol in Victoria; and

WHEREAS, For the eleventh year, British Columbia and Washington State legislative interns have participated in this exchange program to explore and learn about the history and government processes of a different legislative body; and

WHEREAS, We welcome the British Columbia legislative interns to the Washington State legislature and commend their numerous academic achievements and passion for government;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the hardworking and dedicated British Columbia Legislative Internship Program facilitators: Karen Aitken and Jennifer Ives, as well as the British Columbia legislative interns: Carly Aasen, Beaudin Bennett, Elyse Goatcher-Bergmann, Sarah Griffiths, Simran Lehal, Johanna McBurnie, Ethan Plato, Esther Rzeplinski, Renae Sinclair, and Adam Walter, and extend our deepest gratitude to our own legislative intern coordinators: Judi Best, Emily McCartan, and Paula Rehwaldt for bringing together such an excellent program; and

BE IT FURTHER RESOLVED, That the Washington State Senate hereby honor, thank, and celebrate the British Columbia legislative interns here today.

Senator Dandel spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8675.

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

MOTION

At 12:09 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, February 7, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWENTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 7, 2014

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 2014

SB 5064 Prime Sponsor, Senator Hargrove: Concerning persons sentenced for offenses committed prior to reaching eighteen years of age. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5064 be substituted therefor, and the second substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden

Passed to Committee on Rules for second reading.

February 5, 2014

SB 5334 Prime Sponsor, Senator Hewitt: Concerning public facilities' grants and loans. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5334 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Kohl-Welles; Padden; Parlette; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 5430 Prime Sponsor, Senator Hobbs: Modifying the distribution and use of aircraft excise taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Frockt; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 5602 Prime Sponsor, Senator Bailey: Creating a silver alert system. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5602 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 5908 Prime Sponsor, Senator Kohl-Welles: Concerning property tax refunds. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5908 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 5964 Prime Sponsor, Senator Fain: Concerning training public officials and employees regarding public records, records management, and open public meetings requirements. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5964 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 5995 Prime Sponsor, Senator Angel: Concerning local government selection of the appropriate sewer systems as part of growth management. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Dansel and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6008 Prime Sponsor, Senator Chase: Modifying water-sewer district provisions. Reported by Committee on Governmental Operations

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MAJORITY recommendation: That Substitute Senate Bill No. 6008 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Dinsel and McCoy.

Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Hasegawa, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 6, 2014

February 6, 2014

SB 6016 Prime Sponsor, Senator Rivers: Concerning continuity of care for enrollees in the Washington health benefit exchange during grace periods. Reported by Committee on Health Care

SB 6077 Prime Sponsor, Senator Benton: Modifying the use of storm water control facility rate charges. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6016 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Litzow.

MINORITY recommendation: Do not pass. Signed by Senators Chase; McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig and Ranker.

February 6, 2014

Passed to Committee on Rules for second reading.

SB 6043 Prime Sponsor, Senator Baumgartner: Establishing a cap for resident undergraduate tuition rates. Reported by Committee on Higher Education

February 6, 2014

MAJORITY recommendation: That Substitute Senate Bill No. 6043 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

SB 6081 Prime Sponsor, Senator Dammeier: Creating a grant program to develop and modernize specialized STEM facilities. Reported by Committee on Ways & Means

Passed to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6081 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hatfield; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

February 6, 2014

Passed to Committee on Rules for second reading.

SB 6050 Prime Sponsor, Senator O'Ban: Concerning communication of mammographic breast density information to patients. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 6050 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Keiser and Parlette.

February 6, 2014

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; Pedersen, Ranking Member.

SB 6083 Prime Sponsor, Senator Kohl-Welles: Concerning precollege placement measures. Reported by Committee on Higher Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

February 5, 2014

Passed to Committee on Rules for second reading.

SB 6062 Prime Sponsor, Senator Hill: Requiring internet access to public school data and expenditure information. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6062 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Dammeier; Fraser; Hargrove, Ranking Member;

February 6, 2014

SB 6124 Prime Sponsor, Senator Keiser: Developing a state Alzheimer's plan. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 6124 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6129 Prime Sponsor, Senator Hill: Concerning paraeducator development. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6129 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6137 Prime Sponsor, Senator Conway: Regulating pharmacy benefit managers and pharmacy audits. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 6137 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6141 Prime Sponsor, Senator Roach: Concerning the confidentiality of certain records filed with the utilities and transportation commission or the attorney general. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6162 Prime Sponsor, Senator Litzow: Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6162 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Ways & Means.

February 5, 2014

SB 6168 Prime Sponsor, Senator Rivers: Concerning review of licensing and employment decisions by the children's administration. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6168 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6177 Prime Sponsor, Senator Litzow: Regarding financing for stewardship of mercury-containing lights. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6177 be substituted therefor, and the substitute bill do pass. Signed by Senators Sheldon, Vice Chair; Billig; Chase; Honeyford; Litzow; McCoy, Ranking Member and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Chair and Brown.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6180 Prime Sponsor, Senator Braun: Consolidating designated forest lands and open space timber lands for ease of administration. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Dammeier; Frockt; Hargrove, Ranking Member; Hatfield; Padden; Parlette; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget and Conway.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6192 Prime Sponsor, Senator Pearson: Requiring the department of corrections to supervise domestic violence offenders who have a conviction and were sentenced for a domestic violence felony offense that was plead and proven. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6192 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6200 Prime Sponsor, Senator Darneille: Concerning the Washington state historical society. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6200 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dansel.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6211 Prime Sponsor, Senator Fain: Concerning the termination of basic food benefits to incarcerated persons. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6211 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Hargrove and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Darneille, Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6214 Prime Sponsor, Senator Kohl-Welles: Concerning industrial hemp production. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6214 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6228 Prime Sponsor, Senator Mullet: Concerning transparency tools for consumer information on health care cost and quality. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 6228 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6234 Prime Sponsor, Senator Padden: Concerning compliance with inspections of child care facilities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6234 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Ways & Means.

February 5, 2014

SB 6252 Prime Sponsor, Senator Dammeier: Concerning residence locations of felony sex offenders of minors. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6252 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6258 Prime Sponsor, Senator Ericksen: Using conservation achieved by a qualifying utility in excess of its biennial acquisition target under the energy independence act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Chase and Honeyford.

MINORITY recommendation: Do not pass. Signed by Senators Litzow and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6264 Prime Sponsor, Senator Ericksen: Capping the amount of the greenhouse gas reporting fee. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6264 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Billig; Brown; Honeyford and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Chase; McCoy, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Litzow.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6265 Prime Sponsor, Senator Frockt: Concerning state and local agencies that obtain patient health care information. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 6265 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6270 Prime Sponsor, Senator Fain: Transferring the insurance and financial responsibility program. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6270 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6282 Prime Sponsor, Senator O'Ban: Modifying drug offender sentencing alternatives. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6282 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Ways & Means.

February 5, 2014

SB 6311 Prime Sponsor, Senator O'Ban: Concerning involuntary medication for maintaining the level of restoration in jail. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6311 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6312 Prime Sponsor, Senator Darneille: Concerning state purchasing of mental health and chemical dependency treatment services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6312 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Ways & Means.

February 5, 2014

SB 6325 Prime Sponsor, Senator Fain: Correcting the expiration date of a definition of firefighter. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6327 Prime Sponsor, Senator Darneille: Expanding the categories of offenses eligible for the parenting program with the department of corrections. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Hargrove.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6338 Prime Sponsor, Senator Dammeier: Giving preferences to housing trust fund projects that involve collaboration between local school districts and housing authorities to help children of low-income families succeed in school. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6345 Prime Sponsor, Senator McCoy: Concerning the arrest of individuals who suffer from chemical dependency. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6345 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6350 Prime Sponsor, Senator Roach: Securing damages for persons injured by violations of the state Constitution. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Dansel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6358 Prime Sponsor, Senator Kohl-Welles: Requiring institutions of higher education to provide certain financial aid information to admitted and prospective students. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

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SB 6362 Prime Sponsor, Senator Bailey: Creating efficiencies for institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6362 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6365 Prime Sponsor, Senator Frockt: Creating a pilot program to provide educational stability for homeless children. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6370 Prime Sponsor, Senator King: Creating a tuition and fees exemption for children and surviving spouses of certain highway workers. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6370 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker, Vice Chair.

Passed to Committee on Ways & Means.

February 5, 2014

SB 6379 Prime Sponsor, Senator Hill: Concerning the period of time the department of revenue must grant or deny a refund request. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6381 Prime Sponsor, Senator Ranker: Concerning watershed councils in the Puget Sound basin. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Billig; Brown; Chase; Honeyford; Litzow; McCoy, Ranking Member and Ranker.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6387 Prime Sponsor, Senator Hill: Concerning individuals with developmental disabilities who have requested a service from a program that is already at capacity. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Ways & Means.

February 5, 2014

SB 6390 Prime Sponsor, Senator Darneille: Forming the juvenile sentencing task force to review and make recommendations regarding juvenile sentencing matters. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6390 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6391 Prime Sponsor, Senator Fain: Addressing the financial solvency of insurance companies. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6391 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Benton, Vice Co-Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6394 Prime Sponsor, Senator Darneille: Concerning income eligibility for temporary assistance for needy families benefits for a child. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Hargrove.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Ways & Means.

February 5, 2014

SB 6399 Prime Sponsor, Senator Darneille: Creating an office of corrections ombuds. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6402 Prime Sponsor, Senator Honeyford: Defining honey bee products and services as an agricultural product. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6402 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Kohl-Welles; Padden; Parlette; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6405 Prime Sponsor, Senator Baumgartner: Providing greater consistency in how nonprofit tax-exempt property may be used without jeopardizing the property's tax-exempt status. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6412 Prime Sponsor, Senator Cleveland: Concerning tax, penalty, and interest assessments on claims for collection of sales tax debt. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6412 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6419 Prime Sponsor, Senator Cleveland: Concerning expanding access to medicaid programs in border communities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6420 Prime Sponsor, Senator Keiser: Concerning investigations involving vulnerable adults. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 6420 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6423 Prime Sponsor, Senator Bailey: Changing provisions relating to the opportunity scholarship. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6423 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6426 Prime Sponsor, Senator Hasegawa: Increasing the available funding limit of the linked deposit program. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield and Nelson.

MINORITY recommendation: Do not pass. Signed by Senator Benton, Vice Co-Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6436 Prime Sponsor, Senator Frockt: Creating a work group to make recommendations for the continued viability of the college bound scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6436 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6452 Prime Sponsor, Senator Eide: Providing a sales and use tax exemption for certain new building construction by

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maintenance repair operators for commercial airplanes.
Reported by Committee on Ways & Means

a comprehensive plan. Reported by Committee on
Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6452 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

February 6, 2014

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt.

SB 6464 Prime Sponsor, Senator O'Ban: Concerning health insurance coverage options for the citizens of Washington state. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey and Parlette.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; Keiser; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6453 Prime Sponsor, Senator Dammeier: Concerning each area agency on aging's oversight of timekeeping with regard to case management services. Reported by Committee on Health Care

February 5, 2014

MAJORITY recommendation: That Substitute Senate Bill No. 6453 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

SB 6472 Prime Sponsor, Senator Hill: Simplifying the taxation of amusement, recreation, and physical fitness services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6472 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Schoesler and Tom.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

February 6, 2014

SB 6454 Prime Sponsor, Senator Keiser: Exempting from public inspection certain public works proposals and documents. Reported by Committee on Governmental Operations

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt.

MAJORITY recommendation: That Substitute Senate Bill No. 6454 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 6, 2014

February 6, 2014

SB 6458 Prime Sponsor, Senator Becker: Repealing provisions that establish the office of the insurance commissioner and replacing that office with a Washington state insurance board. Reported by Committee on Health Care

SB 6474 Prime Sponsor, Senator Rivers: Requiring navigator applicants to furnish background check information. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey and Parlette.

MAJORITY recommendation: That Substitute Senate Bill No. 6474 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey and Parlette.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; Keiser; Pedersen, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; Keiser; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 5, 2014

February 6, 2014

SB 6463 Prime Sponsor, Senator Angel: Including the facilities of certain public water systems in the utilities element of

SB 6478 Prime Sponsor, Senator Hill: Streamlining forest and fish agreement-related programs providing funding with accountability. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6478 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6479 Prime Sponsor, Senator Frockt: Providing caregivers authority to allow children placed in their care to participate in normal childhood activities based on a reasonable and prudent parent standard. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6479 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Hargrove.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6481 Prime Sponsor, Senator O'Ban: Funding recovery programs for persons with mental illness and chemical dependency disorders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6481 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6482 Prime Sponsor, Senator Kohl-Welles: Concerning the display of campus information on the statewide public four-year dashboard. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6482 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

February 5, 2014

SB 6491 Prime Sponsor, Senator Tom: Requiring photo identification on electronic benefit cards. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6491 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Hargrove and Padden.

MINORITY recommendation: Do not pass. Signed by Senator Darneille, Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6511 Prime Sponsor, Senator Becker: Addressing the prior authorization of health care services. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 6511 be substituted therefor, and the substitute bill do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6513 Prime Sponsor, Senator Becker: Concerning court review of involuntary treatment decisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6515 Prime Sponsor, Senator Brown: Creating a pilot program that provides incentives for investments in Washington state job creation and economic development. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6515 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member and Holmquist Newbry.

MINORITY recommendation: Do not pass. Signed by Senator Pedersen.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6517 Prime Sponsor, Senator Roach: Exempting agency employee driver's license numbers, identicard numbers, and identification numbers from public inspection and copying. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6517 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6518 Prime Sponsor, Senator Chase: Transferring technology-based economic development programs from innovate Washington to the department of commerce. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6518 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry and Pedersen.

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6519 Prime Sponsor, Senator Litzow: Concerning public school employees' insurance benefits reporting. Reported by Committee on Health Care

February 6, 2014

SB 6554 Prime Sponsor, Senator Ranker: Providing life alert services. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

MAJORITY recommendation: That Substitute Senate Bill No. 6554 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Billig; Chase; Litzow; McCoy, Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown and Honeyford.

February 6, 2014

SB 6524 Prime Sponsor, Senator Ericksen: Concerning the safety of the transport of hazardous materials. Reported by Committee on Energy, Environment & Telecommunications

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6524 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Litzow.

February 4, 2014

SJM 8011 Prime Sponsor, Senator Chase: Concerning international trade policy reforms. Reported by Committee on Trade & Economic Development

MINORITY recommendation: Do not pass. Signed by Senators Billig; Chase McCoy, Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry and Liias.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Ranker.

MINORITY recommendation: Do not pass. Signed by Senator Pedersen.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6537 Prime Sponsor, Senator Roach: Concerning the certification of minority and women's business enterprises. Reported by Committee on Governmental Operations

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 6, 2014

SGA 9263 TAKHMINA DZHURAEVA, appointed on July 1, 2013, for the term ending June 30, 2014, as Member of the Board of Trustees, College District No. 8 (Bellevue College). Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6537 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6549 Prime Sponsor, Senator Hobbs: Creating demonstration projects for preserving agricultural land and public infrastructure in flood plains. Reported by Committee on Agriculture, Water & Rural Economic Development

February 6, 2014

SGA 9311 CONSTANCE W RICE, appointed on July 22, 2013, for the term ending September 30, 2019, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

February 6, 2014

SB 6553 Prime Sponsor, Senator Kline: Concerning the distribution of real property sale proceeds. Reported by Committee on Financial Institutions, Housing & Insurance

Passed to Committee on Rules for second reading.

February 6, 2014

SGA 9312 ROGELIO RIOJAS, appointed on October 1, 2013, for the term ending September 30, 2019, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 6, 2014

SGA 9321 KIANA M SCOTT, appointed on July 2, 2013, for the term ending June 30, 2014, as Member of the Board of Regents, University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 6, 2014

SGA 9333 BRETT R WILLIS, appointed on October 16, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 11 (Pierce College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6350 which was referred to the Committee on Ways & Means and Senate Bill No. 6554 which was held at the desk.

MOTION

At 10:03 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:54 p.m. by the acting President Pro Tempore Senator Fraser presiding.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 7, 2014

SB 5173 Prime Sponsor, Senator Hasegawa: Excusing work and school absences for a reason of faith or conscience. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5173 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Conway, Ranking Member; Hasegawa; King and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun, Vice Chair.

Passed to Committee on Rules for second reading.

February 7, 2014

SB 5360 Prime Sponsor, Senator Conway: Addressing the collection of unpaid wages. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5360 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 5467 Prime Sponsor, Senator King: Conforming vehicle owner list furnishment requirements with federal law. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5467 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet and O'Ban.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rolfes.

Passed to Committee on Rules for second reading.

February 5, 2014

ESSB 5735 Prime Sponsor, Committee on Human Services & Corrections: Concerning registered sex or kidnapping offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5735 be substituted therefor, and the second substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 7, 2014

SB 5844 Prime Sponsor, Senator Sheldon: Modifying collective bargaining law to authorize the right of state workers employed in the community and technical college system as nontenured part-time academic employees to form a collective bargaining unit for the protection of their common interests. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

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MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member and Hasegawa.

Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 7, 2014

February 7, 2014

SB 5887 Prime Sponsor, Senator Rivers: Concerning the medical use of cannabis. Reported by Committee on Commerce & Labor

SB 6136 Prime Sponsor, Senator Kohl-Welles: Concerning the sale of beer by grocery store licensees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Second Substitute Senate Bill No. 5887 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Hewitt; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry, Chair; Conway, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 7, 2014

February 7, 2014

SB 6053 Prime Sponsor, Senator Honeyford: Addressing the payment of representation fees in lieu of regular union dues and fees. Reported by Committee on Commerce & Labor

SB 6158 Prime Sponsor, Senator Conway: Encouraging safe and responsible sales of marijuana by authorizing the use of minors in compliance checks and addressing identification and manufacturing. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6053 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

MAJORITY recommendation: That Substitute Senate Bill No. 6158 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senators Conway, Ranking Member; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 7, 2014

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SB 6063 Prime Sponsor, Senator Litzow: Concerning closing and elimination the opportunity gap. Reported by Committee on Early Learning & K-12 Education

SB 6160 Prime Sponsor, Senator Conway: Concerning marijuana processing and retail licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Brown; Fain; Hill and Rivers.

MAJORITY recommendation: That Substitute Senate Bill No. 6160 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; McAuliffe, Ranking Member Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig and Mullet.

SB 6163 Prime Sponsor, Senator Billig: Creating the summer knowledge improvement pilot program. Reported by Committee on Early Learning & K-12 Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6163 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

February 6, 2014

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SB 6128 Prime Sponsor, Senator Litzow: Concerning the delivery of medication and services by unlicensed school employees. Reported by Committee on Early Learning & K-12 Education

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig;

SB 6172 Prime Sponsor, Senator Hargrove: Protecting Washington citizens from warrantless surveillance, reducing liability, and establishing clear standards under which agencies

may utilize unmanned aerial vehicles. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6172 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 7, 2014

SB 6178 Prime Sponsor, Senator Kohl-Welles: Aligning the medical marijuana system with the recreational marijuana system. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Second Substitute Senate Bill No. 6178 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6183 Prime Sponsor, Senator Braun: Requiring public employee collective bargaining sessions to be open meetings. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Dandel and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6220 Prime Sponsor, Senator Braun: Concerning retail license fees for retailers when selling for resale. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Braun; Dammeier; Frockt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Conway; Hargrove, Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6242 Prime Sponsor, Senator King: Concerning waivers from the one hundred eighty-day school year requirement. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6242 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Rivers; Rolfes, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6245 Prime Sponsor, Senator Dandel: Concerning the role of parties in cases related to certain notices and records. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6245 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6249 Prime Sponsor, Senator Dammeier: Establishing new authority for courts to assess cost recovery fees for costs associated with new indigent defense standards. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6249 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Ways & Means.

February 7, 2014

SB 6272 Prime Sponsor, Senator Hewitt: Concerning manufacturer and new motor vehicle dealer franchise agreements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6272 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun, Vice Chair.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6288 Prime Sponsor, Senator Dandel: Concerning water quality determinations made by the department of ecology. Reported by Committee on Energy, Environment & Telecommunications

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MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Chase; Litzow; McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6295 Prime Sponsor, Senator Mullet: Regarding the withholding of medical treatment in favor of faith-based or metaphysical healing efforts. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6295 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Padden.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6314 Prime Sponsor, Senator Darneille: Asserting that submission of DNA markers to a database be accessible only to qualified laboratory personnel. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6314 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Kline, Ranking Member and Pedersen.

Passed to Committee on Ways & Means.

February 7, 2014

SB 6331 Prime Sponsor, Senator Hobbs: Concerning self-service storage facilities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6331 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 7, 2014

SB 6334 Prime Sponsor, Senator Keiser: Concerning the sales of growlers of wine or beer. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6334 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6336 Prime Sponsor, Senator Dammeier: Promoting expanded learning opportunities as a strategy to close the educational opportunity gap and prevent summer learning loss. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Dammeier, Vice Chair; Brown; Cleveland; Fain; Hill; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6339 Prime Sponsor, Senator Fraser: Concerning coercion of involuntary servitude. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6339 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6356 Prime Sponsor, Senator Angel: Naming the chair and vice chair of state and county political committees. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6356 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Dansel and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway and McCoy.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6380 Prime Sponsor, Senator O'Ban: Concerning deficit reimbursement agreements with counties owning and operating ferry systems. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6380 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; O'Ban; Rolfes and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6384 Prime Sponsor, Senator Padden: Modifying certain venue of action provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 7, 2014

SB 6392 Prime Sponsor, Senator Baumgartner: Establishing community service standards for individuals receiving unemployment benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That Substitute Senate Bill No. 6392 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6404 Prime Sponsor, Senator Benton: Concerning annexations by code cities in counties with four hundred thousand or more residents. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Dinsel; Hasegawa, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator McCoy.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6413 Prime Sponsor, Senator Fain: Clarifying prior offenses for driving under the influence or physical control of a vehicle under the influence. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6415 Prime Sponsor, Senator Fain: Concerning consecutive sentences for driving under the influence or physical control of a vehicle under the influence of intoxicating liquor, marijuana, or any drug. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Ways & Means.

February 6, 2014

SB 6416 Prime Sponsor, Senator Hatfield: Concerning dealer deliveries to active duty law enforcement officers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6424 Prime Sponsor, Senator Roach: Establishing a state seal of biliteracy for high school students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6431 Prime Sponsor, Senator Hargrove: Concerning assistance for schools in implementing youth suicide prevention activities. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6431 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6434 Prime Sponsor, Senator O'Ban: Concerning seizure and forfeiture of property for patronizing a prostitute. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6434 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Pearson; Pedersen and Roach.

MINORITY recommendation: Do not pass. Signed by Senator Kline, Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6435 Prime Sponsor, Senator O'Ban: Ordering mandatory restitution for sexual exploitation of children. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6435 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6439 Prime Sponsor, Senator Liias: Concerning preventing harassment, intimidation, and bullying in public

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schools. Reported by Committee on Early Learning & K-12 Education

SB 6444 Prime Sponsor, Senator Litzow: Creating the breakfast after the bell program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6439 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rolfes, Assistant Ranking Member.

MAJORITY recommendation: That Substitute Senate Bill No. 6444 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dammeier, Vice Chair and Mullet.

February 6, 2014

SB 6440 Prime Sponsor, Senator King: Imposing motor vehicle fuel taxes on compressed natural and liquefied natural gas used for transportation purposes. Reported by Committee on Transportation

Passed to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6440 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Cleveland; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet; O'Ban and Sheldon.

February 7, 2014

SB 6445 Prime Sponsor, Senator Roach: Amending the definition of uniformed personnel for the purposes of public employees' collective bargaining. Reported by Committee on Commerce & Labor

MINORITY recommendation: Do not pass. Signed by Senator Dansel.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Conway, Ranking Member; Hasegawa and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Angel; Brown and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Vice Chair; Hewitt and King.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 7, 2014

SB 6442 Prime Sponsor, Senator Brown: Allowing sales of growlers of cider. Reported by Committee on Commerce & Labor

February 6, 2014

SB 6448 Prime Sponsor, Senator Padden: Authorizing establishment of ethics defense trust funds. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6442 be substituted therefor, and the substitute bill do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MAJORITY recommendation: That Substitute Senate Bill No. 6448 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6443 Prime Sponsor, Senator Liias: Modifying time period and monetary limits on ferry vessel and terminal work by state forces. Reported by Committee on Transportation

February 6, 2014

SB 6451 Prime Sponsor, Senator Pedersen: Concerning the school construction assistance program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6443 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Mullet; O'Ban; Rolfes and Sheldon.

MAJORITY recommendation: That Substitute Senate Bill No. 6451 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brown.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

SB 6456 Prime Sponsor, Senator King: Concerning requirements before issuance of an initial vehicle registration. Reported by Committee on Transportation

February 6, 2014

February 6, 2014

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King,

Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet; O'Ban; Rolfes and Sheldon.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6457 Prime Sponsor, Senator King: Concerning the processing of quick titles by subagents. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet; O'Ban; Rolfes and Sheldon.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6466 Prime Sponsor, Senator Rivers: Creating a veteran hiring preference for school district security activities. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6466 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kline, Ranking Member.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6489 Prime Sponsor, Senator Hasegawa: Concerning parking impact mitigation from regional transit authority facility construction. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Ericksen; Fain, Budget Leadership Cabinet; Litzow; O'Ban; Rolfes and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Liias and Mullet.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dansel.

Passed to Committee on Rules for second reading.

February 5, 2014

SB 6497 Prime Sponsor, Senator McCoy: Concerning the minority and women's business enterprises account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser;

Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6501 Prime Sponsor, Senator Ericksen: Concerning used oil recycling. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; Litzow; McCoy, Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 7, 2014

SB 6514 Prime Sponsor, Senator Kohl-Welles: Modifying the definition of qualifying farmers markets for the purposes of serving and sampling beer and wine. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 7, 2014

SB 6522 Prime Sponsor, Senator Holmquist Newbry: Restricting the use of personal information gathered during the claims resolution structured settlement agreement process. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6534 Prime Sponsor, Senator Pedersen: Removing certain conditions for awarding prevailing party fees and costs for appeals of land use decisions. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6534 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pedersen and Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Chair and Pearson.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6538 Prime Sponsor, Senator Rivers: Concerning early education for children involved in the child welfare system. Reported by Committee on Early Learning & K-12 Education

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MAJORITY recommendation: That Substitute Senate Bill No. 6538 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Fain; Hill; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; McAuliffe, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

February 6, 2014

SB 6540 Prime Sponsor, Senator Ericksen: Banning tris(1,3-dichloro-2-propyl)phosphate and tris(2-chloroethyl)phosphate flame retardants in children's products and residential upholstered furniture. Reported by Committee on Energy, Environment & Telecommunications

Passed to Committee on Ways & Means.

February 6, 2014

SJM 8013 Prime Sponsor, Senator Hobbs: Requesting that a portion of state route number 395 be named the Thomas Stephen "Tom" Foley Memorial Highway. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6540 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Litzow.

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dandel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Mullet; O'Ban; Rolfes and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Chase; McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6552 Prime Sponsor, Senator Rolfes: Improving student success by increasing instructional hour and graduation requirements. Reported by Committee on Early Learning & K-12 Education

MOTION

On motion of Fain, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5844 which was referred to the Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 6552 be substituted therefor, and the substitute bill do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

MOTION

At 3:55 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Monday, February 10, 2014.

Passed to Committee on Ways & Means.

BRAD OWEN, President of the Senate

February 6, 2014

SB 6555 Prime Sponsor, Senator Litzow: Requiring the Washington institute for public policy to conduct systematic reviews of investments in education. Reported by Committee on Early Learning & K-12 Education

HUNTER G. GOODMAN, Secretary of the Senate

TWENTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 10, 2014

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Cleveland.

The Sergeant at Arms Color Guard consisting of Pages Elizabeth Bensussen and Elsa Ericksen, presented the Colors. Senator Angel offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 7, 2014

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1064,

HOUSE BILL NO. 1264,

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1467,

HOUSE BILL NO. 1486,

SUBSTITUTE HOUSE BILL NO. 1634,

SUBSTITUTE HOUSE BILL NO. 2152,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2500,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6559 by Senator Holmquist Newbry

AN ACT Relating to establishing a priority for awarding state need grants to legally present resident students; and amending RCW 28B.92.060.

Referred to Committee on Higher Education.

SB 6560 by Senators Holmquist Newbry, Angel, Benton and Padden

AN ACT Relating to increasing legislative transparency by providing mandatory notice and waiting periods before legislative action, banning title-only bills, and opening all legislative committees to the public; and adding new sections to chapter 44.04 RCW.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed graduate students in the British Columbia Legislative Internship Program, led by Ms. Karen Aitken, Program Director, and Ms. Jennifer Ives of the Parliamentary Education Office in the Legislative Assembly, Victoria, B. C. who were present in the gallery and participating in the Program's tenth annual visit to Olympia and the State Senate..

MOTION

Senator Hill moved adoption of the following resolution:

SENATE RESOLUTION

8678

By Senators Hill, Fain, and Litzow

WHEREAS, More than 225,000 new cases of lung cancer were expected to be diagnosed in 2013, accounting for nearly 14 percent of cancer diagnoses in the United States; and

WHEREAS, Lung cancer is the leading cancer-related cause of death in the United States and in Washington; and

WHEREAS, Lung cancer accounts for an estimated 160,000 deaths in 2013, nearly 27 percent of all cancer-related deaths; and

WHEREAS, In 2013, 4,700 new cases of lung cancer were expected to be diagnosed in Washington; and

WHEREAS, Up to 15 percent of lung cancer cases occur in people who have never smoked and more than 40 percent occur in those who have previously ceased smoking; and

WHEREAS, Early detection of lung cancer can dramatically improve survival rates, but only 15 percent of lung cancers are diagnosed in early stages; and

WHEREAS, Funding for lung cancer research trails far behind funding for research of other cancers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commit to making lung cancer a public health priority by supporting advocacy work on behalf of lung cancer patients, those at risk for the disease, and those in our communities who are affected by lung cancer.

Senators Hill, Rolfes and Becker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8678.

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

PERSONAL PRIVILEGE

Senator Schoesler: "Thank you Mr. President. Last week the Secretary of the Senate sent out a small release on the passing of Robert Goldsworthy, Major General Bob Goldsworthy. What many of you don't know is the rest of the story. Representative, then Senator Robert Goldsworthy grew up as a farm boy in Rosalia. Attended WSU, seemed on his way to premier in the bright new industry of radio but service called. He flew a B-29 in World War II. Robert Goldsworthy was shot down over Tokyo, faced torture, near starvation as a POW and was released after V-J day. Came back and resumed farming, National Guard. After going through all of that Robert Goldsworthy came back for his country's call to duty for the Korean War where he again flew as a pilot for us. Bob Goldsworthy never forgot his alma meter of WSU, his background as a farmer, but his tenure in the House and the Senate is before any of our times probably. But what Bob Goldsworthy did while he was in the House was he was essentially the father of our community college system. A champion of WSU and higher education who also saw the value of creating our community college system as we know it today. Bob Goldsworthy served admirably both in the other body and then Senate. I think one of the most memorable events in my time in the other body is when we did Bob Goldsworthy's oral history. And he was at the rostrum with the Speaker Ballard. Bob Goldsworthy spent his time in captivity dreaming about the perfect meal, to pass his time. And him and his cell mate went through an elaborate process of what it would be of what was on the celery sticks, through the multiple appetizers, through the real meal and finally the proper dessert. Speaker Ballard was able to tell that veteran, that member, that day that, 'Bob, the cafeteria has fixed that perfect meal.' That man then was in his eighties. I was in my forty's. I could not eat as much as that eighty-some year old man did. He was legendary for, 'Well, if you have an extra steak I'll take it.' He literally consumed more than Speaker Ballard, myself, I think the Speaker Pro Tempore of the House from Vancouver was our guest as well. None of us could compare. Because of that time in captivity, the insatiable appetite. But the insatiable appetite that Bob Goldsworthy brought to agriculture and higher education, as a member of this body, the other body and public service. So, that's a little bit more about a great American from America's greatest generation that we lost just a little over a week ago. Thank you."

MOTION

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

THIRD READING

SENATE BILL NO. 5097, by Senators Becker, Pearson, Bailey, Hatfield, Holmquist Newbry, Tom, Schoesler, Rivers, Honeyford, Padden, Roach and Parlette.

Allowing spouses to combine volunteer hours for purposes of receiving a complimentary discover pass.

The bill was read on Third Reading.

MOTION

On motion of Senator Becker, the rules were suspended and Senate Bill No. 5097 was returned to second reading for the purpose of amendment.

SENATE BILL NO. 5097, by Senators Becker, Pearson, Bailey, Hatfield, Holmquist Newbry, Tom, Schoesler, Rivers, Honeyford, Padden, Roach and Parlette

Allowing spouses to combine volunteer hours for purposes of receiving a complimentary discover pass.

The measure was read the second time.

MOTION

Senator Becker moved that the following striking amendment by Senators Becker and Pearson be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79A.80.020 and 2013 2nd sp.s. c 15 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a discover pass is required for any motor vehicle to:

- (a) Park at any recreation site or lands; or
- (b) Operate on any recreation site or lands.

(2) Except as provided in RCW 79A.80.110, the cost of a discover pass is thirty dollars. Every four years the office of financial management must review the cost of the discover pass and, if necessary, recommend to the legislature an adjustment to the cost of the discover pass to account for inflation.

(3) A discover pass is valid for one year beginning from the date that the discover pass is marked for activation. The activation date may differ from the purchase date pursuant to any policies developed by the agencies.

(4) Sales of discover passes must be consistent with RCW 79A.80.100.

(5) The discover pass must contain space for two motor vehicle license plate numbers. A discover pass is valid only for those vehicle license plate numbers written on the pass. However, the agencies may offer for sale a family discover pass that is fully transferable among vehicles and does not require the placement of a license plate number on the pass to be valid. The agencies must collectively set a price for the sale of a family discover pass that is no more than fifty dollars. A discover pass is valid only for use with one motor vehicle at any one time.

(6)(a) One complimentary discover pass must be provided to a volunteer who performed twenty-four hours of service on agency-sanctioned volunteer projects in a year. The agency must provide vouchers to volunteers identifying the number of volunteer hours they have provided for each project. The vouchers may be brought to an agency to be redeemed for a discover pass.

(b) Married spouses under chapter 26.04 RCW may present an agency with combined vouchers demonstrating the collective performance of twenty-four hours of service on agency-sanctioned volunteer projects in a year to be redeemed for a single complimentary discover pass."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Becker and Pearson to Senate Bill No. 5097.

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

MOTION

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

On page 1, line 2 of the title, after "pass;" strike the remainder of the title and insert "and amending RCW 79A.80.020."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Senate Bill No. 5097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Liias spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Cleveland was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5097.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

ENGROSSED SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5999, by Senators Pedersen, O'Ban, Kline and Fain

Concerning corporate entity conversions.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5999 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Hewitt and Kohl-Welles spoke in favor of passage of the bill.

Senators Fain, Padden, Hobbs, Nelson and Hasegawa spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5999.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5999 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE BILL NO. 5999, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rolfes: "This was Senator Pedersen's first bill. For those of you watching it's a senate tradition to razz the sponsor of his first bill on the day that he does that. And I want to personally welcome Senator Pedersen to the Senate. You are a great speaker. Don't listen to what other people say. I had the privilege and the joy of serving with Jamie since 2007 in the House and we will, this entire body will, benefit from the intelligence that he has as well as his profession expertise in corporate law. So, this is a very fitting first bill for him. Yes, he will have more boring bills coming before us and they are all important. Welcome to the Senate."

PERSONAL PRIVILEGE

Senator Pedersen: "Thank you Mr. President. I rise to thank the body for its indulgence and want to do a little bit of advertisement for my district. I cannot claim credit for the Seahawks T-Shirt that are on your desk. Those are not in the Forty-Third District but we do have a lot of great things that are in the Forty-Third District which stretches from downtown to Ravenna and Madison Park to Fremont. You have some Theo chocolate which is one of the manufactured products from my district as well as a little Pike's Place Market pen. What I really want to draw your attention to is though, is that the Forty-Third is really a great beneficiary of an amazing wealth of cultural institutions. And so you will find in the find in the packet some tickets to the Zoo, the Museum of History and Industry, to the Burke Museum and to the Seattle Art Museum. All of which are, I'm proud to say, are in the Forty-Third District. I want to put in a little plug for the bill on the floor calendar from the gentleman from the Forty-Fifth District on cultural access authorities. That would be very important for a lot of these and similar institutions around the state. I thank you again. I look forward to serving with all of you and I hope that you all make it to the middle of Seattle before too long. Thank you very much."

PERSONAL PRIVILEGE

Senator Padden: "Thank you Mr. President. Well, I also want to welcome the gentleman from the Forty-Third District to obviously gotten to know him last session as Chair of the Law & Justice when he was chairing some obscure committee in the other body that we dealt with. I found that he was a man of his word. I thought we worked well together and we're very happy to have him as a member of the Senate Law & Justice although we miss the former member greatly too. I want to point that out. Welcome to the Senate."

PERSONAL PRIVILEGE

Senator Schoesler: "Thank you Mr. President. This is a fine start on breaking all the bad habits that the Senator learned in the other body. We trust that he will learn brevity and humbleness as all of the forty eight members have in this body."

PERSONAL PRIVILEGE

Senator King: "Well, recognizing the fact that Senator Pedersen's first speech has come up a little short which might be the more appropriate way to say that. I have to say that I've had the privilege of working with him on a couple of issues over in the House and he was very helpful in getting a couple bills through over there. I won't say on my behalf but they happen to be my bills but he was a pleasure to work with and I believe that he will be so in this body. So, I welcome him to the Senate and I look forward to working with him. Thank you."

PERSONAL PRIVILEGE

Senator Becker: "Thank you. Well, I would just like to welcome Senator Jamie Pedersen. We are working together on the Health Care Committee and it's been a pleasure. It's been a very much a pleasure. We've had meetings where we talk about bills, bring things up and he actually brings his laptop and can look bills up right on the moment and tell you the detail you need to know to make an informed decision. I have to say, that's totally appreciated and I welcome you to the Senate very warmly and for a long time."

MOTION

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

THIRD READING

SENATE BILL NO. 5775, by Senators Benton, Hobbs, Brown, Ericksen, Conway and Rivers.

Allowing for a veteran designation on drivers' licenses and identicards.

The bill was read on Third Reading.

Senators Benton and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5775.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5775 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senator Cleveland
SENATE BILL NO. 5775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE JOINT MEMORIAL NO. 8003, by Senators Kohl-Welles, Padden, Kline, Roach, Fraser, Carrell, Darneille, Pearson, Conway and Chase

Requesting Congress to amend the Communications Decency Act.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Joint Memorial No. 8003 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Kohl-Welles and O'Ban spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8003.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8003 and the memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE JOINT MEMORIAL NO. 8003, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5910, by Senators Hill, Murray, Nelson, Baumgartner and Hargrove

Providing that a quarterly revenue forecast is due on February 20th during both a long and short legislative session year.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Senate Bill No. 5910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Billig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5910.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5910 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE BILL NO. 5910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5691, by Senate Committee on Ways & Means (originally sponsored by Senators Hewitt, Conway and Rolfes).

Concerning veterans' homes.

The bill was read on Third Reading.

Senator Hewitt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5691.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5691 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 5691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5141, by Senators King, Eide, Rivers, Sheldon, Hatfield, Delvin, Ericksen, Carrell, Padden, Harper, Keiser, Rolfes, Shin, Holmquist Newbry, Roach and Kline.

Allowing motorcycles to stop and proceed through traffic control signals under certain conditions.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5141.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Ericksen and Liias

Excused: Senator Cleveland

SENATE BILL NO. 5141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5310, by Senators Nelson, Kohl-Welles, Chase, Harper, Keiser and Conway

Creating a senior center license.

The measure was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nelson and Kohl-Welles spoke in favor of passage of the bill.

Senator Darneille spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5310.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5310 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

TWENTY NINTH DAY, FEBRUARY 10, 2014

2014 REGULAR SESSION

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dansel, Eide, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dammeier, Darneille, Ericksen, Hargrove, Holmquist Newbry, Padden, Parlette and Pearson

Excused: Senator Cleveland

SENATE BILL NO. 5310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5045, by Senate Committee on Commerce & Labor (originally sponsored by Senators Keiser, Honeyford, Kohl-Welles and Frockt).

Allowing day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises.

The bill was read on Third Reading.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended and Substitute Senate Bill No. 5045 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5045, by Senate Committee on Commerce & Labor (originally sponsored by Senators Keiser, Honeyford, Kohl-Welles and Frockt)

Allowing day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises.

The measure was read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 66.20 RCW to read as follows:

(1) There shall be a permit known as a day spa permit to allow the holder to offer or supply without charge, wine or beer by the individual glass to a customer for consumption on the premises. The customer must be at least twenty-one years of age and may only be offered wine or beer if the services he or she will be receiving will last more than one hour. Wine or beer served or consumed shall be purchased from a Washington state licensed retailer. A customer may consume no more than one six ounce glass of wine or one twelve ounce glass of beer per day under this permit. Day spas with a day spa permit may not advertise the service of

complimentary wine or beer and may not sell wine or beer in any manner. Any employee involved in the service of wine or beer must complete a board-approved limited alcohol server training program.

(2) For the purposes of this section, "day spa" means a business that offers at least three of the following four service categories:

- (a) Hair care;
- (b) Skin care;
- (c) Nail care; and
- (d) Body care, such as massages, wraps, and waxing.

Day spas must provide separate service areas of the day spa for at least three of the service categories offered.

(3) The annual fee for this permit is one hundred twenty-five dollars."

Senators Keiser and Honeyford spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Honeyford to Substitute Senate Bill No. 5045.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the creation of a permit to allow day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises; and adding a new section to chapter 66.20 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5045.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5045 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dansel, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dammeier, Darneille, Hargrove, Holmquist Newbry, Liias, Padden, Parlette and Pearson

Excused: Senator Cleveland

ENGROSSED SUBSTITUTE SENATE BILL NO. 5045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rolfes: “Thank you Mr. President. So I used to be a Girl Scout, like many other women in this room probably, and I’m compelled to let the body know that as the files pile up at our desks there is a box over there where we can place them so they can be reused and appropriate recycled. Similarly the rubber bands as they pile up on our desks can also be returned to the Workroom and reused. Thank you.”

PERSONAL PRIVILEGE

Senator Baumgartner: “I just wanted to compliment the Minority Floor Leader on the good job that she’s doing. In particular, I think her members are much more brief in their statements as they have been in the past and that’s very much appreciated. Thank you.”

THIRD READING

ENGROSSED SENATE BILL NO. 5048, by Senators Sheldon, Benton and Hargrove.

Concerning notice against trespass.

The bill was read on Third Reading.

Senator Sheldon spoke in favor of passage of the bill.

MOTION

Senator Kline moved to suspend the rules and return Engrossed Senate Bill No. 5048 to second reading for the purpose of amendment.

Senator Fain spoke against the motion
Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline to suspend the rules and return Engrossed Senate Bill No. 5048 to second reading for the purpose of amendment.

The motion by Senator Kline failed by a voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5048.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Conway, Dammeier, Dansel, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, O’Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Darneille, Eide, Frockt, Hasegawa, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Excused: Senator Cleveland

ENGROSSED SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kohl-Welles: “Thank you Mr. President. I would like to make a point about the voting on the last bill. A statement had been made by the prime sponsor that requested we vote on the policy and not who was the sponsor of the bill that individuals that voted against the bill last year perhaps voted against it because of the sponsor. I voted against the bill last year and I voted against the bill this year and I signed it without recommendation last year in committee because I thought there could be confusion on the part of the public. Paint and other visual displays can be very helpful to point out something relating to trespassing but until the public understands that that is what this is about I believe it is very appropriate to have signage for the first few years. It has nothing to do with who the sponsor of the bill is and I just wanted to make that statement that many of us were not voting on who the bill sponsor was in our voting ‘Nay’. Thank you Mr. President.”

MOTION

At 11:38 a.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Tuesday, February 11, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 11, 2014

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Veronica Braun and Olivia Ferguson, presented the Colors. Reverend Jim Erlandson of Community of Christ Church of Olympia offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6561 by Senator Chase

AN ACT Relating to notice of legislative committee hearings; and adding a new section to chapter 44.04 RCW.

Referred to Committee on Governmental Operations.

SB 6562 by Senator Holmquist Newbry

AN ACT Relating to clarifying the application of tax exemptions for vehicles powered by clean alternative fuels; amending RCW 82.08.809 and 82.12.809; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6563 by Senator Baumgartner

AN ACT Relating to basic education; amending RCW 28A.150.260, 28A.150.410, 28A.400.200, 41.32.010, 41.35.010, 41.40.010, 28B.15.067, and 43.215.405; adding a new section to chapter 28A.625 RCW; and creating a new section.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1064 by Representative Goodman

AN ACT Relating to technical changes to form year designations; and amending RCW 6.21.040, 6.23.030, 6.27.100, 6.27.105, 6.27.265, 6.27.340, 6.27.370, 9.96.020, 10.14.085, 10.37.040, 11.28.090, 11.28.140, 11.68.110, 11.88.127, 11.88.140, 11.96A.250, 11.98.005, 12.04.020, 12.04.030, 12.04.100, 12.04.201, 12.04.203, 12.04.204, 12.04.205, 12.04.206, 12.04.207, 12.40.110, 17.28.090, 18.44.251, 19.120.040, 26.04.090, 26.18.100, 26.50.085,

35.22.110, 35.58.090, 35A.08.120, 36.24.110, 36.60.020, 36.68.470, 41.50.590, 43.20B.040, 58.09.080, 59.18.257, 59.18.575, 60.08.020, 61.12.020, 61.24.045, 62A.3-522, 62A.3-540, 64.04.030, 64.04.040, 64.04.050, 64.08.060, 64.08.070, 65.12.035, 65.12.125, 65.12.230, 65.12.235, 65.12.255, 65.12.270, 67.38.030, 84.40.320, 84.52.080, 85.28.060, 88.32.070, 88.32.140, and 91.08.380.

Referred to Committee on Law & Justice.

HB 1264 by Representatives Haigh, Chandler, Takko and Ryu

AN ACT Relating to partial fire district mergers; and amending RCW 52.06.090, 52.06.100, and 52.06.140.

Referred to Committee on Governmental Operations.

2ESHB 1467 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Green, Sells, Reykdal, Ormsby, McCoy, Van De Wege, Appleton and Bergquist)

AN ACT Relating to the collection of unpaid wages; amending RCW 49.48.086 and 82.32.235.

Referred to Committee on Commerce & Labor.

HB 1486 by Representatives Fitzgibbon, Stanford, Bergquist, Roberts, Van De Wege, Ryu and Santos

AN ACT Relating to voter-approved benefit charges for regional fire protection service authorities; and amending RCW 52.26.220, 52.26.230, and 84.55.092.

Referred to Committee on Governmental Operations.

SHB 1634 by House Committee on Finance (originally sponsored by Representatives Warnick and Manweller)

AN ACT Relating to including the value of solar, biomass, and geothermal facilities in the property tax levy limit calculation; amending RCW 84.55.010, 84.55.015, 84.55.020, 84.55.030, and 84.55.120; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2152 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Habib, Sells, Hunter, Fitzgibbon, Ryu, Reykdal, Orwall, Gregerson, Riccelli and Pike)

AN ACT Relating to industrial insurance requirements and options for owners and lessees of for hire vehicles, limousines, and taxicabs; amending RCW 51.12.020, 51.12.185, and 81.72.240; and repealing RCW 46.72.073, 46.72A.053, 51.12.180, 51.12.183, 51.16.240, and 81.72.230.

Referred to Committee on Commerce & Labor.

ESHB 2500 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Reykdal, Tarleton, Sells, Ormsby, Fitzgibbon, Morrell, Roberts and Riccelli)

AN ACT Relating to requiring completion of an apprenticeship program to receive a journeyman or residential specialty electrician certificate of competency; amending RCW 19.28.161, 19.28.191, and 19.28.205; adding a new section to chapter 19.28 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1634 which was referred to the Committee on Ways & Means and Senate Bill No. 6554 which having been held at the desk on February 7, 2014 was referred to the Committee on Rules.

MOTION

At 10:09 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:20 a.m. by President Owen.

MOTION

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

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION 8680

By Senators Liias, Nelson, Fraser, Chase, Mullet, Bailey, Kline, Pedersen, Hatfield, Hobbs, Kohl-Welles, Billig, Cleveland, McAuliffe, Darneille, Angel, Dammeier, Rivers, Hewitt, King, Benton, Hasegawa, Conway, McCoy, Ranker, Rolfes, Hargrove, Keiser, Eide, Parlette, Tom, Fain, Braun, Padden, Pearson, Becker, Sheldon, O'Ban, Frockt, Holmquist Newbry, Roach, Brown, Litzow, and Dansel

WHEREAS, Paull Shin has completed a long and honored term of service in the Senate; and

WHEREAS, Senator Shin's story is the story of the American dream come to life. He courageously conquered vast obstacles, which allowed his passion for service to spring from a vision to a reality; and

WHEREAS, Paull Shin went from living on the streets of war-torn Korea as an orphan child, to having the opportunity to live an American life after he was adopted by an American GI; and

WHEREAS, Though he had not been taught how to read and write as a child, Paull Shin made up for his lack of childhood schooling and swiftly educated himself in his teenage years, becoming literate in both English and Korean; and

WHEREAS, Paull Shin earned a PhD and became a professor in Washington's higher education system, where he inspired generations of students through his teachings in East Asian Studies; and

WHEREAS, Paull Shin was elected to the Senate in 1998 and nobly served the people of Washington and the 21st District for 15 years; and

WHEREAS, While striving to be active in Washington's community, Senator Shin spent much of his time building relationships with his colleagues in the Senate and with his constituents; and

WHEREAS, Senator Shin's life story informed his deep dedication to expanding educational opportunities, protecting and supporting our most vulnerable residents, and providing pathways for middle-class opportunities and prosperity; and

WHEREAS, Senator Shin represented Washington ably on numerous trade missions abroad, building relationships with foreign leaders and promoting Washington products and companies; and

WHEREAS, Senator Shin never forgot about the sacrifices our men and women of the armed forces have made and was the original prime sponsor of the policy contained in SB 5318 to expand access to higher education to nonresident service members; and

WHEREAS, Senator Shin was a champion for Washington State's Asian-American community, passing legislation to erase derogatory and outdated language regarding Asian-Americans from state statutes, codes, regulations, and other official documents; and

WHEREAS, Senator Shin recognized the relationship between business and education, passing legislation to develop customized workforce training, believing that the growth of new businesses was being limited by an unmet need for customized training; and

WHEREAS, Senator Shin's dignity, service, and compassion provided admirable examples for others to emulate;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the life and work of Senator Paull Shin for his lifetime of contributions to the people and state of Washington.

Senators Liias, Hargrove, Sheldon, Eide, Roach, Benton, Fraser, Padden, Conway, Kohl-Welles, Frockt and Angel spoke in favor of adoption of the resolution.

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. It is somewhat bitter sweet to rise in support of this, my first measure to come across the Senate floor. I thought that Senator Shin and I were going to get one more session together down here. I was pleased to serve with the Senator as his House mate for the last six years. One of the reasons which I enjoyed so much with the good Senator was our weekly lunches. I would come over to his office once a week and we would chat about the issues of the day and catch up on what we were working on. There were three fixtures to every lunch with Senator Shin: First was, he always reminded me I was his son; secondly, he reminded me how handsome I was; and third, he always asked me where my monkey brains were, why I hadn't brought those along. I think those three things really encapsulate the spirit that Senator Shin brought to public life into the Senate. That commitment to family. As much as he joked about how I was his son, I think that Senator Paull Shin truly views the people of the state of Washington as his brothers and sisters and his sons and daughters. When you look at his vast legislative record he took care of his family over the eighteen years. Working hard to make sure that hard-working Washingtonians had a leg up to get a better job. That our goods and products that were being produced here in Washington had markets overseas where we could sell them and bring that prosperity back. When it came to the cause of adoptees and others

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that had been forgotten by society or left, Paull Shin was there to stand up for them. When he called me handsome, it reminded me of that kindness and compassion. Now at the time, you know, I was a few pounds overweight and I didn't feel so handsome maybe but he was always there to remind me that deep inside of every single one of us there's something beautiful. There's a light inside each of us that is worth while. And he saw that in every one of those people that crossed his office and crossed his door as a Senator. As much as he joked with me about monkey brains, his sense of humor, I think every single person I've spoken to can cite some place and some time in their life when Paull Shin came up with that perfect one liner to deflate the mood and make sure that everybody wasn't taking themselves too seriously, that they were focused on the work at hand. Mr. President, Senator Shin's biography is so voluminous that I couldn't hope to go through all the fine points but I think we all bear remembering that this brave man came from some of the toughest circumstances that any of us could have ever known as a street orphan. Growing up on the streets of Korea, adopted by an American GI, truly living the American dream. He reminded all of us that he learned his ABCs, then he earned his GED and finished with a PhD and became a teacher and educator here in our state. Trying to give those gifts forward. In addition, a successful business owner. Owning real-estate and all sorts of investments, not just in our state but across the western states. Really bringing the opportunity for people to work and earn a living not just in what he said and did but in the businesses that he helped succeed. At end of all of that, he viewed his work here in the Senate as what he called his payback time. And I remember that lesson more dearly than any. And for the next whatever years I have the privilege of serving here I will view this as my payback time as well. Mr. President with your permission I would like to read a few comments from constituents that I received about Senator Shin."

REPLY BY THE PRESIDENT

President Owen: "Senator."

REMARKS BY SENATOR LIAS

Senator Lias: "So, I created an online thank you card and folks can still sign it at thankyoupaullshin.org. I received over three hundred and fifty thank you notes from people all across the state, all across our district and even some from outside of Washington state. Mary from Edmonds wrote 'I still remember you ringing our door bell in your first campaign for the State Senate. Your warmth, dedication, sincerity and intelligence impressed me then and I've seen those same traits displayed again and again in your dedicated and compassionate work on behalf of us all. Good luck and enjoy your retirement.' A lot of folks remember the first time he door belled them. A lot of folks in the grocery store hope that I'll doorbell them as often as Paull Shin did. So, that was a constant comment. Barbara from Edmonds writes; 'Thank you Senator Shin for your many years of service. On three occasions I brought my high school completion students from Edmonds Community College to Olympia to meet their legislators. You always came to talk with the students. The students were inspired by your words and wrote in their reflections after the visit about you specifically and what your words meant to them. You have touched their lives and I am so grateful.' It was that educator's heart coming back to reach out to students time and time again as they visited the Capitol. Carol from Edmonds wrote 'Mr. Shin, even though you and I are on different sides of aisle you so wonderfully represent the people of not the United States but you did a magnificent job for we

residents of Washington State. Your attitude and graciousness makes me believe in my government. Thank you for your many years of rich service.' And then finally, Brandon Gyony Hu writes 'Congratulations Senator Shin. You're a hero for all of us Korean-Americans. Thank you for serving the state and being a great role model for all of us. Take care in your retirement.' In closing Mr. President, I think it's also worth remembering that behind every great man there is a wonderful woman. We are so grateful to Mrs. Shin and to the Shin family for giving us Senator Shin for eighteen years and putting up with all the demands of service in Olympia, all the work that's it's taken for him to represent his constituents. So, to Senator Paull Shin, to Mrs. Shin and the Shin family we say, (speaking Korean). Thank you for your service."

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you Mr. President. I, too, would like to speak in favor of this resolution. I think Paull Shin is the most patriotic person I know. He's not only very proud of the United States of America but certainly the veterans of this country and particularly veterans of the Korean War. Paull Shin has visited my district numerous times, including this last summer when I couldn't make the event to open the POW/MIA designation of a highway up in my district. I so appreciate him showing up at all of those to honor those veterans but I have tell you a little story. We were invited to a dedication in Port Townsend a few years ago of Inchon I believe a monument for Inchon. And, of course, I hardly knew what Inchon was, I'm sorry to say. And I was looking it up and trying to figure out what I was going to say. And of course, in front of us were all of these Korean War Veterans that are probably in their eighties now and I give a little speech. And Paull Shin gets up and he starts to talk to them and it made me feel like a Boy Scout. I'm not kidding. This guy had the presence and the understanding of that that just captured those veterans completely. Captured their hearts. And I kind of shrunk to the back and said I am never again showing up at a dedication with Paull Shin because he was a man of such stature. Paull Shin is also a man of faith. And over the years that I've have served with him I've seen him vote his convictions when it was very difficult, Paull, and I appreciate that very much very much. Also, I remember many times how highly he spoke of his wife and the support that he had from her. That came up frequently. How he was so blessed to have his wife and that support. So, Paull Shin, you finished well. You have a great reputation as we stand here honoring you. You didn't make any missteps like some of our political friends have done. And I can just say that we all aspire to have the legacy of Paull Shin as we move through our career. Thank you Paull."

REMARKS BY SENATOR SHELDON

Senator Sheldon: "Thank you Mr. President. Senator Shin. Paull, we will all miss you here very much. I know many people would like to speak and say a few words to you and I will be brief. I always enjoyed our times together. When I first met you, I think it was in the early 1990s, you'll recall, I was at my folk's house in Mukilteo. A knock at the door and there you were. My folks were so impressed. My folks are rock-ribbed Republicans but they were so impressed that you would come to the door and speak to them so personally. You make such a great connection with people when you first meet them. And not only that, you represent your district so well. I'll miss the times that you sat where Senator King was. In the mornings we always would shake hands. You're the most polite person I have ever met. Paull, we'll

miss you very much. And good luck in everything that you do. Thank you.”

REMARKS BY SENATOR EIDE

Senator Eide: “Thank you Mr. President. I, too, stand in support of this resolution and I can’t look at you Paull. We came into the House of Representatives together back in 93-94 and I hadn’t a clue what I was getting myself into. I don’t know if Senator Shin did either by the way. The two of us, it was amazing. We ended up setting together, you know how you always have a partner in the house. I walk up to his desk and chair and look at this young man at that time. You know, we’ve kind of aged in our, we’ve been here what eighteen years Paull. I have to tell you this, there was a ton of cameras. There was TV and there was cameras. For days after that I had spots because of a famous man I was sitting next to. He was the very first Korean-American to be voted for in the United States of America for the State Senate and for the House of Representatives. The first very man. So one day, it was a couple days later, he’s on the front page of the Korean newspaper and he brings me a copy of it. And here we are the two of us with our hands up taking our oaths together. I couldn’t read one single word but boy it was a nice looking picture. Wasn’t it? So then we went on a little bit of I call it a sabbatical between 94 and 98. And the both of us came into the Senate together. This man I respect. This man has integrity. This man is humble. This man cares no matter who you are he accepts you. One of the times, he’s been in my district so many times I can’t remember to count them. And Donna we’ve had many a dinners together. And I have a radio station in my district the Korean American Hankook. And I have the first HMart that was brought to the west coast in my district. And I have, oh, the Han Woo-Ri festival every year which the good Senator and Mrs. Shin are both at. So we’ve had many a meal together. But this young man here has come to my district and helped me more than I can tell you. He’s always been by my side. He’s always said, ‘Tracey whatever you need.’ And he helped me speak a little bit of Korean because I know when I was on the radio station he had to translate for me and he had to repeat over and over and over because it was so hard for me to get my tongue around a few words but I can say, ‘Gam-s-ham-ninda’ (speaking Korean), because of you Paull. I have to tell just this one story. When Senator McAuliffe and I went to the airport, we were going to Korea. We were standing in line and I happen to look up and guess who was there? It was Senator Shin. I go Paull, ‘How are you? I didn’t know you were going to Korea.’ Oh man he took a look at us girls and he said, ‘Come on up here.’ He takes Senator McAuliffe and myself up to the front airline ticket area. The next thing I knew I was in first class ladies and gentleman. I will never be in first class again. Paull, it was my one and only time and I enjoyed the heck out of it. Thank you so much. It was a wonderful trip but when we landed they put the red carpet out for this man. He is highly regarded in Korea. They rolled out that red carpet and I tell you what, it’s a pleasure traveling with you Senator Shin because I got to go with you and I learned so much from you and I learned your culture. I enjoy traveling to Korea and I learned so much and I know Senator McAuliffe and I went to quite a few schools. We were looking at education at that time. But you don’t know somebody until you get to their homeland and you see how revered he was and continues to be, by the way. Donna, thank you for all the years you have shared Paull with us. And Paull you better be coming back to say ‘Hi’ every now and again. I want to say thank you for all the years that you have served the people of Washington State because you care more than any individual I’ve ever served with. You care and I love you for it.”

REMARKS BY SENATOR ROACH

Senator Roach: “Thank you Mr. President, members of the Senate. I just wanted to share a couple of experiences. I’ve been able to do a lot of traveling in my life and probably twenty years ago I was invited to go with Paull to Korea. Actually the trip was more than that. And I think it speaks to his willingness to put the effort into the people that aren’t so high up. He’s revered. He’s absolutely revered where he goes in South Korea. It’s more than that. It’s what he does for the people there. At the time there was a famine, there was a famine in North Korea. And the goal that Paull had was to get wheat, American wheat, Washington State wheat, to China so that they could put it in to North Korea. Several of us here were maybe on that trip, weren’t too many members but it was incredibly exciting and very, very different. We were way in Northern China, took a train that ran on coal fuel I guess, got to see, because this was in like October, what the country side looked like. And it was very, very poor. People picking up sticks to put in their fire just out in the woods. It was, people were starving and they didn’t have food because of this incredible hard winter. They were facing starvation. Yet Paull was there doing everything he could in a humanitarian effort that involved not only the United States but China and North Korea. I think it speaks to a man obviously he loves his home land and that includes those in North Korea as well as South Korea. They are Koreans. But it speaks to a man’s character that we would do these kinds of things and put that kind of work and effort into trying to help other people. And I so admire that in Paull. He is a gentleman always. And I told the caucus a more personal story and I’m going to share it with you because I think it also points to the kind of person he is on the inside. So, in all my years here I have never left session except for one time. My father passed away during session and he was, had been moved to a little tiny, tiny town in Utah. No stop light kind of town. There was however a little funeral place and I drove the long drive and thought of my dad the whole way. When I got there, there’s wasn’t much there. I mean all of his friends had passed away. He was eighty five and this was not where he had lived his life. He lived it in San Diego and here he is in this little podunk town. And I walked in and there was this incredible spray of flowers, much taller than I was, obviously this was going to be used on the casket. I looked at the card. Pulled the card like this and it was from my friend, Paull Shin. So, I don’t know how he found the spot. I have no idea and I don’t even know, they must of brought the flowers from Salt Lake City or something, but you know he did that quietly. He never said anything to anyone else. And I just shared it today with the caucus. This is the kind of man that leaves with love, with a mutual understanding of other individuals despite the differences they may have, who reaches across the aisle, who reaches across personality divides and puts the bad things behind. This is what we need more of in this Senate and we need it today. We need it today. If anything is to come of Paull’s having left us in an untimely fashion it should be that we take the lessons of Paull Shin and that we decide to apply them purposely. Not to have a fleeting thought that goes over our heads but to decide that we need to take these personality characteristics and apply them to this body which over the years, and I’ve been here twenty four of them, has been degraded because that’s what’s happened. We need to think higher. We need to act higher. We need be higher and Paull is the example of that. Many of you don’t know, he spent a couple of years in South Korea working in a mission for his church. He led the effort of hundreds of young people that came through. He was a hard and tireless worker. He paid his own way. Nobody pays for those kinds of things. He did those on his own and he and his wife Donna, who I imagine that’s not an easy thing to be essentially a parent for a couple hundred young people

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coming through. But he has a life of service and it's that it's for that I will remember Paull Shin. That and through those efforts the example which he provides for us. I've never heard him raise his voice. Always a kind man. He's had things, he been buffeted this way or another but he's risen above that to become the successful person that he has and, more importantly, the example that he is to us and to others. Senator Shin, I love you very much. He used to call me his daughter. I don't know, he never called me beautiful or cute though. Where are you Paul? Thank you."

REMARKS BY SENATOR BENTON

Senator Benton: "Thank you Mr. President. I can't let this come and go without saying a few words. Really there's only two words that I think need to be said, they've been said already by others but I think it's very important. There's two words that sum up Paull in my mind: Class act! Paull, you are a class act, my friend. You always have been. And there's no doubt in my mind you always will be. From the minute I met Paull Shin we became very good friends and we remain good close personal friends today. I'll miss him. He has offered me wise council over the years and God knows I've needed it. And I'll continue to need so I hope the phone lines stay open because I'll be calling. What a loss to this chamber and to this body. And I think the previous speaker said it well there are characteristics in this man that all of us could and should possess. We all need to work on a little of this and a little of that, myself included, but the character and the integrity is unequalled and unmatched. It is a loss not only to the citizens of your district but to the citizens of this state and really I think more importantly to us individually it is a great loss to have Senator Shin leave this chamber. I for one, sir, will miss your every single day. Thank you, Paull, for your service."

REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you Mr. President. Rising in support of the resolution with great appreciation for Senator Shin, I remember when I first met Senator Shin. It was thirty five or forty years ago. He was, I don't know if he even remembers, but he was a speaker at the Olympia World Affairs Council. He was speaking on Asian history and contemporary affairs. And I remember he held us spell bound for you know a lengthy presentation and without a single note. We all learned so much and he was a professor at the time and he was, I was in awe of his abilities to convey information. I met him the second time when we were both on a trade mission to Korea and Japan with the Governor Spellman Administration. It was long before I thought I'd be a legislator and he was along because he was the President of I think the Korean-American Association here in the state of Washington, the Korean Association. And somehow we really clicked. He not only spoke Korean but Japanese and he gave me some great insights as we moved along through this trip. Then, of course, the third time was our lengthy periods of association here in the Senate. And he's been great leader on international trade as well all know. Totally committed to student educational opportunities. Committed to helping the poor and people with special needs, helping veterans, always attentive to the needs of the immigrant community, attentive to the needs of the adoptees and, as had been pointed out, always gracious and compassionate. He always is, as the resolution says, kind of the ultimate example of the American dream, Korean orphan, PhD, professor and senior State Senator and I'm glad he's honored in both countries and it great to be your friend. Thank you."

REMARKS BY SENATOR PADDEN

Senator Padden: "Thank you very much Mr. President. I am very honored to speak in support of Senate Resolution No. 8680. I'm also kind of envious of all of you that have had the opportunity to serve with Senator Shin for such a long period of time. I've only served with him here a couple of years, and for those of you that haven't served with him at all you've really missed something. I can't think of any of us that is kinder, more gentle, just the most wonderful person that you could ever meet and so respected by everybody. I remember last year I had a little resolution to honor the Special Olympics. And there were a few of the athletes that had come here and they had participated in the Special Olympics in Korea that year and I asked Senator Shin, we were right at the, about ready to break for noon, if he would go out and get some pictures with those Special Olympics athletes. And, of course, he did and was so gracious and so gentle. One other story, one time we were just milling around, walking you know waiting, caucuses and I ran into him on the floor and just out of the blue he said, 'Mike Padden, I love you.' It was so meaningful to me, I will never forget that but I can't think of anybody that has had the respect of everybody here in the Senate more than you Paull. This is so fitting to honor you and I think we're all just a little bit in shock that you're still not with us. Thank you so much."

REMARKS BY SENATOR CONWAY

Senator Conway: "Thank you Mr. President, also rising in support of the resolution. It's a real honor to do this because Paull and I entered the Legislature together in 1993 along with Senator Eide. It was my honor to be with Paull here on the floor of the Senate in the last several years. You know, I kind of missed Paull in the House, spent a lot of years in the House but Paull and I would always meet in the Twenty-Ninth Legislative District because Paull had special interest with the Korean Women's Association in the Twenty-Ninth District, great social service group who's in our state now spread throughout our state. Also the great churches in the Twenty-Ninth District. Paull would always come by and say, 'Steve, you have some great Korean churches in your district. And he was always in the Twenty-Ninth District. As I sit here with Paull on the Senate floor, where we kind of renewed our relationship, and at that time Paull gave me a copy of his book. Mr. President, if I could use this?"

REPLY BY THE PRESIDENT

President Owen: "Senator."

REMARKS BY SENATOR CONWAY

Senator Conway: "Which he has made available to all of us called an "Exodus for Hope." And historian that I am, I've taken some time to kind of read this great book. You know, it's kind of unusual for a Senator to write a biography, autobiography before they leave the Senate. Usually you write them afterwards. And then we all read about ourselves in the books afterwards but Paull wrote his before. There is a real special story in there, I think it's not known about Paull and that was that Paull was actually interviewed as a finalist for U. S. Ambassador to Korea. That tells you something about this man. A finalist. It's an interesting story. I won't talk much about it because it's in his book, "An Exodus for Hope." But it's a fascinating story about his life and about his life in two countries. You know, it is also about religion. I know there's talk here, and it's about the unconditional love of Captain Paull. And how he impacted your life Paull. It's also, you know

it's interesting as we read this book and I recommend it to you, it's a great book but his epitaph that he talks about for his grave stone, which he mentions in the book, and I want to mention it here because it speaks to the complexity and the beauty of this man. His epitaph, says 'Here, with your permission Mr. President?'"

REPLY BY THE PRESIDENT

President Owen: "Senator."

REMARKS BY SENATOR CONWAY

Senator Conway: "'Here lays a man who found himself in two cultures and found the world.' Thank you Paull."

REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "I also rise in support of this resolution. I was in the House for one year when Paull and Senator Eide and some others here came into the House. So we're all very new and I think I'm not alone having a hard time speaking on this resolution today because it's difficult to not get choked up. That's because of the quality of this man and to me he's always served as the epitome of the public servant who thinks of policy over politics and that's testament given that we've had beautiful remarks made by members here on both sides of the aisle. I've never known Senator Shin in his time in the Legislature to put politics over policy, to put partisanship over policy. He's epitomized for me fairness and graciousness, not trying to take political advantage of anybody, not trying to position himself for gain but to look at what really is fair to do and what needs to get done for the people of his district and the people of the state. He's been a wonderful, wonderful public servant to we'll all remember. Thank you."

REMARKS BY SENATOR FROCKT

Senator Frockt: "Thank you Mr. President. Paull, I just want to say thank you. I am one of your newer friends having only known you for the last three years but there's a couple of things that I wanted to say and I wanted to wait till we had this resolution to say them. When I came to the senate three years ago, I came to replace Senator White who had tragically passed away and it was a pretty difficult and new thing for me to be here and I wasn't sure how it was going to, how I was going to react, and, you know, I didn't know any of my new colleagues. And you were the first person and the one who greeted me with open arms and I have never forgotten that. I think it just spoke so much to your character as to how you embraced me as I came in. And then as we got to know each other and you told me your story, which that I did not at that time. There's something that I never really told you but I wanted you to know because you would often tell the story about how you were an orphan and how you were adopted and came here but it always made me think of my own family. My own grandfather who had been, who I lost some years ago but would tell me when he was a soldier in Europe at the end of World War II, there was a young boy that he tried to adopt and take back with him, who had been left from the camps. He always told me the story and he was not able to that. And so whenever you told me that story about your own history and how you got here, it always made me think of my own family and my own grandfather who I didn't have anymore. I just thought it was a remarkable thing, what the life that you've lived. And the other thing that was so impressive was how, you've always said and you've said this on numerous occasions, no matter what we were

doing, no matter how hot it got in here, whatever issues, you've always said how much you love this country. How this country gave you everything. I thought, what an amazing story, to go from being an orphan to being able to serve in the State Senate and to have the distinguished public career that you've had. I mean it's just an amazing, amazing story. So, I just wanted to say thank you. Thank you for your friendship and know that you've made a huge impression on a newer and somewhat younger colleague but it's one that I won't forget and I thank you and your family or giving us the service and the time you did with us. Thank you."

REMARKS BY SENATOR ANGEL

Senator Angel: "Thank you Mr. President. I speak to the resolution as well. I met Paull while I was a Representative in the House, probably five to six years ago, through our Tuesday morning Fellowship, And I didn't know all these wonderful things about this man but his heart came through strong and clear. The love and the compassion that he has for all of us, I felt immediately. And, Paull, after then hearing your story at one of our breakfasts, your life and your heart and your caring, touched my life so strongly and I thank you for that and I thank you for the unconditional love you have shown each one of us every single day you were present. I wish to you God's blessings on your tomorrows and thank you for your yesterdays."

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8680.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family of Senator Shin: Mr. & Mrs. Alisa (daughter) and Scott Passey and their children Michael, Adam, Joseph and Benjamin; Mr. & Mrs. Paull (son) and Regina Shin and their son Cameron and welcomed the friends of Senator Shin who were also present in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Senator Paul Shin and his wife who were seated on the rostrum.

With the permission of the Senate, business was suspended to allow Senator Shin to make remarks.

REMARKS BY SENATOR PAULL SHIN

Senator Paul Shin: "What can I say? I don't know exactly how and what to say but my friends, colleagues and associates for the last eighteen years in this building for every session I want to thank you. I learned so much from you, each day to love you, care for you, care for each other. It's not just my doing, it's your doing that made this difference here. I have tremendous respect for the Lieutenant Governor, Brad Owen. You know he also has Korean adopted children. I as a Korean-American I want to thank you very much for that. My wife, we met fifty one years ago, actually fifty two years ago. We've been married fifty one years. Despite, this color, she faced a lot of discrimination and problems but she stuck with me and all these years. I don't know how to thank her. And we're together our children, grandchildren and living together. We work together. We pray together and eat together and have our parties together. We are all here celebrating this special occasion. My friends, it is you that has also taught me a great deal about ethics and life. Being a State Representative and

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Senator, it's not just a title. It's here to serve. I learn how you're all dedicated so much for the service of our state. I see Mark over there. He was a young kid when I met him. He's a gentleman now and he's sitting in my, Mark, I love you so much and I wish you all the best and all the things we learn from each other. I want to mention each one of your names and Tracey but all of you in lack of time. I just want to say thank you. We have left some books which was published. This is the way to share my love to you. If it wasn't for you I couldn't be what I am today. I learned as an orphan, no place to go, hungry, street corners begging food from age four. Nobody loved me. During the Korean War I was crying on a mountain. Crying for my mom who passed away. Missing her. And when I opened my eyes, tall American soldier, he says 'Why are you crying?' Could you imagine how embarrassed? Said, 'Go away.' He said, 'Why you crying?' 'Go away.' He hugged me so tight. He says, 'I have three children in the United States and when they cry they hurt inside. I want to know why.' He became my adopted father, brought me to America and no education he taught me, my mother also taught me ABC, GED and all the way through higher education. If it wasn't for the love I received from America, United States of America, I would not be here today. It's been my opinion it's payback time folks. I didn't do much just say thank you America. Thank you my brothers and sisters. Thank you to my friends, whatever taken contributions I made, if he made some difference, I feel very honored to be here. I would like you to know that our door is always open. As my friends, she has good cooking abilities. She makes good monkey brains, you know. You are always welcome. We have been together fifty one years. She's been through a lot of hardship with me too because of the social situation but we stuck together. All because the love that you have displayed I learned from you. And all because, Tracey looking at me. All I say, in the interest of time I must stop. Again Lieutenant Governor, thank you for giving me this time. If anytime you need me for anything or if I can be any help to you please don't hesitate to call. I'd be happy to come at your call. And if you're interested in travel around other countries like Korea and Japan and China, I speak the language, I'd be happy to be interpreter for you. How is that? Again thank you my brothers and sisters. Aloha to you, like in Hawaii. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "Well Senator, you'll be welcome down here at any time. I think it's pretty clear if you did come down it'd be pretty easy to find someone to buy your lunch while you're down here. Thank you very much for your friendship and for your service. Gamsahabnida. (speaking Korean)"

Senator McAuliffe moved that the remarks made during consideration of Senate Resolution No. 8680 be spread upon the journal.

Senator Rolfes moved that a transcription of the remarks be transcribed after the adjournment of session and be given to Senator Paull Shin.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the remarks made during consideration of Senate Resolution No. 8680 be spread upon the journal and the motion carried by voice vote.

MOTION

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

THIRD READING

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8007, by Senate Committee on Trade & Economic Development (originally sponsored by Senators Shin, Conway, Harper, Nelson, Kline, Becker, Hobbs, King, Eide, McAuliffe, Bailey, Hasegawa, Honeyford, Chase and Kohl-Welles).

Requesting Congress pass legislation imposing a fee on United States bound cargo when it crosses the Canadian border. Revised for 1st Substitute: Requesting that congress pass legislation reforming the harbor maintenance tax.

The memorial was read on Third Reading.

Senator Chase spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8007.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8007 and the memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8007, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. I wanted to bring to the Chambers attention that I believe that that was Senator Liias first floor speech in recognizing Senator Shin. And I wanted to tell the good Senator that I served with Paull Shin. I knew Paull Shin. Paull Shin was a friend of mine. And you, Senator, are no Paull Shin."

PERSONAL PRIVILEGE

Senator Liias: "I would just ask you to share with the good Senator, our Floor Leader and ask him if he's Paull Shin's son though? It is an honor to be here and I'm so grateful to have had the opportunity to take my first opportunity on the Senate floor to honor my friend, Senator Paull Shin. He taught me a long time ago you never lose an opportunity to promote a local business so later today you'll have delivered to your offices a growler from the Diamond Knot craft brewing company in Mukilteo. Employees one hundred fifty people in our district, and because I didn't know what everybody wanted to have in that growler, there's a ticket on there that invites you to join me and I will buy your first growler fill. And for those, like Senator Shin, that maybe don't want a beer they have root beer as well. So, we'll make sure to fill it up but you got to come visit me in the

Twenty-First and maybe spend a few more dollars when you're there. Thank you Mr. President and thank you to my friends."

PERSONAL PRIVILEGE

Senator Nelson: "Thank you Mr. President. I want to welcome Senator Liias. Many of us on the Democratic side have been waiting to haze him but today is not the day. We're going to ask the permission of our Majority friends to allow us, on his next bill, to truly welcome him to the Senate in the Senate manner because today is Senator Shin's day. Welcome. And if I may have another Point of Personal Privilege?"

REPLY BY THE PRESIDENT

President Owen: "Senator."

PERSONAL PRIVILEGE

Senator Nelson: "My husband and good friends from Vashon are here. I just want to welcome Maurice and Christine Carpenter and my husband John."

REMARKS BY THE PRESIDENT

President Owen: "Senator Nelson, the President believes it would be appropriate, if he'll work with the attorneys to check the rules of the Senate to find out, in this special occasion if it is not then not appropriate for the person who is going to receive the hazing the second time to not also have to provide a second gift."

MOTION

At 12:17 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 9:43 p.m. by the acting President Pro Tempore Senator Litzow presiding.

MOTION

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

REPORTS OF STANDING COMMITTEES

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SB 5859 Prime Sponsor, Senator Braun: Providing enhanced payment to small rural hospitals that meet the criteria of a sole community hospital. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5859 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 5872 Prime Sponsor, Senator Hill: Relating to state government. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5872 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser, Assistant Ranking Member on the Capital Budget.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 5958 Prime Sponsor, Senator McAuliffe: Concerning accountability in providing opportunities for certain students to participate in transition services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5958 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6017 Prime Sponsor, Senator Kohl-Welles: Modifying seizure and forfeiture provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6017 as recommended by Committee on Law & Justice be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6040 Prime Sponsor, Senator Honeyford: Concerning invasive species. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6040 as recommended by Committee on Natural Resources & Parks be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford,

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Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6042 Prime Sponsor, Senator Baumgartner: Establishing an incentive-based methodology of distributing state appropriations to public four-year institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6042 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6049 Prime Sponsor, Senator O'Ban: Providing a business and occupation tax credit for businesses that hire veterans. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6049 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6052 Prime Sponsor, Senator Honeyford: Concerning habitat and recreation land acquisitions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6052 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig and Frockt.

Passed to Committee on Rules for second reading.

SB 6057 Prime Sponsor, Senator Brown: Concerning tax credits for hiring individuals with developmental disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6057 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6085 Prime Sponsor, Senator O'Ban: Concerning prior offenses within fifteen years for driving under the influence or physical control of a vehicle violations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6085 as recommended by Committee on Law & Justice be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Frockt; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Fraser; Hargrove, Ranking Member; Hasegawa and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Billig.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6096 Prime Sponsor, Senator Pearson: Providing for property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6096 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Kohl-Welles; Padden; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hewitt and Parlette.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6121 Prime Sponsor, Senator Dammeier: Concerning the calculation and allocation of appropriations for alternative learning experience courses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6121 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6126 Prime Sponsor, Senator O'Ban: Concerning representation of children in dependency matters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6126 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Kohl-Welles; Rivers and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hewitt and Schoesler.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6157 Prime Sponsor, Senator Hatfield: Concerning a hazardous substance tax exemption for certain hazardous substances defined under RCW 82.21.020(1)(c) that are used as agricultural crop protection products and warehoused but not otherwise used, manufactured, packaged, or sold in this state. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Frockt and Hasegawa.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6163 Prime Sponsor, Senator Billig: Creating the summer knowledge improvement pilot program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6163 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Kohl-Welles; Parlette; Rivers and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6192 Prime Sponsor, Senator Pearson: Requiring the department of corrections to supervise domestic violence offenders who have a conviction and were sentenced for a domestic violence felony offense that was plead and proven. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6192 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6214 Prime Sponsor, Senator Kohl-Welles: Concerning industrial hemp production. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6214 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6234 Prime Sponsor, Senator Padden: Concerning compliance with inspections of child care facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser;

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Froctt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

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SB 6237 Prime Sponsor, Senator Honeyford: Addressing license issuance fees imposed on spirits retail licensees. Reported by Committee on Ways & Means

SB 6286 Prime Sponsor, Senator Rivers: Concerning current use valuation for land primarily used for commercial horticultural purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6237 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Fraser; Froctt; Hatfield; Hewitt; Parlette; Rivers; Schoesler and Tom.

MAJORITY recommendation: That Substitute Senate Bill No. 6286 as recommended by Committee on Agriculture, Water & Rural Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Hargrove, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig; Conway and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Billig and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Froctt; Hargrove, Ranking Member and Hasegawa.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

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SB 6264 Prime Sponsor, Senator Ericksen: Capping the amount of the greenhouse gas reporting fee. Reported by Committee on Ways & Means

February 11, 2014

SB 6305 Prime Sponsor, Senator Braun: Creating a defined contribution retirement plan option for elected officials. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6264 as recommended by Committee on Energy, Environment & Telecommunications be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MAJORITY recommendation: That Substitute Senate Bill No. 6305 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Conway; Fraser; Froctt; Hargrove, Ranking Member; Hasegawa and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig; Conway; Fraser; Froctt; Hargrove, Ranking Member; Hasegawa; Hatfield and Kohl-Welles.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

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SB 6267 Prime Sponsor, Senator Hill: Concerning high-technology research and development tax incentives. Reported by Committee on Ways & Means

February 11, 2014

SB 6312 Prime Sponsor, Senator Darneille: Concerning state purchasing of mental health and chemical dependency treatment services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6267 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Dammeier; Froctt; Hatfield; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

MAJORITY recommendation: That Second Substitute Senate Bill No. 6312 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Froctt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Fraser; Hargrove, Ranking Member and Hasegawa.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6330 Prime Sponsor, Senator Sheldon: Promoting affordable housing in urban growth areas. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6330 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6362 Prime Sponsor, Senator Bailey: Creating efficiencies for institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6362 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Becker; Billig; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey; Frockt and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6387 Prime Sponsor, Senator Hill: Concerning individuals with developmental disabilities who have requested a service from a program that is already at capacity. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6387 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6388 Prime Sponsor, Senator Padden: Concerning pass-through wholesale food distributors. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6388 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the

Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6394 Prime Sponsor, Senator Darneille: Concerning income eligibility for temporary assistance for needy families benefits for a child. Reported by Committee on Ways & Means

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6397 Prime Sponsor, Senator Lias: Placing restrictions on retired law enforcement officers and firefighters employed in certain public positions. Reported by Committee on Ways & Means

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

MINORITY recommendation: Do not pass. Signed by Senator Becker.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6413 Prime Sponsor, Senator Fain: Clarifying prior offenses for driving under the influence or physical control of a vehicle under the influence. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

February 11, 2014

THIRTIETH DAY, FEBRUARY 11, 2014

2014 REGULAR SESSION

SB 6415 Prime Sponsor, Senator Fain: Concerning consecutive sentences for driving under the influence or physical control of a vehicle under the influence of intoxicating liquor, marijuana, or any drug. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Assistant Ranking Member on the Operating Budget; Billig and Frockt.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6423 Prime Sponsor, Senator Bailey: Changing provisions relating to the opportunity scholarship. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6423 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6430 Prime Sponsor, Senator Liias: Extending tax preferences for high-technology research and development. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6430 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Dammeier; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig; Conway; Fraser; Hargrove, Ranking Member and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Frockt and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 11, 2014
SB 6459 Prime Sponsor, Senator Tom: Defining the compensation used for calculating retirement benefits for elected service. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6459 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig; Conway; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6464 Prime Sponsor, Senator O'Ban: Concerning health insurance coverage options for the citizens of Washington state. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig; Conway; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6482 Prime Sponsor, Senator Kohl-Welles: Concerning the display of campus information on the statewide public four-year dashboard. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6482 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6509 Prime Sponsor, Senator Liias: Concerning fish barrier removals. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking

Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Parlette; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Passed to Committee on Rules for second reading.

February 6, 2014

SB 6512 Prime Sponsor, Senator Becker: Concerning federal funding programs requiring changes in state law. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6512 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig and Hatfield.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6515 Prime Sponsor, Senator Brown: Creating a pilot program that provides incentives for investments in Washington state job creation and economic development. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6515 as recommended by Committee on Trade & Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6516 Prime Sponsor, Senator Honeyford: Creating a joint legislative task force to study financing options for water supply, flood control, and storm water projects. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6516 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6524 Prime Sponsor, Senator Ericksen: Concerning the safety of the transport of hazardous materials. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6524 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig; Conway; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6538 Prime Sponsor, Senator Rivers: Concerning early education for children involved in the child welfare system. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6538 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6550 Prime Sponsor, Senator Holmquist Newbry: Providing a sales and use tax exemption for sales and uses related to eligible server equipment and power infrastructures installed in eligible computer data centers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey; Becker; Braun; Conway; Dammeier; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Assistant Ranking Member on the Operating Budget; Billig; Fraser; Hargrove, Ranking Member and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Frockt and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 11, 2014

THIRTIETH DAY, FEBRUARY 11, 2014

2014 REGULAR SESSION

SB 6551 Prime Sponsor, Senator Parlette: Concerning payments to counties in lieu of property taxes by the department of fish and wildlife. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6551 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hatfield; Hewitt; Padden; Parlette; Rivers and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Assistant Ranking Member on the Operating Budget; Fraser and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hargrove, Ranking Member and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6552 Prime Sponsor, Senator Rolfes: Improving student success by increasing instructional hour and graduation requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6552 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Frockt; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6555 Prime Sponsor, Senator Litzow: Requiring the Washington institute for public policy to conduct systematic reviews of investments in education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair;

Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Fraser; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt and Padden.

Passed to Committee on Rules for second reading.

February 11, 2014

SB 6558 Prime Sponsor, Senator O'Ban: Concerning intensive home and community-based mental health services for medicaid-eligible children. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6558 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

At 9:45 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Wednesday, February 12, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 12, 2014

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Liias.

The Sergeant at Arms Color Guard consisting of Pages Racheal Campbell and Meghen Harting, presented the Colors. Deacon Tony Irving, of St. Benedict Episcopal Church, Lacey offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6564 by Senators Parlette and Fraser

AN ACT Relating to lowering to seventy-seven and one-half percent the sums collected and remitted under RCW 82.08.150 (1) and (2) that are deposited into the state general fund; amending RCW 82.08.160; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6565 by Senators Rivers and Brown

AN ACT Relating to the dual eligibles pilot project; adding a new section to chapter 74.48 RCW; adding a new section to chapter 74.46 RCW; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator O'Ban moved that Brett R Willis, Gubernatorial Appointment No. 9333, be confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

Senators O'Ban and Dammeier spoke in favor of passage of the motion.

APPOINTMENT OF BRETT R WILLIS

The President declared the question before the Senate to be the confirmation of Brett R Willis, Gubernatorial Appointment No. 9333, as a member of the Board of Trustees, Pierce Community College District No. 11.

The Secretary called the roll on the confirmation of Brett R Willis, Gubernatorial Appointment No. 9333, as a member of the Board of Trustees, Pierce Community College District No. 11 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Liias

Brett R Willis, Gubernatorial Appointment No. 9333, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Jay A Reich, Gubernatorial Appointment No. 9309, be confirmed as a member of the State Board for Community and Technical Colleges.

Senators Bailey and Pedersen spoke in favor of passage of the motion.

MOTION

On motion of Senator Billig, Senator Liias was excused.

APPOINTMENT OF JAY A REICH

The President declared the question before the Senate to be the confirmation of Jay A Reich, Gubernatorial Appointment No. 9309, as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Jay A Reich, Gubernatorial Appointment No. 9309, as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson,

THIRTY FIRST DAY, FEBRUARY 12, 2014

2014 REGULAR SESSION

O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

reading considered the third and the bill was placed on final passage.

Jay A Reich, gubernatorial appointment No. 9309, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

Senators Benton and Mullet spoke in favor of passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of Senate Bill No. 6135.

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

ROLL CALL

MESSAGE FROM THE HOUSE

The Secretary called the roll on the final passage of Senate Bill No. 6135 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

February 11, 2014

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

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1027,
- HOUSE BILL NO. 1597,
- SUBSTITUTE HOUSE BILL NO. 1814,
- HOUSE BILL NO. 2017,
- HOUSE BILL NO. 2100,
- HOUSE BILL NO. 2137,
- HOUSE BILL NO. 2140,
- SUBSTITUTE HOUSE BILL NO. 2162,
- SUBSTITUTE HOUSE BILL NO. 2165,
- HOUSE BILL NO. 2167,
- HOUSE BILL NO. 2228,
- SUBSTITUTE HOUSE BILL NO. 2255,
- HOUSE BILL NO. 2276,
- SUBSTITUTE HOUSE BILL NO. 2282,
- HOUSE BILL NO. 2285,
- HOUSE BILL NO. 2332,
- SUBSTITUTE HOUSE BILL NO. 2336,
- HOUSE BILL NO. 2398,
- HOUSE BILL NO. 2450,
- SUBSTITUTE HOUSE BILL NO. 2531,
- HOUSE BILL NO. 2575,
- HOUSE BILL NO. 2583,
- SUBSTITUTE HOUSE BILL NO. 2605,
- SUBSTITUTE HOUSE BILL NO. 2651,
- HOUSE BILL NO. 2700,
- SUBSTITUTE HOUSE BILL NO. 2722,

SENATE BILL NO. 6135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

and the same are herewith transmitted.

SENATE BILL NO. 5981, by Senators Sheldon, Kline, Hewitt and Dammeier

BARBARA BAKER, Chief Clerk

Increasing the number of superior court judges in Mason county.

MOTION

The measure was read the second time.

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

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5981 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SECOND READING

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

SENATE BILL NO. 6135, by Senators Benton, Mullet, Hatfield, Hobbs and Fain

The President declared the question before the Senate to be the final passage of Senate Bill No. 5981.

Addressing banks and trust companies.

ROLL CALL

The measure was read the second time.

The Secretary called the roll on the final passage of Senate Bill No. 5981 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

MOTION

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

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6135 was advanced to third reading, the second

SENATE BILL NO. 5981, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Bailey, Kohl-Welles, Chase, Rivers, Frockt, Parlette, Cleveland, Dammeier, McAuliffe, Keiser, Tom, Conway and Mullet

Approving the workforce training and education coordinating board's high skills high wages plan.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Concurrent Resolution No. 8409 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8409.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8409 and the concurrent resolution passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE CONCURRENT RESOLUTION NO. 8409, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6105, by Senators McAuliffe, Litzow, Mullet, Darneille, Kohl-Welles and Fraser

Concerning school library information and technology programs.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6105 was substituted for Senate Bill No. 6105 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Litzow, McCoy and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6105.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6105 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5886, by Senators King and Eide

Concerning the sale of certain department of transportation surplus property.

MOTION

On motion of Senator King, Substitute Senate Bill No. 5886 was substituted for Senate Bill No. 5886 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 4, line 8, after "in", strike "subsection (2)", and insert "subsections (2) and (3)"

On page 4, after line 16, insert:

"(2) Proceeds from the sale of surplus property previously managed by the facilities division must first be used to reimburse the office of real estate services within the department for costs related to the sale. Proceeds used for cost recovery purposes under this subsection may be withheld from being deposited into the account."

Re-number the remaining subsections consecutively and correct any internal references accordingly.

POINT OF INQUIRY

Senator Benton: "Would Senator King yield to a question? Senator, does this amendment preclude the ability of the Legislature to authorize the allocation of funds to the Department of Transportation's budget? In other words does this circumvent the legislative authority for appropriation?"

Senator King: "No, I don't believe it does. No."

Senator Benton: "So, it's your intent with this amendment to continue to appropriate money to each budget department in the Department like we always do through the budgetary process. This is not hands off money that goes back to the Department without legislative appropriation?"

Senator King: "Well, I honestly don't know how to answer that question but we are..."

Senator Benton: "You expect it to be appropriated by the Legislature?"

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Senator King: "Well, all it does say they can recoup their costs so that they can fund the next sale. Within that, at some point they still have to have the original amount of money and that would have to be appropriated by the Legislature."

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 4, line 8 to Substitute Senate Bill No. 5886.

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

Senators King and Eide spoke in favor of adoption of the amendment.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 5886 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5886.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5886 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Hasegawa and Holmquist Newbry

ENGROSSED SUBSTITUTE SENATE BILL NO. 5886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5676, by Senators Braun, Benton, Holmquist Newbry, Padden, Becker, Honeyford, Rivers and Roach

Protecting personal voter signatures.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5676 was substituted for Senate Bill No. 5676 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5676.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5676 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6035, by Senators Kline, Mullet and Hargrove

Regarding the safety of ski area conveyances.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6035.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6035 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Ericksen and Holmquist Newbry

SENATE BILL NO. 6035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6031, by Senator Sheldon

Concerning lake and beach management districts.

The measure was read the second time.

MOTION

Senator Sheldon moved that the following striking amendment by Senator Sheldon be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 36.61.010 and 2008 c 301 s 1 are each amended to read as follows:

(1) The legislature finds that the environmental, recreational, and aesthetic values of many of the state's lakes are threatened by eutrophication and other deterioration and that existing governmental authorities are unable to adequately improve and maintain the quality of the state's lakes.

(2) The legislature intends that an ecosystem-based beach management approach should be used to help promote the health of aquatic ecosystems and that such a management approach be undertaken in a manner that retains ecosystem values within the state. This management approach should use long-term strategies that focus on reducing nutrient inputs from human activities affecting the aquatic ecosystem, such as decreasing nutrients into storm water sewers, decreasing fertilizer application, promoting the proper disposal of pet waste, promoting the use of vegetative borders, promoting the reduction of nutrients from on-site septic systems where appropriate, and protecting riparian areas. Organic debris, including vegetation, driftwood, seaweed, kelp, and organisms, are extremely important to beach ecosystems.

(3) The legislature further finds that it is in the public interest to promote the conservation and stewardship of shorelines and upland properties adjoining lakes and beaches in order to: (a) Conserve natural or scenic resources; (b) protect riparian habitats and water quality; (c) promote conservation of soils, wetlands, shorelines, or tidal marshes; (d) enhance the value of lakes or beaches to the public as well as the benefit of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space; (e) enhance recreation opportunities; (f) preserve historic sites; and (g) protect visual quality along highway, road, street, trail, recreational, and other corridors or scenic vistas.

(4) It is the purpose of this chapter to establish a governmental mechanism by which property owners can embark on a program of lake or beach improvement and maintenance for their and the general public's benefit, health, and welfare. Public property, including state property, shall be considered the same as private property in this chapter, except liens for special assessments and liens for rates and charges shall not extend to public property. Lake bottom property and marine property below the line of the ordinary high water mark shall not be considered to be benefitted, shall not be subject to special assessments or rates and charges, and shall not receive voting rights under this chapter.

Sec. 2. RCW 36.61.020 and 2008 c 301 s 3 are each amended to read as follows:

(1) Any county may create lake or beach management districts to finance: (a) The improvement and maintenance of lakes or beaches located within or partially within the boundaries of the county; and (b) the acquisition of real property or property rights within or outside a lake or beach management district including, by way of example, conservation easements authorized under RCW 64.04.130, and to promote the conservation and stewardship of shorelines as well as the conservation and stewardship of upland properties adjoining lakes or beaches for conservation or for minimal development. All or a portion of a lake or beach and the adjacent land areas may be included within one or more lake or beach management districts. More than one lake or beach, or

portions of lakes or beaches, and the adjacent land areas may be included in a single lake or beach management district.

(2) For the purposes of this chapter, the term "improvement" includes, among other things, the acquisition of real property and property rights within or outside a lake or beach management district for the purposes set forth in RCW 36.61.010 and this section.

(3) Special assessments or rates and charges may be imposed on the property included within a lake or beach management district to finance lake or beach improvement and maintenance activities, including: ~~((4))~~ (a) Controlling or removing aquatic plants and vegetation; ~~((2))~~ (b) improving water quality; ~~((3))~~ (c) controlling water levels; ~~((4))~~ (d) treating and diverting storm water; ~~((5))~~ (e) controlling agricultural waste; ~~((6))~~ (f) studying lake or marine water quality problems and solutions; ~~((7))~~ (g) cleaning and maintaining ditches and streams entering the lake or marine waters or leaving the lake; ~~((8))~~ (h) monitoring air quality; (i) the acquisition of real property and property rights; and ((9)) (j) the related administrative, engineering, legal, and operational costs, including the costs of creating the lake or beach management district.

(4) Special assessments or rates and charges may be imposed annually on all the land in a lake or beach management district for the duration of the lake or beach management district without a related issuance of lake or beach management district bonds or revenue bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake or beach management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake or beach management district bonds.

NEW SECTION. Sec. 3. A new section is added to chapter 36.61 RCW to read as follows:

A proposal to acquire real property or property rights within or outside of a lake or beach management district in accordance with RCW 36.61.020 must, prior to the acquisition of the real property or property rights, have the written approval of a majority of the property owners of the district, as determined by the tax rolls of the county assessor.

Sec. 4. RCW 36.61.070 and 2008 c 301 s 9 are each amended to read as follows:

(1) After the public hearing, the county legislative authority may adopt a resolution submitting the question of creating the lake or beach management district to the owners of land within the proposed lake or beach management district, including publicly owned land, if the county legislative authority finds that it is in the public interest to create the lake or beach management district and the financing of the lake or beach improvement and maintenance activities is feasible. The resolution shall also include: ~~((4))~~ (a) A plan describing the proposed lake or beach improvement and maintenance activities which avoid adverse impacts on fish and wildlife and provide for appropriate measures to protect and enhance fish and wildlife; ~~((2))~~ (b) the number of years the lake or beach management district will exist; ~~((3))~~ (c) the amount to be raised by special assessments or rates and charges; ~~((4))~~ (d) if special assessments are to be imposed, whether the special assessments shall be imposed annually for the duration of the lake or beach management district or only once with the possibility of installments being imposed and lake or beach management bonds being issued, or both, and, if both types of special assessments are proposed to be imposed, the lake or beach improvement or maintenance activities proposed to be financed by each type of special assessment; ~~((5))~~ (e) if rates and charges are to be imposed, a description of the proposed rates and charges and the possibility of revenue bonds being issued that are payable from the rates and

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charges; and ~~((6))~~ (f) the estimated special assessment or rate and charge proposed to be imposed on each parcel included in the proposed lake or beach management district.

(2) No lake or beach management district may be created by a county that includes territory located in another county without the approval of the legislative authority of the other county.

Sec. 5. RCW 36.61.220 and 2008 c 301 s 21 are each amended to read as follows:

Within ~~((fifteen))~~ thirty days after a county creates a lake or beach management district, the county shall cause to be filed with the county treasurer, a description of the lake or beach improvement and maintenance activities proposed that the lake or beach management district finances, the lake or beach management district number, and a copy of the diagram or print showing the boundaries of the lake or beach management district and preliminary special assessment roll or abstract of the same showing thereon the lots, tracts, parcels of land, and other property that will be specially benefitted thereby and the estimated cost and expense of such lake or beach improvement and maintenance activities to be borne by each lot, tract, parcel of land, or other property. The treasurer shall immediately post the proposed special assessment roll upon his or her index of special assessments against the properties affected by the lake or beach improvement or maintenance activities.

Sec. 6. RCW 36.61.250 and 1985 c 398 s 25 are each amended to read as follows:

Except when lake or beach management district bonds are outstanding or when an existing contract might otherwise be impaired, the county legislative authority may stop the imposition of annual special assessments if, in its opinion, the public interest will be served by such action.

Sec. 7. RCW 36.61.260 and 2008 c 301 s 23 are each amended to read as follows:

(1) Counties may issue lake or beach management district revenue bonds in accordance with this section. Lake or beach management district bonds may be issued to obtain money sufficient to cover that portion of the special assessments that are not paid within the thirty-day period provided in RCW 36.61.190.

(2) Whenever lake or beach management district revenue bonds are proposed to be issued, the county legislative authority shall create a special fund or funds for the lake or beach management district from which all or a portion of the costs of the lake or beach improvement and maintenance activities shall be paid. Lake or beach management district bonds shall not be issued in excess of the costs and expenses of the lake or beach improvement and maintenance activities and shall not be issued prior to twenty days after the thirty days allowed for the payment of special assessments without interest or penalties.

(3) Lake or beach management district revenue bonds shall be exclusively payable from the special fund or funds and from a guaranty fund that the county may have created out of a portion of proceeds from the sale of the lake or beach management district bonds.

~~((2))~~ (4)(a) Lake or beach management district revenue bonds shall not constitute a general indebtedness of the county issuing the bond nor an obligation, general or special, of the state. The owner of any lake or beach management district revenue bond shall not have any claim for the payment thereof against the county that issues the bonds except for: (i) With respect to revenue bonds payable from special assessments, payment from the special assessments made for the lake or beach improvement or maintenance activities for which the lake or beach management district bond was issued and from the special fund or funds, and a lake or beach management district guaranty fund, that may have been created; and (ii) with respect to revenue bonds payable from rates and charges, payment from rates and charges deposited in the

special fund or funds that the county may have created for that purpose. Revenue bonds may be payable from both special assessments and from rates and charges. The county shall not be liable to the owner of any lake or beach management district bond for any loss to ~~((the))~~ a lake or beach management district guaranty fund occurring in the lawful operation of the fund. The owner of a lake or beach management district bond shall not have any claim against the state arising from the lake or beach management district bond, rates and charges, special assessments, or guaranty fund. Tax revenues shall not be used to secure or guarantee the payment of the principal of or interest on lake or beach management district bonds. Notwithstanding the provisions of this subsection, nothing in this section may be interpreted as limiting a county's issuance of bonds pursuant to RCW 36.67.010 in order to assist in the financing of improvements to lakes or beaches located within or partially within the boundaries of the county, including without limitation lakes or beaches located within a lake or beach management district.

(b) The substance of the limitations included in this subsection ~~(4)~~ shall be plainly printed, written, engraved, or reproduced on: ~~((a))~~ (i) Each lake or beach management district bond that is a physical instrument; ~~((b))~~ (ii) the official notice of sale; and ~~((c))~~ (iii) each official statement associated with the lake or beach management district bonds.

~~((3))~~ (5) If the county fails to make any principal or interest payments on any lake or beach management district bond or to promptly collect any special assessment securing ~~((the))~~ lake or beach management district revenue bonds when due, the owner of the lake or beach management district revenue bond may obtain a writ of mandamus from any court of competent jurisdiction requiring the county to collect the special assessments, foreclose on the related lien, and make payments out of the special fund or guaranty fund if one exists. Any number of owners of lake or beach management districts may join as plaintiffs.

~~((4))~~ (6) A county may create a lake or beach management district bond guaranty fund for each issue of lake or beach management district bonds. The guaranty fund shall only exist for the life of the lake or beach management district bonds with which it is associated. A portion of the bond proceeds may be placed into a guaranty fund. Unused moneys remaining in the guaranty fund during the last two years of the installments shall be used to proportionally reduce the required level of installments and shall be transferred into the special fund into which installment payments are placed. A county may, in the discretion of the legislative authority of the county, deposit amounts into a lake or beach management district bond guaranty fund from any money legally available for that purpose. Any amounts remaining in the guaranty fund after the repayment of all revenue bonds secured thereby and the payment of assessment installments, may be applied to lake or beach improvement and maintenance activities or to other county purposes.

~~((5))~~ (7) Lake or beach management district bonds shall be issued and sold in accordance with chapter 39.46 RCW. The authority to create a special fund or funds shall include the authority to create accounts within a fund.

NEW SECTION. Sec. 8. A new section is added to chapter 36.61 RCW to read as follows:

A proposal to issue lake or beach management district revenue bonds in accordance with RCW 36.61.260 must, prior to the issuance of the bonds, have the written approval of a majority of the property owners of the district, as determined by the tax rolls of the county assessor.

NEW SECTION. Sec. 9. A new section is added to chapter 36.61 RCW to read as follows:

(1) In connection with the acquisition of real property or property rights within or outside a lake or beach management

district, a county may: (a) Own real property and property rights, including without limitation conservation easements; (b) transfer real property and property rights to another state or local governmental entity; (c) contract with a public or private entity, including without limitation a financial institution with trust powers, a municipal corporation, or a nonprofit corporation, to hold real property or property rights such as conservation easements in trust for the purposes of the lake and beach management district, and, in connection with those services, to pay the reasonable costs of that financial institution or nonprofit corporation; (d) monitor and enforce the terms of a real property right such as a conservation easement, or for that purpose to contract with a public or private entity, including without limitation a financial institution with trust powers, a municipal corporation, or a nonprofit corporation; (e) impose terms, conditions, and encumbrances upon real property or property rights acquired in respect of a lake or beach management district, and amend the same; and (f) accept gifts, grants, and loans in connection with the acquisition of real property and property rights for lake or beach management district purposes.

(2) If a county contracts with a financial institution, municipal corporation, or nonprofit corporation to hold that property or property rights in trust for purposes of the district, the terms of the contract must provide that the financial institution, municipal corporation, or nonprofit corporation may not sell, pledge, or hypothecate the property or property rights for any purpose, and must further provide for the return of the property or property rights back to the county in the event of a material breach of the terms of the contract.

(3) Before a lake or beach management district in existence as of the effective date of this section exercises the powers set forth in this section, the legislative authority of the county must provide for an amended resolution of intention and modify the plan for the district, with a public hearing, all as provided in RCW 36.61.050."

Senators Sheldon and Liias spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Chase: "Would the good gentleman from the Thirty Fifth yield to a question? Senator, does this bill apply to Hood Canal in any way, shape or form?"

Senator Sheldon: "No. The answer is that this bill deals with lake management districts."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Sheldon to Senate Bill No. 6031.

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

MOTION

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

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 36.61.010, 36.61.020, 36.61.070, 36.61.220, 36.61.250, and 36.61.260; and adding new sections to chapter 36.61 RCW."

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Senate Bill No. 6031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon and Liias spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Ranker: "Would the good gentleman from the Thirty Fifth yield to another question? The question that I have is in section 3, line 24 and 25. It says the proposal 'to acquire real property or property rights within or outside off the lake or beach management district.' Does that mean that this would, how far outside are we talking here? What exactly does that mean? And is it, I understood the striker was, within the district and that's what we were talking about. This says 'within or outside.'"

Senator Sheldon: "Well, Mr. President, without knowing the, having the RCW in front of me I can't tell you exactly. But I can tell you, in the case of Lake Nahwatzel, it's adjacent to the lake, to the lake shore. They'd like to acquire this conservation easement. I think it's about twenty six acres that surrounds a portion of the lake."

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6031.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6031 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kohl-Welles, Liias, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Eide, Keiser, Kline, McAuliffe, McCoy, Nelson and Ranker

ENGROSSED SENATE BILL NO. 6031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Ranker: "Thank you Mr. President. I just wanted to explain. We had a series of no votes on this side. I just wanted to explain to the good Senator that we think the intent of the bill is good. Just that section that I raised a question on, we need to get some more clarification on that. I look forward to working with the Chair and with the good Senator, the prime sponsor of the bill, because we would definitely not want to have anything get in the way of Senator Sheldon's first environmental bill this session."

SECOND READING

SENATE BILL NO. 6069, by Senators Rivers, Darneille, King, Litzow, Fain, Becker, Kohl-Welles, Roach and Brown

Modifying community custody conditions for sex offenders.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 6069 was substituted for Senate Bill No. 6069 and the substitute bill was placed on the second reading and read the second time.

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On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 6069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Rivers and Darneille spoke in favor of passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6069.

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

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6069 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

SENATE BILL NO. 6094, by Senator Hargrove

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

Authorizing the use of jail data for research purposes in the public interest.

MOTIONS

SUBSTITUTE SENATE BILL NO. 6069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Hargrove, Substitute Senate Bill No. 6094 was substituted for Senate Bill No. 6094 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6094 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6094.

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

ROLL CALL

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5138, by Senate Committee on Ways & Means (originally sponsored by Senators Parlette and Hargrove).

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6094 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Creating a council on state debt. Revised for 1st Substitute: Addressing the management of state debt.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

The bill was read on Third Reading.

Voting nay: Senator Baumgartner

Senators Parlette and Keiser spoke in favor of passage of the bill.

SUBSTITUTE SENATE BILL NO. 6094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5138.

SECOND READING

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

SENATE BILL NO. 5991, by Senators Ericksen, Sheldon, Hewitt, Brown, Mullet, Honeyford and Benton

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Studying nuclear power as a replacement for electricity generated from the combustion of fossil fuels.

MOTIONS

Voting nay: Senators Chase, Frockt, Hasegawa and Kline

On motion of Senator Ericksen, Substitute Senate Bill No. 5991 was substituted for Senate Bill No. 5991 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 5991 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, Sheldon, Braun and Chase spoke in favor of passage of the bill.

Senators McCoy, Rolfes and Frockt spoke against passage of the bill.

Senator Kline spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5991.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5991 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Dansel, Eide, Ericksen, Fain, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Conway, Darneille, Fraser, Frockt, Hargrove, Hasegawa, Keiser, Kline, Kohl-Welles, Lias, Litzow, Nelson, Pedersen, Ranker and Rolfes

SUBSTITUTE SENATE BILL NO. 5991, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5540, by Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Schlicher, Becker, Bailey, Dammeier, Keiser, Rolfes and Frockt).

Expanding opportunities to purchase health care coverage from out-of-state carriers.

The bill was read on Third Reading.

MOTION

On motion of Senator Parlette, the rules were suspended and Second Substitute Senate Bill No. 5540 was returned to second reading for the purpose of amendment.

MOTION

On motion of Senator Fain, further consideration of Second Substitute Senate Bill No. 5540 was deferred and the bill held its place on the second reading calendar.

MOTION

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

SECOND READING

SENATE BILL NO. 6047, by Senators Rolfes and Hewitt

Setting a maximum annual gross sales amount for cottage food operations.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 6047 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6047.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6047 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 6047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6115, by Senators Benton, Roach, Billig and Hobbs

Exempting licensed private investigators from process server requirements.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6115.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6115 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs,

THIRTY FIRST DAY, FEBRUARY 12, 2014

2014 REGULAR SESSION

Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

the second reading considered the third and the bill was placed on final passage.

Senator Billig spoke in favor of passage of the bill.

SENATE BILL NO. 6115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6086.

SECOND READING

ROLL CALL

SENATE BILL NO. 5931, by Senators Hargrove, Becker and Keiser

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6086 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Clarifying the requirements for health plans offered outside of the exchange.

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

The measure was read the second time.

MOTION

Voting nay: Senator Dansel

On motion of Senator Becker, the rules were suspended, Senate Bill No. 5931 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SUBSTITUTE SENATE BILL NO. 6086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Becker, Pedersen and Nelson spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of Senate Bill No. 5931.

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

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Senate Bill No. 5931 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Senator Kline moved adoption of the following resolution:

SENATE RESOLUTION

8683

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

By Senators Kline, Kohl-Welles, Hasegawa, Rolfes, Frockt, Eide, Hargrove, Litzow, Fain, Fraser, Dammeier, Angel, Conway, Darneille, Ranker, McAuliffe, Roach, Hill, Brown, O'Ban, Pearson, Keiser, Nelson, Lias, Pedersen, Cleveland, Mullet, Hobbs, Hatfield, Chase, and Billig

Voting nay: Senators Ericksen, Holmquist Newbry and Padden

SENATE BILL NO. 5931, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

WHEREAS, The state of Washington has led the nation in many initiatives to end racial disparities, homelessness, economic development, and education, and many of these progressive and groundbreaking initiatives can be attributed to Senator George Fleming, a man who has worked tirelessly for equality and justice; and

SECOND READING

WHEREAS, George Fleming completed his degree in business administration at the University of Washington, where he was a well-known Husky football champion who played in the 1960 and 1961 Rose Bowls, and was named a Most Valuable Player of the 1960 Rose Bowl; and

SENATE BILL NO. 6086, by Senators Billig, Ericksen, McCoy and Rolfes

Reducing polychlorinated biphenyls in Washington state. Revised for 1st Substitute: Reducing PCBs in products purchased by agencies.

WHEREAS, George Fleming went on to play professional football for the Oakland Raiders and later the Winnipeg Blue Bombers in the Canadian Football League, and he was entered into the Husky Hall of Fame in 1980 and later honored as a Husky Legend in 1998; and

MOTIONS

On motion of Senator Billig, Substitute Senate Bill No. 6086 was substituted for Senate Bill No. 6086 and the substitute bill was placed on the second reading and read the second time.

WHEREAS, In 1968, George Fleming was elected to represent the 37th Legislative District in the House of Representatives, and in 1970 he became the second African American to be elected to the Washington State Senate where for over 20 years he sponsored

On motion of Senator Billig, the rules were suspended, Substitute Senate Bill No. 6086 was advanced to third reading,

legislation that defends the rights of women, racial and ethnic minorities, senior citizens, and children; and

WHEREAS, George Fleming's legislative accomplishments include: The Office of Minority and Women's Business Enterprises, the Housing Finance Commission, and the MESA Program, a high-tech achievement program for minorities and women; and

WHEREAS, George Fleming led legislative efforts to create a state holiday honoring Dr. Martin Luther King, Junior, and mentored some of the first minority legislative staff who have themselves become leaders for Washington state, including Gary Locke, Ron Sims, and Nate Miles; and

WHEREAS, While in the Senate, George Fleming served as Vice Chair of the Democratic Caucus from 1973 to 1980 and Caucus Chair from 1980 to 1988; and

WHEREAS, George Fleming and his wife Tina have two daughters, Sonja and Yemi, and two sons-in-law, Michael and Rodney, as well as five grandchildren, all of Seattle; and

WHEREAS, After five decades of public and community service, George Fleming continues to be one of the most influential leaders in Washington state history; and

WHEREAS, February is Black History Month and a time for all Washingtonians to recognize not only the accomplishments of leaders from our past, but the continuing contributions from our living legends;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and appreciate the work and life of former Senator George Fleming and encourage all citizens to join in the recognition of his many contributions to our great state.

Senators Kline, Padden, Kohl-Welles and Benton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8683.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mrs. Tina Fleming, wife of former Senator George Fleming, who was present at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family of former Senator & Mrs. Fleming: Mr. & Mrs. Michael and Yemi (daughter) Fleming Jackson and their children Myles and Naya; and Mr. & Mrs. Michael and Sonja (daughter) Schuett and their children Christopher and Micah was were seated in the gallery.

REMARKS BY THE PRESIDENT

President Owen: "The President did have the great privilege of serving with Senator Fleming a number of years ago. He was so passionate that I remember us being out some place having a diet Coke or something and he spent the next hour an half talking to me about nursing homes. He also beat me in 1988 for this job but we were still friends. It's a great privilege for me to introduce to you the most distinguished and honored gentleman, Senator George Fleming."

REMARKS BY GEORGE FLEMING

George Fleming: "Mr. President, and assembled guests, and a special acknowledgement to all the distinguished members of this legislative body. Kind of hard for me not to get emotional, so bear

with me. I also want to say to the ladies and gentlemen, my fellow Washingtonians, thank you so much. Words cannot explain the depth and the appreciation I have for you. This ceremony today, this is most memorable. I realize that you have more important things to do, pass bills and other things so I don't plan on taking too much of your time. but I do appreciate the recognition of my career in public service is truly special. I also want to thank my family for being there. I must say that things have changed quite a bit since I've served here in the chamber and what you legislators go through today is simply amazing. I must say that, much has changed when I was serving here but yet some things remain the same. Sometime it feels like things are so divisive and breaks down along party lines. I'm glad to say that that never happened to our slim majorities but the reason we all got into this business, You and I was because of the people who gave us their vote and placed their trust in us. They wanted us to gather here in sixty or one hundred five days to take care of business that they wanted done. See, to them it was not about republicans, democrats, male or female, it's truly about whether their issues would be addressed or not. I've worked with a bunch of peoples with whom I disagreed with throughout the state, both sides of the aisles. In fact you heard earlier by the Senator some of the things that were there then and not now. I have members of this adjust body refuse to ride the same elevator with me but despite our differences we were able to pass some pretty substantial land mark, pieces of legislation, many of which still stand today. However, while time won't allow that I would like to thank a lot of people, I do thank Senator Kline and Lieutenant Governor Owen for this ceremony. Also those great former staff people who supported me, the members with whom I served, the lobbyist who provided so much great information who really helped to make this place operate. There was no greater privilege than there being chose to support my constituents. I love this country, I love this state, where else could a poor kid from the south establish a home, get a job and within ten years be chosen by the people of his community to represent their hopes and dreams. To then stay there for over twenty years to the same constituents and I thank them. The George Fleming story is nothing short of an American tale. One that is repeated so many times, so, as you continue with your careers and in some cases you bring them to a close just remember your name may never get on the side of a building or a street named after you, remember, remember that this was really about expectations that you would make the world and the state a better place. If you've done either then I salute you and say 'Job well done', never in my wildest dreams growing up in the south did I imagine the places I'd go to, China, Taiwan, people I got to meet. It has been an amazing journey and I'm pleased and blessed that I got to spend it with people like you. Thank you."

MOTION

At 11:50 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:38 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1011,
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.
 1083,
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.
 1675,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1838,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

MOTION

On motion of Senator Billig, Senator Cleveland was excused.

THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Mark Mattke, Gubernatorial Appointment No. 9292, be confirmed as a member of the Work Force Training and Education Coordinating Board.
 Senator Bailey spoke in favor of the motion.

APPOINTMENT OF MARK MATTKE

The President declared the question before the Senate to be the confirmation of Mark Mattke, Gubernatorial Appointment No. 9292, as a member of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Mark Mattke, Gubernatorial Appointment No. 9292, as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Ericksen
 Excused: Senator Cleveland

Mark Mattke, Gubernatorial Appointment No. 9292, having received the constitutional majority was declared confirmed as a member of the Work Force Training and Education Coordinating Board.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

MOTION

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

SECOND READING

SENATE BILL NO. 6134, by Senators Hobbs, Benton, Hatfield, Mullet and Fain

Addressing nondepository institutions regulated by the department of financial institutions.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 6134 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6134.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6134 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE BILL NO. 6134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6104, by Senators McAuliffe, Litzow, Hargrove, Hill, Billig, Fraser and Brown

Establishing the interactive gaming in schools public-private partnership.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6104 was substituted for Senate Bill No. 6104 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Litzow spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6104.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6104 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6065, by Senators King, Darneille, Kohl-Welles, Hewitt, Conway and Frockt

Protecting children under the age of eighteen from the harmful effects of exposure to ultraviolet radiation associated with tanning devices.

The measure was read the second time.

MOTION

Senator Benton moved that the following amendment by Senators Benton, Hargrove and Padden be adopted:

On page 2, line 2, after "device", insert "or having any surgical procedure without parental notice and consent."

Senator Benton spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Pedersen: "Thank you. I believe that the amendment that's been offered is outside the scope and object of the bill. I think briefly that the underlying bill is quite specifically about under age access to tanning devices. The amendment that's been offered expands the scope and object of the bill dramatically to include any surgical procedures undergone by minors. Thank you."

Senator Benton spoke against the point of order.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Pedersen on the scope and object of Senate Bill No. 6065, the President finds and rules as follows: The President finds that the original bill is a measure that regulates only the tanning industry by prohibiting individuals under the age of eighteen from using an ultraviolet tanning device. An owner of a tanning facility who violates this provision is liable for a civil penalty. In contrast, the amendment provides that a parent must be notified before his or her child may receive any surgical procedure.

The President finds that this amendment is clearly outside of both the scope and the object of this bill, and Senator Pedersen's point is well taken."

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 6065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Kohl-Welles and Darneille spoke in favor of passage of the bill.

Senator Benton spoke on final passage.

POINT OF ORDER

Senator Rolfes: "I don't believe the speaker is speaking to the bill. He's speaking to a failed amendment that is not part of the bill."

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, please make sure your remarks are relative to the issues surrounding this bill."

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6065.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6065 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Chase, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Sheldon and Tom

Voting nay: Senators Becker, Benton, Dansel, Ericksen, Hatfield, Holmquist Newbry, Honeyford and Schoesler

Excused: Senator Cleveland

SENATE BILL NO. 6065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:21 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:46 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6022, by Senators O'Ban, Keiser and Conway

Protecting state hospital workers.

The measure was read the second time.

MOTION

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Senator Conway moved that the following amendment by Senators Conway, Darneille, Fraser, Hasegawa and Keiser be adopted:

On page 3, after line 7, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 41.56 RCW to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the state with respect to employees working for western state hospital and eastern state hospital.

(2) This chapter governs the collective bargaining relationship between the state and employees working for western state hospital and eastern state hospital, except as follows:

(a) The state shall be represented by the governor or the governor's designee who is appointed under chapter 41.80 RCW, and costs of the negotiations under this section shall be reimbursed as provided in RCW 41.80.140.

(b)(i) The following bargaining units of employees working for western state hospital and eastern state hospital shall be considered appropriate units under this chapter as of the effective date of this section, but there may be proceedings concerning certification and unit clarification under this chapter thereafter:

(A) All nonsupervisory classified employees of the state working for western state hospital in the psychiatric treatment and recovery center, the habilitative mental health unit, and at eastern state hospital in the adult psychiatric unit, forensic services unit, and geropsychiatric unit, excluding persons exempt from the coverage of chapter 41.06 RCW, employees in the Washington management service, confidential employees, supervisors, institutions employees in historically excluded groups that have not been modified by subsequent orders of the public employment relations commission, and all other employees of the state;

(B) All supervisory classified employees of the state working for western state hospital in the psychiatric treatment and recovery center, the habilitative mental health unit, and at eastern state hospital in the adult psychiatric unit, forensic services unit, and geropsychiatric unit, excluding persons exempt from the coverage of chapter 41.06 RCW, employees in the Washington management services, confidential employees, nonsupervisory employees, institutions employees in historically excluded groups that have not been modified by subsequent orders, and all other employees of the state.

(ii) This act does not preclude either party from seeking to clarify the scope of any bargaining unit pursuant to RCW 41.56.060.

(c) The exclusive bargaining representatives recognized under chapter 41.80 RCW as representing the bargaining units of employees working for western state hospital and eastern state hospital shall be the exclusive bargaining representatives recognized under this chapter as representing the bargaining units of employees working for western state hospital and eastern state hospital without the necessity of an election as of the effective date of this section, but there may be proceedings concerning representation under this chapter thereafter.

(d) If an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with the governor or the governor's designee one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents.

(e) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for employees working for western state hospital and eastern state hospital: (i) Includes terms and conditions of employment relevant to employee safety, such as staffing levels with a direct relationship to employee workload and safety; (ii) excludes matters pertaining to

management rights established in RCW 41.80.040, such as the employer's budget, the size of the agency workforce, and the right to direct and supervise employees; and (iii) is otherwise the same as the scope of collective bargaining described in RCW 41.80.020.

(f) The governor or the governor's designee and one coalition of all the exclusive bargaining representatives subject to this section and chapter 41.80 RCW shall conduct negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits as described in RCW 41.80.020.

(3) The governor or the governor's designee shall periodically consult with the joint committee on employment relations created in RCW 41.80.010(5) regarding appropriations necessary to implement the compensation and fringe benefit provisions in a collective bargaining agreement and, upon completion of negotiations, advise the committee on the elements of the agreement and on any legislation necessary to implement the agreement.

(4) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the compensation and fringe benefit provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of financial management by October 1st before the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of financial management as being feasible financially for the state or reflects the decision of an arbitration panel reached under section 2 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the classes of employees listed in RCW 41.56.030(13), the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470, 41.56.480, and 41.56.490 also apply to the employees of the state working for western state hospital and eastern state hospital as provided in this section, subject to the following:

(1) Within ten working days after the first Monday in September of every odd-numbered year, the governor or the governor's designee and the bargaining representative for the appropriate bargaining unit shall attempt to agree on an interest arbitration panel consisting of three members to be used if the parties are not successful in negotiating a comprehensive collective bargaining agreement. Each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within seven days following the appointment of the later appointed member to attempt to choose a third member to act as the neutral chair of the arbitration panel. Upon the failure of the arbitrators to select a neutral chair within seven days, the two appointed members shall use one of the two following options in the appointment of the third member, who shall act as chair of the panel: (a) By mutual consent, the two appointed members may jointly request the commission to, and the commission shall, appoint a third member within two days of such a request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (b) either party may apply to the commission, the federal mediation and conciliation service, or the American arbitration association to provide a list of five qualified arbitrators from which the neutral chair shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chair shall be shared equally between the parties. Immediately upon selecting an interest arbitration panel, the parties shall cooperate to reserve dates with the arbitration panel for potential arbitration between August 1st and September 15th of the following even-numbered year. The

parties shall also prepare a schedule of at least five negotiation dates for the following year, absent an agreement to the contrary. The parties shall execute a written agreement before November 1st of each odd-numbered year setting forth the names of the members of the arbitration panel and the dates reserved for bargaining and arbitration. This subsection imposes minimum obligations only and is not intended to define or limit a party's full, good faith bargaining obligation under other sections of this chapter.

(2) The mediator or arbitration panel may consider only matters that are subject to bargaining under section 1(2)(e)(i) of this act, and may not consider matters that are subject to bargaining under section 1(2)(e)(iii) of this act, the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits.

(3) The decision of an arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement the compensation and fringe benefit provisions in an arbitrated collective bargaining agreement, is not binding on the state or western state hospital and eastern state hospital.

(4) In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The financial ability of the department to pay for the provisions of a collective bargaining agreement;

(b) The constitutional and statutory authority of the employer;

(c) Stipulations of the parties;

(d) Comparison of the terms and conditions of employment relevant to employee safety of personnel involved in the proceedings with the terms and conditions of employment relevant to employee safety of like personnel of like employers of similar size on the west coast of the United States;

(e) Changes in any of the factors listed in this subsection during the pendency of the proceedings; and

(f) Such other factors, not confined to those listed in this subsection, which are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under section 1(2)(e)(i) of this act and mediation or arbitration under this section.

Sec. 4. RCW 41.80.020 and 2013 2nd sp.s. c 4 s 972 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer is not required to bargain over matters pertaining to:

(a) Health care benefits or other employee insurance benefits, except as required in subsection (3) of this section;

(b) Any retirement system or retirement benefit; or

(c) Rules of the human resources director, the director of enterprise services, or the Washington personnel resources board adopted under RCW 41.06.157.

(3) Matters subject to bargaining include the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits. However, except as provided otherwise in this subsection for institutions of higher education, negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits shall be conducted between the employer and one coalition of all the exclusive bargaining representatives subject to this chapter and all the exclusive bargaining representatives subject to section 1 of this act. The exclusive bargaining representatives for employees that are subject

to chapter 47.64 RCW shall bargain the dollar amount expended on behalf of each employee for health care benefits with the employer as part of the coalition under this subsection. Any such provision agreed to by the employer and the coalition shall be included in all master collective bargaining agreements negotiated by the parties. For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of RCW 41.80.010(4). For agreements covering the 2013-2015 fiscal biennium, any agreement between the employer and the coalition regarding the dollar amount expended on behalf of each employee for health care benefits is a separate agreement and shall not be included in the master collective bargaining agreements negotiated by the parties.

(4) The employer and the exclusive bargaining representative shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth.

(5) The employer and the exclusive bargaining representative shall not bargain over matters pertaining to management rights established in RCW 41.80.040.

(6) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

(7) This section does not prohibit bargaining that affects contracts authorized by RCW 41.06.142.

NEW SECTION. Sec. 5. A new section is added to chapter 41.56 RCW to read as follows:

(1) Collective bargaining negotiations between the state and bargaining units of employees working for western state hospital and eastern state hospital under this chapter shall commence no later than July 1, 2014. A collective bargaining agreement between the state and any bargaining unit of employees working for western state hospital and eastern state hospital entered into under this chapter shall not be effective prior to July 1, 2015.

(2) Any collective bargaining agreement between the state and any bargaining unit of employees working for western state hospital and eastern state hospital entered into under chapter 41.80 RCW before July 1, 2014, that expires after July 1, 2014, shall, unless a superseding agreement complying with this chapter is negotiated by the parties, remain in full force during its duration, but the agreement may not be renewed or extended beyond July 1, 2015, or until superseded by a collective bargaining agreement entered into under this chapter, whichever is later.

(3) The duration of any collective bargaining agreement between the state and bargaining units of employees working for western state hospital and eastern state hospital under this chapter shall not exceed one fiscal biennium." Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "RCW 9A.36.031" insert ", and RCW 41.80.020; adding new sections to chapter 41.56 RCW"

POINT OF ORDER

Senator Padden: "Thank you Mr. President. I believe that the amendment offered is beyond the scope and object of the underlying bill. The underlying bill amends a criminal statute regarding assault under RCW 9A.36.031. The changes proposed by the bill would elevate a simple misdemeanor assault to a

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felony when the victim is an employee, contractor, intern or volunteer of Western State Hospital, Eastern State Hospital or the Child Study Treatment Center when the person is performing his or her official duties at the time of the assault. By contrast Mr. President, the amendment deals with collective bargaining for employees of Western and Eastern State Hospitals under RCW Chapter 41.56. It grandfathers in certain bargaining units and mandates certain arbitrations. For these reasons I believe the amendment offered is outside the scope and object of the underlying bill and I respectfully request a ruling on this matter. Thank you.”

Senator Conway spoke against the point of order.

MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 6022 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6129, by Senators Hill, McAuliffe, Tom, Dammeier, Hobbs, Litzow, Baumgartner and Mullet

Concerning paraeducator development.

MOTIONS

On motion of Senator Hill, Substitute Senate Bill No. 6129 was substituted for Senate Bill No. 6129 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 6129 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6129.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6129 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5965, by Senators Padden, Darneille, O'Ban, Mullet, Hargrove, Dammeier, Pearson, Fain, Roach, Kohl-Welles, Kline, Conway, Keiser and McAuliffe

Concerning sexually violent predators.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5965 was substituted for Senate Bill No. 5965 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5965 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5965.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5965 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 5965, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6054, by Senators Honeyford, Hobbs, Schoesler, Cleveland, Rivers, King, Dammeier, Bailey, Hatfield and Parlette

Regarding aeronautic safety.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6054 was substituted for Senate Bill No. 6054 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6054.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6054 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5969, by Senators O'Ban, McCoy, Schoesler, Hobbs, Hatfield, Brown, Conway, Rolfes, Braun, McAuliffe and Benton

Providing for awarding academic credit for military training.

MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 5969 was substituted for Senate Bill No. 5969 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 5969 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5969.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5969 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 5969, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6110, by Senators Ericksen and Hobbs

Regulating retainage bonds on public contracts.

MOTIONS

On motion of Senator Ericksen, Substitute Senate Bill No. 6110 was substituted for Senate Bill No. 6110 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 6110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6110.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6110 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6005, by Senators Roach and Hasegawa

Eliminating the human resources director. Revised for 1st Substitute: Eliminating the position of human resources director.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6005 was substituted for Senate Bill No. 6005 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6005 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6005.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6005 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6005, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6081, by Senators Dammeier, Mullet, Honeyford, Keiser, Kohl-Welles, Conway, McAuliffe and Brown

Creating a grant program to develop and modernize specialized STEM facilities. Revised for 1st Substitute: Concerning grant programs for specialized STEM and all-day kindergarten education facilities.

MOTION

On motion of Senator Dammeier, Substitute Senate Bill No. 6081 was substituted for Senate Bill No. 6081 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 5, on line 35, after "kindergarten" insert:

", or for districts that have implemented state-funded all-day kindergarten in temporary spaces,"

On page 6, on line 4, after "instruction" insert:

". School districts that have implemented state-funded all-day kindergarten in temporary spaces must be ranked as high as schools not having implemented state-funded all-day kindergarten due to a lack of space. For the purposes of this subsection, temporary spaces mean spaces that are not designed as a classroom nor typically used as a classroom, such as the library, auditorium, gymnasium, or in neighboring community facilities not owned by the district."

Senators Keiser and Dammeier spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser and others on page 5, line 35 to Substitute Senate Bill No. 6081.

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

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Substitute Senate Bill No. 6081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dammeier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6081.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6081 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove,

Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Padden

Excused: Senator Cleveland

ENGROSSED SUBSTITUTE SENATE BILL NO. 6081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5360, by Senators Conway, Keiser, Hasegawa, Kohl-Welles, Frockt and Kline

Addressing the collection of unpaid wages.

MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5360 was substituted for Senate Bill No. 5360 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5360.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5360 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 5360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6208, by Senators Hill, Conway, Braun, Hobbs, Kohl-Welles, Chase and Benton

Preserving the integrity of veterans' benefit-related services.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Senate Bill No. 6208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Conway and Holmquist Newbry spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6208.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6208 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE BILL NO. 6208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6522, by Senators Holmquist Newbry and Conway

Restricting the use of personal information gathered during the claims resolution structured settlement agreement process.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Senate Bill No. 6522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6522.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6522 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE BILL NO. 6522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6405, by Senators Baumgartner, Padden, Hargrove and Cleveland

Providing greater consistency in how nonprofit tax-exempt property may be used without jeopardizing the property's tax-exempt status.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Senate Bill No. 6405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6405.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6405 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE BILL NO. 6405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6007, by Senators Rivers, Hatfield, Braun, Tom and Benton

Clarifying the exemption in the public records act for customer information held by public utilities.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 6007 was substituted for Senate Bill No. 6007 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 6007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6007.

ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 6007 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well, I'm hoping we get out somewhat early tonight. I want to let you know it's my forty-first anniversary today. My husband and I were teasing the other day, he said, 'Four hundred forty.' And I said, 'No, eight hundred and eighty.' We met, my roommate actually introduced us, and it's when I was a stewardess and we came over and we all had dinner and he played a game of spoons and he cheated. I told him that I couldn't even begin to talk to people that cheated. So we have now been married for forty one years and we dated for three years before that and the interesting thing is we got married on my mom and dad's anniversary. My mom will be ninety six in April and so I just want to say, 'Mom, if dad was alive, it'd be Happy Anniversary to you too. 'But Bob I love you lots and I wanted to tell you that formally on the air and Happy Anniversary.'"

SECOND READING

SENATE BILL NO. 6419, by Senators Cleveland, Benton, Keiser, Darneille, Frockt, Billig, Chase, Rolfes, Nelson, Dammeier, Fraser, Eide, Kohl-Welles, Kline, Pedersen, Hargrove, Ranker, Conway and McAuliffe

Concerning expanding access to medicaid programs in border communities.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 6419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6419.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6419 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE BILL NO. 6419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5064, by Senators Hargrove and Kline

Concerning persons sentenced for offenses committed prior to reaching eighteen years of age.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5064 was substituted for Senate Bill No. 5064 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 5064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5064.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5064 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SECOND SUBSTITUTE SENATE BILL NO. 5064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5540, by Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Schlicher, Becker, Bailey, Dammeier, Keiser, Rolfes and Frockt)

Expanding opportunities to purchase health care coverage from out-of-state carriers.

The measure was read the second time.

MOTION

Senator Parlette moved that the following striking amendment by Senator Parlette be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

- (1) "Qualifying reciprocal insurer" means a foreign insurer that:
 - (a) Meets the definition of "issuer" pursuant to P.L. 111-148 of 2010, as amended;
 - (b) Is authorized in a state that is a member of the consortium authorized in section 4 of this act;
 - (c) Proposes to sell in Washington only a qualifying reciprocal plan;
 - (d) Has and maintains total adjusted capital that is greater than three times its authorized control level risk-based capital; and
 - (e) To the extent required by the reciprocity agreement between the primary state of issue and the commissioner, complies with state laws applicable to issuers in the state of Washington.
- (2) "Qualifying reciprocal plan" means a plan that:
 - (a) Contains an essential health benefits package that is substantially equal to the essential health benefit benchmark plan designated pursuant to RCW 48.43.715 and provides minimum essential coverage as required by P.L. 111-148 of 2010, as amended;
 - (b) Has been approved by a state regulator for a state with which the commissioner has a reciprocity agreement;
 - (c) Is not a health savings account or qualified high deductible health plan; and
 - (d) Complies with the market rules established in RCW 48.43.700 and 48.43.705.

NEW SECTION. Sec. 2. (1) Each qualifying reciprocal plan issued or renewed must contain the following declaration in bold face type at the beginning of the document:

"The benefits in this policy may not include each of the benefits required by the state of Washington. (Name of state) initially approved this policy for sale, and the benefit requirements of that state are reflected in the policy. The rates applied to calculate premium were not approved by the state of Washington, but by (Name of state). Those requirements may be different from the requirements for policies approved by Washington. Please consult your insurance agent or insurer to determine which health benefits are covered under the policy."

(2) Each qualifying reciprocal insurer offering a qualifying reciprocal plan must provide applicants with a written side by side comparison of health benefits under the plan, including differences in definition of each benefit between Washington law and the law of the approving state, whether the benefit is required under Washington law, and the difference in the premium rate due to the difference in state laws. Where a producer is offering the plan to an applicant, the producer must provide the written comparison.

(3) A qualifying reciprocal insurer offering qualifying reciprocal plans must offer the plan through producers licensed under chapter 48.17 RCW. Electronic marketing and sales of out-of-state policies are permitted under this section.

NEW SECTION. Sec. 3. (1) A qualifying reciprocal plan must use a premium rate schedule approved by its state of issue for the plan, and apply the standards for calculating the premium required by the United States department of health and human services for out-of-state coverage.

(2) The premium rate schedule for a qualifying reciprocal plan may not be adjusted more frequently than once a year.

(3) A qualifying reciprocal plan may only be offered in the small group market in Washington.

(4) A qualifying reciprocal plan is not required to include health benefit mandates required under this title that are not included in the qualifying reciprocal plan.

(5) A qualifying reciprocal plan must be filed with the commissioner for approval prior to use pursuant to RCW 48.18.100. The commissioner shall approve the plan for use in Washington state if the plan meets the requirements of this chapter and shall disapprove it if it does not. When determining whether the qualifying reciprocal plan contains an essential health benefits package that is substantially equal to the essential health benefit benchmark plan designated pursuant to RCW 48.43.715, the commissioner shall utilize the same standards and procedures applicable to carriers licensed in Washington. The commissioner may not rely upon the determination of a member consortium state as to whether the qualifying reciprocal plan contains an essential health benefits package substantially equal to the essential health benefit benchmark plan designated pursuant to RCW 48.43.715.

(6) Except as provided in this section, RCW 48.18.110 may not be grounds for disapproval of a qualifying reciprocal plan.

(7) To the extent consistent with federal law, and except as provided in this chapter, the requirements of chapter 48.43 RCW do not apply to a qualifying reciprocal plan.

NEW SECTION. Sec. 4. (1) Beginning July 1, 2015, the commissioner is authorized to contract with other states to establish and operate a consortium formed through written agreement governing the sale to small groups of a qualifying reciprocal plan, by qualifying reciprocal insurers admitted in one of the states in the consortium. A reciprocity agreement must be executed between the commissioner and the appropriate entity in a participating state prior to the offer and issue of a qualifying reciprocal plan under this chapter. The consortium is not intended to operate as a compact.

(2) The commissioner may not enter into a reciprocity agreement until the commissioner has identified a minimum of five states whose regulatory requirements for the offer and issue of health benefit plans meets or exceeds those of Washington in the areas of network adequacy, consumer protection, marketing requirements, and claims adjudication and processing. The consortium may commence with a reciprocity agreement with just one of the states.

(3) A state may not join the consortium if it has admitted two or more issuers domiciled in Washington that offer health benefit plans, unless five or more other states have joined the consortium.

(4) The commissioner may enter into separate reciprocity agreements, or one uniform agreement. Each reciprocity agreement must establish rules for the management of consumer questions and complaints related to health benefit plans approved by one member state but sold in another. The commissioner may adopt rules to implement consortium rules as necessary to comply with the consortium agreement.

(5) Consortium member states must agree to provide the commissioner with a list of approved qualifying reciprocal plans that meet the standards under this chapter, and their premium rate schedules as they are approved. If a qualifying reciprocity plan is disapproved or otherwise removed from the market pursuant to regulatory action or order, the primary state of issue must notify the commissioner of this action.

(6) The reciprocity agreement must establish a mechanism for payment of premium tax pursuant to chapter 48.14 RCW, payment of regulatory surcharge pursuant to RCW 48.02.190, and collection of any reinsurance or risk adjustment assessments that would otherwise be applicable but for the domicile of the selling insurer.

(7) Qualifying reciprocal insurers must inform each consortium state in writing of the intent to offer a qualifying reciprocal policy in a state not less than sixty days prior to the first date of offer.

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Reciprocity consortium member states may establish additional requirements for notification and offer applicable to that state.

(8) The commissioner may enter into one or more personal services contracts with third-party contractors to provide services necessary to accomplish the commissioner's responsibilities under this act.

NEW SECTION. Sec. 5. A qualifying reciprocal plan may be certified as a qualified health plan through the exchange only if it, and its qualifying reciprocal insurer, meet the requirements of the exchange for certification as a qualified health plan, and if the plan follows the market rules established in RCW 48.43.700.

NEW SECTION. Sec. 6. (1) By January 1, 2015, the commissioner must report to the legislature which states have been identified under section 4(2) of this act, and include a plan for seeking a reciprocity agreement with at least one state.

(2) The commissioner must report to the legislature by December 1, 2016, and December 1st of each year following, the status of the reciprocity consortium's formation, membership, the number of qualifying reciprocal plans offered in Washington through the consortium, the effect on the marketplace in Washington, including the health benefits exchange, and must recommend whether continuing reciprocity sales serves the public health and welfare.

Sec. 7. RCW 48.05.070 and 1947 c 79 s .05.07 are each amended to read as follows:

To apply for an original certificate of authority an insurer shall:

- (1) File with the commissioner its request therefor showing:
 - (a) Its name, home office location, type of insurer, organization date, and state or country of its domicile.
 - (b) The kinds of insurance it proposes to transact.
 - (c) Additional information as the commissioner may reasonably require.
- (2) File with the commissioner:
 - (a) A copy of its charter as amended, certified, if a foreign or alien insurer, by the proper public officer of the state or country of domicile.
 - (b) A copy of its bylaws, certified by its proper officer.
 - (c) A statement of its financial condition, management, and affairs on a form satisfactory to or furnished by the commissioner.
 - (d) If a foreign or alien insurer, or a domestic reciprocal insurer, an appointment of the commissioner as its attorney to receive service of legal process.
 - (e) If an alien insurer, a copy of the appointment and authority of its United States manager, certified by its proper officer.
 - (f) If a foreign or alien insurer, a certificate from the proper public official of its state or country of domicile showing that it is duly organized and is authorized to transact the kinds of insurance proposed to be transacted.
 - (g) If a domestic reciprocal insurer, the declaration required by RCW 48.10.090 of this code.
 - (h) Other documents or stipulations as the commissioner may reasonably require to evidence compliance with the provisions of this code.

(3) A qualifying reciprocal insurer, as defined in section 1 of this act, is not required to comply with subsection (2)(a), (b), (c), (e), or (g) of this section.

(4) Deposit with the commissioner the fees required by this code to be paid for filing the accompanying documents, and for the certificate of authority, if granted.

Sec. 8. RCW 48.21.047 and 2010 c 292 s 8 are each amended to read as follows:

- (1) An insurer may not offer any health benefit plan to any small employer without complying with RCW 48.21.045(3).
- (2) Employers purchasing health plans provided through associations or through member-governed groups formed

specifically for the purpose of purchasing health care are not small employers and the plans are not subject to RCW 48.21.045(3).

(3) A qualifying reciprocal plan as defined in section 1 of this act, is not subject to RCW 48.21.045.

(4) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in RCW 48.43.005.

~~((4))~~ (5) For purposes of this section, "census date" has the same meaning as defined in RCW 48.44.010.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 10. If specific funding for the purposes of section 6 of this act, referencing section 6 of this act by bill or chapter number and section number, is not provided by June 30, 2014, in the omnibus appropriations act, section 6 of this act is null and void."

Correct the title.

Senators Parlette and Pedersen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Parlette to Second Substitute Senate Bill No. 5540.

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

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette, Keiser and Frockt spoke in favor of passage of the bill.

Senators Pedersen and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5540 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Ericksen, Fraser, Hasegawa, Kohl-Welles, Liias, Padden and Pedersen

Excused: Senator Cleveland

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6034, by Senators Pearson, Hargrove, McCoy, Mullet and McAuliffe

Concerning state parks partnership opportunities.

The measure was read the second time.

MOTION

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

On page 3, beginning on line 3, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 79A.05 RCW to read as follows:

The commission, in consultation with the department of archaeology and historic preservation, may permit commercial advertising on or in state parks lands and buildings, when all the following conditions are met:

(1) It conforms to the United States secretary of interior's standards for the treatment of historic properties when applied to advertising affecting historic structures, cultural and historic landscapes, and archaeological sites;

(2) It does not detract from the integrity of the park's natural, cultural, historic, and recreational resources and outstanding scenic view sheds; and

(3) It will acknowledge individuals and organizations that are donors or sponsors of park events or projects, or support the sustainability of park concessionaires, lessees, or service providers.

Notwithstanding subsections (1) through (3) of this section, commercial advertising, including product placement, may still be permitted on commission web sites, electronic social media, and printed materials within or outside of state parks.

NEW SECTION. Sec. 5. A new section is added to chapter 79A.05 RCW to read as follows:

(1) When entering into any agreement under RCW 79A.05.345 or otherwise involving the management of state park land or a facility by a public or private partner, the commission shall consider, when appropriate:

(a) If the entity has an adequate source of available funding to assume the financial responsibilities of the agreement;

(b) If the entity has sufficient expertise to assume the scope of responsibilities of the agreement;

(c) If the agreement results in net financial benefits to the state; and

(d) If the agreement results in advancement of the commission's public purpose.

(2) Any agreement subject to this section must include specific performance measures. The performance measures must cover, but are not limited to, the entity's ability to manage financial operating costs, to adequately perform management responsibilities, and to address and respond to public concerns. The agreement must provide that failure to meet any performance measure may lead to the termination of the contract or requirements for remedial action to be taken before the agreement may be extended.

(3) The commission's authority to enter into agreements under RCW 79A.05.345 or this section does not include the ability to rename any state park after a corporate or commercial entity, product, or service."

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

Senators Pearson and Liias spoke in favor of adoption of the amendment.

Senator Chase spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pearson on page 3, line 3 to Senate Bill No. 6034.

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

MOTION

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

On page 1, line 3 of the title, after "adding" strike "a new section" and insert "new sections"

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Senate Bill No. 6034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Liias spoke in favor of passage of the bill.

Senator Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6034.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6034 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Conway, Dammeier, Dandel, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Darneille and Hasegawa

Excused: Senator Cleveland

ENGROSSED SENATE BILL NO. 6034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6339, by Senators Fraser, Roach, Kohl-Welles, Benton, Hasegawa, Chase, Keiser and Kline

Concerning coercion of involuntary servitude.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6339 was substituted for Senate Bill No. 6339 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Padden, Kohl-Welles, Benton and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6339.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6339 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6074, by Senators Frockt, O'Ban, Mullet, Litzow, Rolfes, Fain, Billig, Rivers, Hasegawa, Kohl-Welles, Conway, Keiser, McAuliffe, Darneille, Fraser, Ranker, Kline and Brown

Enacting provisions to improve educational outcomes for homeless students.

MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 6074 was substituted for Senate Bill No. 6074 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 6074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Litzow spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6074.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6074 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brown: "I'd like to invite everyone to the Tri-Cities Legislative reception tomorrow evening at the Red Lion Hotel."

PERSONAL PRIVILEGE

Senator Fain: "As Senator Becker was speaking about her anniversary this evening did want to say this is a very special anniversary for my family as well. This is my wife Stephanie's seven year Cancer-versary. So, we're very happy about that. Thank you."

MOTION

At 6:53 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Thursday, February 13, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 13, 2014

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Ranker.

The Sergeant at Arms Color Guard consisting of Pages Stephen Sharp and Aaron Bodine, presented the Colors. Senator Kline offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1011 by Representatives Appleton, Seaquist, Sells, Zeiger, Ryu, Liias, Hudgins, Morrell, Ormsby, Hansen, Bergquist, Reykdal, Haler, Klippert, Fey, Magendanz, Jinkins, MacEwen and Hayes

AN ACT Relating to removing the one-year waiting period for veterans or active members of the military for the purpose of eligibility for resident tuition; and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

SHB 1027 by House Committee on Judiciary (originally sponsored by Representatives Moeller and Appleton)

AN ACT Relating to implementing changes to child support based on the child support schedule work group report; amending RCW 26.19.011, 26.19.020, 26.19.065, 26.19.075, and 26.19.090; adding a new section to chapter 26.19 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

2ESHB 1083 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Appleton, Roberts, Jinkins, Freeman and S. Hunt)

AN ACT Relating to solemnizing marriages; and amending RCW 26.04.050.

Referred to Committee on Law & Justice.

HB 1597 by Representatives Goodman and Ryu

AN ACT Relating to marijuana law technical corrections; amending RCW 69.50.414, 69.51A.010, and 69.52.030; and reenacting and amending RCW 46.63.020.

Referred to Committee on Commerce & Labor.

2ESHB 1675 by House Committee on Judiciary (originally sponsored by Representatives Roberts, Orwall, Goodman, Kirby, Jinkins, Pedersen, Farrell, Kagi, Freeman and Ryu)

AN ACT Relating to improving the adoption process; amending RCW 26.33.020, 26.33.190, 26.33.200, 26.33.300, and 43.06A.030; adding a new section to chapter 43.06A RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SHB 1814 by House Committee on Transportation (originally sponsored by Representatives Ryu, Clibborn, Johnson, Angel, Freeman, Zeiger, Bergquist, Reykdal, Liias, Moeller, Morris, Farrell and Fey)

AN ACT Relating to the agency council on coordinated transportation; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

ESHB 1838 by House Committee on Judiciary (originally sponsored by Representatives Moeller, Ryu and Jinkins)

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

Referred to Committee on Human Services & Corrections.

HB 2017 by Representatives Parker, Lytton, Santos, Magendanz and Fagan

AN ACT Relating to changing the deadline for notices of nonrenewal of contracts for certificated school employees; amending RCW 28A.405.210, 28A.405.220, 28A.405.230, 28A.405.245, and 28A.310.250; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

HB 2100 by Representatives Johnson, Rodne, Pollet, Zeiger, Tarleton, Senn, Habib, Moscoso, Goodman, Bergquist, Fey, Walkinshaw, Riccelli and Freeman

AN ACT Relating to Seattle University special license plates; amending RCW 46.18.200, 46.17.220, and 46.68.420; reenacting and amending RCW 46.18.060; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2137 by Representatives Johnson, Moscoso, Hayes, Takko, Klippert, Haler, Ross and Ryu

AN ACT Relating to provisions governing commercial motor vehicles; and amending RCW 46.37.140, 46.48.170, and 46.61.350.

Referred to Committee on Transportation.

THIRTY SECOND DAY, FEBRUARY 13, 2014

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HB 2140 by Representatives Ryu, Stanford, Kirby, Moscoso and Vick

AN ACT Relating to credit unions' mergers; and amending RCW 31.12.461.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2162 by House Committee on Business & Financial Services (originally sponsored by Representatives Ryu, Kirby and Moscoso)

AN ACT Relating to body art, body piercing, tattooing, and permanent cosmetics; amending RCW 18.300.010, 18.300.020, 18.300.030, 18.300.050, 18.300.060, 18.300.070, 18.300.090, 18.300.130, 18.300.080, and 28C.10.030; and adding new sections to chapter 18.300 RCW.

Referred to Committee on Commerce & Labor.

ESHB 2164 by House Committee on Judiciary (originally sponsored by Representatives Orwall, Appleton, Carlyle and Ryu)

AN ACT Relating to evidence-based and research-based interventions for juvenile firearm offenders; amending RCW 13.40.193, 13.40.127, 13.40.210, and 13.50.010; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Human Services & Corrections.

SHB 2165 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kagi, Lytton, Morrell, Jinkins and Haigh)

AN ACT Relating to department of early learning fatality reviews; adding a new section to chapter 43.215 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

HB 2167 by Representatives Lytton, Haigh, Magendanz, Kagi, Dahlquist and Carlyle

AN ACT Relating to changing the date by which challenged schools are identified; amending RCW 28A.657.020; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

ESHB 2191 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Scott, Shea, Taylor, Short and Overstreet)

AN ACT Relating to compliance with inspections of child care facilities; and adding a new section to chapter 43.215 RCW.

Referred to Committee on Human Services & Corrections.

HB 2228 by Representatives Smith, Wylie, Seaquist, Ormsby, Haler, Moscoso, Johnson, Ryu and Pollet

AN ACT Relating to providing parity of consumer protection procedures for all students attending licensed private vocational schools; and amending RCW 28C.10.030, 28C.10.050, 28C.10.060, 28C.10.082, 28C.10.084, 28C.10.110, and 28C.10.120.

Referred to Committee on Higher Education.

SHB 2255 by House Committee on Transportation (originally sponsored by Representative Van De Wege)

AN ACT Relating to ambulance seat belt notification, air bags, and driver training; adding a new section to chapter 46.37 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2276 by Representatives Robinson, Lytton, Magendanz, Santos, Fagan, Liias, Reykdal and Ryu

AN ACT Relating to the operation by educational service districts of educational programs for residents of residential schools; amending RCW 28A.190.010, 28A.190.020, 28A.190.060, and 13.04.145; and adding a new section to chapter 28A.190 RCW.

Referred to Committee on Early Learning & K-12 Education.

SHB 2282 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Farrell, Walsh, Kagi, Roberts and Pollet)

AN ACT Relating to the early learning advisory council; and amending RCW 43.215.020 and 43.215.090.

Referred to Committee on Early Learning & K-12 Education.

HB 2285 by Representatives Orwall, Dahlquist, Haigh, Magendanz, Lytton, Stonier, Santos, Bergquist, Seaquist, Zeiger, Ryu, Carlyle and Pollet

AN ACT Relating to reviewing institution of higher education policies related to dual credit coursework; adding a new section to chapter 28B.77 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2332 by Representatives Sawyer, Sells, Moscoso, Seaquist, S. Hunt, Green, Stanford, Hansen, Appleton, Reykdal, Ryu, Fitzgibbon, Bergquist, Goodman, Farrell, Ormsby, Pollet and Walkinshaw

AN ACT Relating to damages for wage violations; amending RCW 49.52.070; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SHB 2336 by House Committee on Higher Education (originally sponsored by Representatives Zeiger, Seaquist, Haler, Pollet, Manweller, Riccelli, Freeman, Fagan, Magendanz, Morrell, Orwall, Tharinger and Smith)

AN ACT Relating to increasing transparency in higher education by requiring certain departmental budget detail to

be available online; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 2398 by Representatives Walkinshaw, Haler, Seaquist, Zeiger, Muri, Smith, Ryu, Reykdal, S. Hunt, Gregerson and Pollet

AN ACT Relating to the authority of community colleges to confer honorary bachelor of applied science degrees; and amending RCW 28B.50.140.

Referred to Committee on Higher Education.

HB 2450 by Representatives Haigh, MacEwen, S. Hunt, Santos and Freeman

AN ACT Relating to enhancing the employment of persons with disabilities; adding new sections to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Health Care.

SHB 2531 by House Committee on Education (originally sponsored by Representatives Pollet, Dahlquist, Seaquist, Santos, Stonier, Bergquist, Haler, Zeiger, Morrell, Roberts, Haigh and Freeman)

AN ACT Relating to changing explicit alternative routes to teacher certification program requirements to expectations for program outcomes; amending RCW 28A.660.020 and 28A.660.035; and repealing RCW 28A.660.040.

Referred to Committee on Early Learning & K-12 Education.

ESHB 2546 by House Committee on Higher Education (originally sponsored by Representatives Reykdal, Morrell, Haler, Gregerson and Manweller)

AN ACT Relating to decodifying, expiring, and making technical clarifications to higher education provisions; amending RCW 28B.10.776, 28B.50.1401, 28B.50.1402, 28B.50.1403, 28B.50.1404, 28B.50.1405, 28B.50.1406, 28B.50.256, 28B.50.534, 28B.10.679, 28B.15.543, 28A.600.130, 28A.700.060, 28B.10.0421, 28B.10.786, 28B.30.515, 28B.50.205, 28B.50.285, 28B.77.220, 28B.77.230, and 28B.110.040; adding a new section to chapter 28B.04 RCW; adding a new section to chapter 28B.06 RCW; adding a new section to chapter 28B.133 RCW; decodifying RCW 28B.13.010, 28B.13.020, 28B.13.030, 28B.13.040, 28B.13.050, 28B.13.060, 28B.13.900, 28B.14.010, 28B.14.020, 28B.14.030, 28B.14.040, 28B.14.050, 28B.14.060, 28B.14B.010, 28B.14B.020, 28B.14B.030, 28B.14B.040, 28B.14B.050, 28B.14B.060, 28B.14C.010, 28B.14C.020, 28B.14C.030, 28B.14C.040, 28B.14C.050, 28B.14C.060, 28B.14C.070, 28B.14C.080, 28B.14C.090, 28B.14C.100, 28B.14C.110, 28B.14C.120, 28B.14C.130, 28B.14C.140, 28B.14C.900, 28B.14D.010, 28B.14D.020, 28B.14D.030, 28B.14D.040, 28B.14D.050, 28B.14D.060, 28B.14D.070, 28B.14D.080, 28B.14D.090, 28B.14D.900, 28B.14D.950, 28B.14E.010, 28B.14E.020, 28B.14E.030, 28B.14E.040, 28B.14E.050, 28B.14E.060, 28B.14E.950, 28B.14G.010, 28B.14G.020, 28B.14G.030, 28B.14G.040, 28B.14G.050, 28B.14G.060, 28B.14G.070, 28B.14G.080, 28B.14G.900, 28B.14G.950,

28B.31.010, 28B.31.020, 28B.31.030, 28B.31.050, 28B.31.060, 28B.31.070, 28B.31.080, 28B.31.090, 28B.31.100, 28B.56.010, 28B.56.020, 28B.56.040, 28B.56.050, 28B.56.070, 28B.56.080, 28B.56.090, 28B.56.100, 28B.56.110, 28B.56.120, 28B.57.010, 28B.57.020, 28B.57.030, 28B.57.040, 28B.57.060, 28B.57.070, 28B.57.080, 28B.57.090, 28B.57.100, 28B.58.010, 28B.58.020, 28B.58.030, 28B.58.040, 28B.58.050, 28B.58.060, 28B.58.070, 28B.58.080, 28B.58.090, 28B.59.010, 28B.59.020, 28B.59.030, 28B.59.040, 28B.59.050, 28B.59.060, 28B.59.070, 28B.59.080, 28B.59.090, 28B.59B.010, 28B.59B.020, 28B.59B.030, 28B.59B.040, 28B.59B.050, 28B.59B.060, 28B.59B.070, 28B.59B.080, 28B.59B.090, 28B.59C.010, 28B.59C.020, 28B.59C.030, 28B.59C.040, 28B.59C.050, 28B.59C.060, 28B.59C.070, 28B.59C.080, 28B.59D.010, 28B.59D.020, 28B.59D.030, 28B.59D.040, 28B.59D.050, 28B.59D.060, 28B.59D.070, 28B.50.301, 28B.50.302, 28B.50.914, and 28B.50.915; and providing expiration dates.

Referred to Committee on Higher Education.

HB 2575 by Representatives Bergquist, Dahlquist, Stonier and Santos

AN ACT Relating to teacher assignment data collection; and amending RCW 28A.320.175.

Referred to Committee on Early Learning & K-12 Education.

HB 2583 by Representative Dahlquist

AN ACT Relating to adding charter school chief executive officers to the list of individuals who may file complaints of unprofessional conduct regarding certificated employees; and amending RCW 28A.410.090.

Referred to Committee on Early Learning & K-12 Education.

SHB 2605 by House Committee on Education (originally sponsored by Representatives Stonier, S. Hunt, Sawyer, Fey, Orwall, Bergquist, Pollet and Freeman)

AN ACT Relating to making school district policies on restraint or isolation of certain students available to parents and guardians; amending RCW 28A.600.485; and repealing RCW 28A.155.210 and 28A.600.486.

Referred to Committee on Early Learning & K-12 Education.

SHB 2651 by House Committee on Higher Education (originally sponsored by Representatives Hansen, Haler, Zeiger, Magendanz and Pollet)

AN ACT Relating to creating a higher education transparency web site; amending RCW 43.41.400; and creating a new section.

Referred to Committee on Ways & Means.

HB 2700 by Representatives Stonier, Riccelli, Ryu, Senn, Habib, Fey, Ormsby, Morrell, Gregerson, Tarleton, Pollet and Freeman

AN ACT Relating to breast cancer awareness special license plates; amending RCW 46.18.200, 46.17.220, 46.68.425, and

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43.70.327; reenacting and amending RCW 46.18.060; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SHB 2722 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Roberts and Kagi)

AN ACT Relating to arrest of sixteen and seventeen year olds for domestic violence assault; and amending RCW 10.31.100.

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 2450 which was referred to the Committee on Health Care.

MOTION

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

MOTION

Senator Baumgartner moved adoption of the following resolution:

SENATE RESOLUTION
8684

By Senators Baumgartner, Schoesler, Holmquist Newbry, Billig, Padden, Dandel, Brown, Rolfes, Kohl-Welles, Dammeier, Hewitt, Rivers, Bailey, Hill, Litzow, Tom, Pearson, Parlette, Honeyford, Benton, Sheldon, Angel, Becker, Ericksen, King, Roach, Braun, Fain, and O'Ban

WHEREAS, The President of Eastern Washington University, Dr. Rodolfo Arévalo, who has tirelessly served his students, staff, faculty, and board of trustees for eight years will retire at the end of the 2013-14 academic year; and

WHEREAS, Dr. Arévalo, as the first Latino President at any public four-year university in the state of Washington, has brought Eastern Washington University to new heights in academic success, facility enhancement, and athletic prowess; and

WHEREAS, Dr. Arévalo is a tribute to his dedicated parents, whose sacrifices in the farm fields and their focus on the unlimited potential of education, combined with his own hard work, continues to be a living example of how education changes lives; and

WHEREAS, Under Dr. Arévalo's leadership, Eastern Washington University developed degrees in Electrical and Mechanical Engineering, thereby becoming a leading institution providing degrees in Science, Technology, Engineering, and Math; and

WHEREAS, Dr. Arévalo guided Eastern Washington University to record enrollments, significantly increasing the university's profile as the institution of choice for underrepresented and first-generation students; and

WHEREAS, Dr. Arévalo works actively with university faculty on issues of shared governance and development of strategic plans

aimed at improving student success, retention, and graduation rates; and

WHEREAS, Dr. Arévalo expertly guided Eastern Washington University through the great recession while strengthening the institution's commitment to civic engagement and community-based education; and

WHEREAS, Dr. Arévalo has overseen spectacular growth in Eastern Washington University's footprint, including a student-approved state-of-the-art recreation center, the first new residence hall in decades, and the complete remodel of Eastern Washington University's largest academic center; and

WHEREAS, Dr. Arévalo guided Eastern Washington University to unprecedented athletic recognition, showcased by the skill and dedication of the Eastern Washington University Football Team who earned the title "2010 NCAA FCS National Champions"; and

WHEREAS, Dr. Arévalo's installation of Eastern's iconic red turf at Roos Field has become a source of immense pride to students and athletes alike *and* a boon to ophthalmologists employed by countless FCS opponents; and

WHEREAS, Dr. Arévalo's enthusiasm for all things red and white is only surpassed by the love he has for his wife Nadine, his four children, and his five grandchildren; and

WHEREAS, Dr. Arévalo's tenure as Eastern's President may be coming to an end, but his legacy of absolute dedication to higher education will continue to live on through the countless students he has inspired and those who had the pleasure of working with him;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and congratulate Dr. Rodolfo Arévalo for his steadfast guidance of Eastern Washington University, his dedication to limitless student achievement, his unyielding commitment to diversity, his forty plus years of dedication to shaping the minds of students worldwide, and most importantly, his humility and humanity; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Dr. Rodolfo Arévalo, Mrs. Nadine Arévalo, and to the Gallery of Presidents at Eastern Washington University.

Senators Baumgartner, Schoesler, Billig and Angel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8684.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the President of Eastern Washington University, Dr. Rodolfo Arevalo, who was seated in the gallery.

MOTION

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

MESSAGE FROM THE HOUSE

February 12, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2261,
SUBSTITUTE HOUSE BILL NO. 2262,
ENGROSSED HOUSE BILL NO. 2278,
HOUSE BILL NO. 2296,

HOUSE BILL NO. 2301,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2374,
 HOUSE BILL NO. 2381,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406,
 SUBSTITUTE HOUSE BILL NO. 2433,
 SUBSTITUTE HOUSE BILL NO. 2448,
 HOUSE BILL NO. 2473,
 SUBSTITUTE HOUSE BILL NO. 2518,
 SUBSTITUTE HOUSE BILL NO. 2541,
 HOUSE BILL NO. 2547,
 SUBSTITUTE HOUSE BILL NO. 2576,
 HOUSE BILL NO. 2590,
 SUBSTITUTE HOUSE BILL NO. 2593,
 SUBSTITUTE HOUSE BILL NO. 2644,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680,
 HOUSE BILL NO. 2682,
 HOUSE BILL NO. 2708,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 12, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1017,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1129,
 HOUSE BILL NO. 1179,
 HOUSE BILL NO. 1185,
 HOUSE BILL NO. 1360,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1563,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1674,
 HOUSE BILL NO. 1684,
 HOUSE BILL NO. 1783,
 HOUSE BILL NO. 1785,
 SUBSTITUTE HOUSE BILL NO. 1791,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1840,
 HOUSE BILL NO. 1896,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2002,
 SUBSTITUTE HOUSE BILL NO. 2018,
 SUBSTITUTE HOUSE BILL NO. 2057,
 SUBSTITUTE HOUSE BILL NO. 2098,
 SUBSTITUTE HOUSE BILL NO. 2102,
 SUBSTITUTE HOUSE BILL NO. 2105,
 HOUSE BILL NO. 2119,
 SUBSTITUTE HOUSE BILL NO. 2121,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,
 SUBSTITUTE HOUSE BILL NO. 2157,
 HOUSE BILL NO. 2170,
 SUBSTITUTE HOUSE BILL NO. 2183,
 SUBSTITUTE HOUSE BILL NO. 2195,
 SUBSTITUTE HOUSE BILL NO. 2215,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 10:20 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:44 a.m. by President Owen.

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Paul A Pastor, Gubernatorial Appointment No. 9155, be confirmed as a member of the Sentencing Guidelines Commission.

Senators Padden, Roach, Dammeier, O'Ban, Conway, Becker, Darneille and Angel spoke in favor of passage of the motion.

APPOINTMENT OF PAUL A PASTOR

The President declared the question before the Senate to be the confirmation of Paul A Pastor, Gubernatorial Appointment No. 9155, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Paul A Pastor, Gubernatorial Appointment No. 9155, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Ranker

Paul A Pastor, Gubernatorial Appointment No. 9155, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Tri-Cities Legislative Council who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President. I would just like to give a huge shout out to our folks up there in the gallery who came all the way from the Tri Cities. They do this repeatedly, and as you said, they are truly distinguished and we are so fortunate in the Tri Cities to have such a great contingent. I stand here with my fellow Senators to honor you guys for making this trip for us."

SECOND READING

SENATE BILL NO. 6299, by Senators Becker, Keiser and Kohl-Welles

Requiring the department of health to develop and make available resources for pregnant women regarding prenatal nutrition.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Senate Bill No. 6299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6299.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6299 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 6299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6046, by Senators Keiser, Rolfes, Conway, Kohl-Welles, Braun, Honeyford and Kline

Implementing procedures concerning certain whistleblowers.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6046 was substituted for Senate Bill No. 6046 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senators Eide and Liias were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6046.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6046 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Eide and Liias

SUBSTITUTE SENATE BILL NO. 6046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6216, by Senators Eide and King

Allowing certain counties to assume the administrative duties of a county ferry district.

MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 6216 was substituted for Senate Bill No. 6216 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 6216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6216.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6216 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Ericksen, Padden and Roach

SUBSTITUTE SENATE BILL NO. 6216, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:11 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:40 p.m. by the President Pro Tempore, Senator Sheldon presiding.

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Kathleen M Kyle, Gubernatorial Appointment No. 9131, be confirmed as a member of the Sentencing Guidelines Commission.

Senator Brown spoke in favor of the motion.

APPOINTMENT OF KATHLEEN M KYLE

The President Pro Tempore declared the question before the Senate to be the confirmation of Kathleen M Kyle, Gubernatorial Appointment No. 9131, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Kathleen M Kyle, Gubernatorial Appointment No. 9131, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Kathleen M Kyle, Gubernatorial Appointment No. 9131, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTION

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

SECOND READING

SENATE BILL NO. 6280, by Senators King, Hobbs, Hatfield and Schoesler

Concerning department of transportation numbers for commercial motor vehicles. Revised for 1st Substitute: Providing an exemption from the department of transportation number requirement for certain farm vehicles.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 6280 was substituted for Senate Bill No. 6280 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6280 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators King and Honeyford spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6280.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6280 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase and Hasegawa

SUBSTITUTE SENATE BILL NO. 6280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5979, by Senators Sheldon, King, Pearson and O'Ban

Modifying provisions governing commercial motor vehicles.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5979 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5979.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5979 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Ericksen

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SENATE BILL NO. 5979, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6128, by Senators Litzow, McAuliffe, Hobbs, Dammeier, Tom and Mullet

Concerning the delivery of medication and services by unlicensed school employees.

The measure was read the second time.

MOTION

On motion of Senator Litzow, the rules were suspended, Senate Bill No. 6128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6128.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6128 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Ericksen

SENATE BILL NO. 6128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6297, by Senators Becker and Kohl-Welles

Requiring the department of health to develop and make available resources for pregnant women regarding childhood immunizations.

MOTION

On motion of Senator Becker, Substitute Senate Bill No. 6297 was substituted for Senate Bill No. 6297 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Becker and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.70 RCW to read as follows:

The department shall develop and make available resources for pregnant women regarding recommended childhood immunizations. The resources are intended to be provided to pregnant women by their health care providers to encourage discussion on childhood immunizations and postnatal care and must incorporate information about flexible approaches to vaccinations that reflect the perspective of the family and the impact on the individual child."

Senators Hargrove and Becker spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Becker and Keiser to Substitute Senate Bill No. 6297.

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

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute Senate Bill No. 6297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6297.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6297 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 6297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "In ruling upon the point of order raised by Senator Padden that amendment number 418 by Senator Conway expands the scope and object of Senate Bill 6022, the President finds and rules as follows: Senate Bill 6022 is a narrow, one section bill that focuses exclusively on the definition of third degree assault. It provides that when an assault victim is an employee of Western State Hospital, Eastern State Hospital or the Child Study Treatment Center, the penalty is increased to the felony level. Amendment number 418 by Senator Conway

focuses entirely on collective bargaining. Among other things, it applies the Public Employees' Collective Bargaining Act to employees of Eastern and Western State hospitals, including mediation and arbitration for employee safety issues. While one might argue that both the amendment and the underlying bill deal very broadly with the issue of employee safety, the underlying bill is narrow, making it much more difficult to find an amendment to be within its limited scope and object. In this case, the body of the underlying bill limits its scope to a definition in a criminal statute. At this point, the President would like to remind the members that while the title of the bill may be important, and even controlling in other bodies, in this body, the President looks to the scope and object of the bill itself, without regard to the bill's title.

For these reasons, the President, finds that the amendment does change the scope and object of the bill and Senator Padden's point of order is well taken."

The Senate resumed consideration of Senate Bill No. 6022 which had been deferred on February 12, 2014.

SECOND READING

SENATE BILL NO. 6022, by Senators O'Ban, Keiser and Conway

Protecting state hospital workers.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 6022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban, Conway and Padden spoke in favor of passage of the bill.

Senators Darneille, Chase and Kline spoke against passage of the bill.

MOTION

On motion of Senator Billig, Senators Eide, Frockt, Hobbs and Liias were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6022.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6022 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Eide, Ericksen, Fain, Frockt, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Darneille, Fraser, Hargrove, Hasegawa, Hatfield, Kline, Kohl-Welles, McAuliffe, McCoy, Mullet and Pedersen

Excused: Senator Liias

SENATE BILL NO. 6022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6207, by Senator Angel

Providing fee immunity for certain water facilities.

MOTIONS

On motion of Senator Angel, Substitute Senate Bill No. 6207 was substituted for Senate Bill No. 6207 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 6207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senators Eide, Frockt, Hobbs and Liias were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6207.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6207 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Billig and Ranker

Excused: Senators Eide, Frockt, Hobbs and Liias

SUBSTITUTE SENATE BILL NO. 6207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6479, by Senators Frockt, Fain, Darneille, Kohl-Welles, Rivers and Kline

Providing caregivers authority to allow children placed in their care to participate in normal childhood activities based on a reasonable and prudent parent standard.

MOTION

On motion of Senator Darneille, Substitute Senate Bill No. 6479 was substituted for Senate Bill No. 6479 and the substitute bill was placed on the second reading and read the second time.

MOTION

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Senator Billig moved that the following amendment by Senators Billig, Hargrove and O'Ban be adopted:

On page 1, line 15, after "care" insert "who is twelve years old or older"

Senators Billig, O'Ban, Hargrove and Ranker spoke in favor of adoption of the amendment.

Senator Roach spoke against adoption of the amendment.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 6479 was deferred and the bill held its place on the second reading calendar.

MOTION

At 2:47 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 4:31 p.m. by the President Pro Tempore, Senator Sheldon presiding.

POINT OF ORDER

Senator Baumgartner: "Mr. President, I see that there's been some material handed out on our desks and I don't see a signature on this material. When I was a confused freshman in the Senate I handed out something without being signed and then Floor Leader Eide quickly corrected me and told me that it was disrespectful to do so. So, I don't know if one of the new confused freshmen has handed out this without signing this but I'd like to know who signed it and why it wasn't signed."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Baumgartner, it's our information Senator Chase has signed that piece of information for your information today."

The Senate resumed consideration of the amendment on page 1, line 15 by Senator Billig to Substitute Senate Bill No. 6479 which had been deferred earlier in the day.

Senator Billig spoke in favor of the adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Billig, Hargrove and O'Ban on page 1, line 15 to Substitute Senate Bill No. 6479.

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

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 6479 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6479.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6479 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Padden

ENGROSSED SUBSTITUTE SENATE BILL NO. 6479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6145, by Senators Hatfield, Roach, Chase, Sheldon, Fraser and McAuliffe

Declaring the *Ostrea lurida* the official oyster of the state of Washington.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 6145 was substituted for Senate Bill No. 6145 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 6145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield, Chase and Fraser spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

POINT OF INQUIRY

Senator Kline: "Would the good gentleman from the Nineteenth stand to a question? Senator, what Washington State white wine would you suggest with an Olympia oyster?"

Senator Hatfield: "Perhaps a nice chardonnay from the Hogue winery."

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6145.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6145 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa,

Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Baumgartner

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 6145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Miss Claire Thompson of Olympia, an eighth grade student at Nova Middle School and supporter of the *Ostrea lurida* designation, who was present in the gallery together with her grandparents, former Chief Clerk of the House, former Senator and former Representative Alan Thompson & Mrs. Barbara Thompson and her father, Mr. Roland Thompson.

SECOND READING

SENATE BILL NO. 6062, by Senators Hill, Litzow, Becker, Honeyford, Bailey, Hobbs, Angel, Fain, Braun and Tom

Requiring internet access to public school data and expenditure information.

MOTIONS

On motion of Senator Hill, Second Substitute Senate Bill No. 6062 was substituted for Senate Bill No. 6062 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Second Substitute Senate Bill No. 6062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6062.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6062 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Dansel, Eide, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Conway, Darneille, Frockt, Hasegawa, Kline, Kohl-Welles, Liias, Nelson and Ranker

SECOND SUBSTITUTE SENATE BILL NO. 6062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6387, by Senators Hill, Hargrove, Ranker, Fain, Braun, Tom, Dammeier, Parlette, Becker, Schoesler, Hewitt, Bailey, King, Angel, Roach, Keiser, Litzow, Kohl-Welles, O'Ban, Conway and Benton

Concerning individuals with developmental disabilities who have requested a service from a program that is already at capacity.

MOTIONS

On motion of Senator Hill, Substitute Senate Bill No. 6387 was substituted for Senate Bill No. 6387 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 6387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Hargrove, Keiser and Becker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6387.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6387 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6450, by Senators Pedersen, Kohl-Welles, Pearson, Liias, Ericksen and Kline

Concerning on-water dwellings.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 6450 was substituted for Senate Bill No. 6450 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that all Washington residents benefit from the unique aesthetic, recreational, and economic opportunities that are derived from the state's aquatic resources, including its navigable waters and

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shoreline areas. The legislature also recognizes that, as affirmed in chapter 212, Laws of 2011, existing floating homes are an important cultural amenity and an element of the state's maritime history and economy. The 2011 legislation, which clarified the legal status of floating homes, was intended to ensure the vitality and long-term survival of existing floating single-family home communities.

(2) The legislature finds that further clarification of the status of other residential uses on water that meet specific requirements and share important cultural, historical, and economic commonalities with floating homes, is necessary.

(3) The legislature, therefore, intends to: Preserve the existence and vitality of current, floating on-water residential uses; establish greater clarity and regulatory uniformity for these uses; and respect the well-established authority of local governments to determine compliance with regulatory requirements applicable to their jurisdiction.

Sec. 2. RCW 90.58.270 and 2011 c 212 s 2 are each amended to read as follows:

(1) Nothing in this (~~statute~~) section shall constitute authority for requiring or ordering the removal of any structures, improvements, docks, fills, or developments placed in navigable waters prior to December 4, 1969, and the consent and authorization of the state of Washington to the impairment of public rights of navigation, and corollary rights incidental thereto, caused by the retention and maintenance of said structures, improvements, docks, fills or developments are hereby granted: PROVIDED, That the consent herein given shall not relate to any structures, improvements, docks, fills, or developments placed on tidelands, shorelands, or beds underlying said waters which are in trespass or in violation of state statutes.

(2) Nothing in this section shall be construed as altering or abridging any private right of action, other than a private right which is based upon the impairment of public rights consented to in subsection (1) (~~hereof~~) of this section.

(3) Nothing in this section shall be construed as altering or abridging the authority of the state or local governments to suppress or abate nuisances or to abate pollution.

(4) Subsection (1) of this section shall apply to any case pending in the courts of this state on June 1, 1971 relating to the removal of structures, improvements, docks, fills, or developments based on the impairment of public navigational rights.

(5)(a) A floating home permitted or legally established prior to January 1, 2011, must be classified as a conforming preferred use.

(b) For the purposes of this subsection:

(i) "Conforming preferred use" means that applicable development and shoreline master program regulations may only impose reasonable conditions and mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating homes and floating home moorages by rendering these actions impracticable.

(ii) "Floating home" means a single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

(6)(a) A floating on-water residence legally established prior to July 1, 2014, must be considered a conforming use and accommodated through reasonable shoreline master program regulations, permit conditions, or mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating on-water residences and their moorages by rendering these actions impracticable.

(b) For the purpose of this subsection, "floating on-water residence" means any floating structure other than a floating home, as defined under subsection (5) of this section, that: (i) Is designed or used primarily as a residence on the water and has detachable

utilities; and (ii) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

NEW SECTION. Sec. 3. This act does not affect the application of any other applicable permits, authorizations, or authorities."

Senators Pedersen and Pearson spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Pedersen and others to Substitute Senate Bill No. 6450.

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

MOTION

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

On page 1, beginning on line 1 of the title, after "dwellings;" strike the remainder of the title and insert "amending RCW 90.58.270; and creating new sections."

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 6450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Pearson and Kohl-Welles spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6450.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6450 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Erickson, Fain, Fraser, Frocht, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 6450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: "Mr. President, I would like to address the clipping that I've circulated among the group. It's not appropriate to any particular legislation that's on our agendas or our orders of consideration today but it is appropriate to one of the concerns that we have in this body about law enforcement, about our responsibility to the citizens, to the police and to the public security for maintaining our police officers. There is I think sometimes endemic in our culture, a kind of inequality not only along racial lines but along economic lines as well. And we as a

legislature are required to keep tabs and sometimes keep tight control on those governmental officers who have contact with folks in the way that you see illustrated, a little graphically, right here. There's an old saying that the law in all its majesty prevents the rich as well as the poor from sleeping under bridges and begging crusts of bread. We I think would do well to understand the way ordinary, hardworking and very poor folks see the world. Looking from the bottom up it's a lot different than we sometimes see it from our perch right here in the Legislature. Thank you."

SECOND READING

SENATE BILL NO. 6552, by Senators Rolfes, Dammeier, Litzow, Rivers, Tom, Fain, Hill, Kohl-Welles, Mullet, McAuliffe and Cleveland

Improving student success by increasing instructional hour and graduation requirements. Revised for 2nd Substitute: Improving student success by modifying instructional hour and graduation requirements.

MOTION

On motion of Senator Rolfes, Second Substitute Senate Bill No. 6552 was substituted for Senate Bill No. 6552 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 14, after line 23, strike all material on line 24 through and including line 28, and insert:

"Technology	\$36.35
Curriculum and textbooks.....	\$39.02
Other supplies and library materials	\$82.84
Instructional professional development for certificated and classified staff	\$6.04"

Senators Rolfes and Dammeier spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Rolfes and Dammeier on page 14, after line 23 to Second Substitute Senate Bill No. 6552.

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

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6552 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Dammeier, McAuliffe, Frockt and Mullet spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6552.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6552 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Dansel, Hasegawa and Holmquist Newbry

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6442, by Senators Brown, Hatfield, Schoesler, Hobbs, Honeyford, Hewitt, Kohl-Welles, Keiser, Kline and Rolfes

Allowing sales of growlers of cider.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6442 was substituted for Senate Bill No. 6442 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Lias, Baumgartner and Honeyford spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6442.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6442 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Darneille, Hargrove, Padden and Pearson

SUBSTITUTE SENATE BILL NO. 6442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5633, by Senators Conway and Schoesler

THIRTY SECOND DAY, FEBRUARY 13, 2014

2014 REGULAR SESSION

Addressing the restrictions on collecting a pension in the public employees' retirement system for retirees returning to work in an ineligible position or a position covered by another state retirement system.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5633 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5633.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5633 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5633, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5973, by Senators Rolfes, Pearson, Honeyford, Cleveland, Hargrove, Hewitt, Fraser, Litzow, Parlette, Kline and McAuliffe

Creating the community forest trust account.

MOTIONS

On motion of Senator Rolfes, Second Substitute Senate Bill No. 5973 was substituted for Senate Bill No. 5973 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Second Substitute Senate Bill No. 5973 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5973.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5973 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dansel, Holmquist Newbry and Padden
SECOND SUBSTITUTE SENATE BILL NO. 5973, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Brown, Vice President Pro Tempore assumed the chair.

SECOND READING

SENATE BILL NO. 6290, by Senators Sheldon, Roach and Hill

Regarding miniature hobby boilers.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6290 was substituted for Senate Bill No. 6290 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6290.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6290 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 6290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Sheldon, President Pro Tempore assumed the chair.

MOTION

On motion of Senator Rolfes, Senator Hasegawa was excused.

SECOND READING

SENATE BILL NO. 6058, by Senators Brown, Dansel, Benton, Rivers, Schoesler, Padden, Bailey, Becker and Honeyford

Allowing incremental electricity produced as a result of efficiency improvements to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration to qualify as an eligible renewable resource under the energy independence act.

MOTION

On motion of Senator Brown, Substitute Senate Bill No. 6058 was substituted for Senate Bill No. 6058 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McCoy moved that the following striking amendment by Senator McCoy be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) By December 31, 2014, the joint committee on energy supply and energy conservation created in RCW 44.39.010 shall make recommendations to the energy committees of the legislature on ways to improve the effectiveness and implementation of renewable energy policies relating to the generation of hydroelectricity marketed by the Bonneville power administration and purchased by public electric utilities and other renewable energy sources. The joint committee must consider how its recommendations will achieve the following objectives:

(a) Ensure that Washington continues to capture all cost-effective energy conservation and address any barriers to achieving this goal;

(b) Encourage renewable energy resources;

(c) Promote the greatest efficiency in using existing resources, especially compared with states that Washington competes with economically;

(d) Enable technologies that make existing practices and processes more efficient;

(e) Reduce the overall amount of pollution generated in the production and consumption of energy;

(f) Reduce the amount of wealth Washington exports to neighboring jurisdictions for energy procurement;

(g) Keep rates as low as practical in a policy environment where there are often competing goals;

(h) Create regulatory certainty in advance of typical energy planning and procurement cycles; and

(i) Maximize the creation of jobs in Washington.

(2) The joint committee on energy supply and energy conservation may also identify and recommend policies that eliminate barriers to achieving goals identified in their recommendations, including, but not limited to, permitting timelines, financing, and technology availability.

On page 1, beginning on line 5 delete "amending RCW 19.285.040; and reenacting and amending RCW 19.285.030" and insert "and creating a new section"

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

Senators Brown and Ericksen spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator McCoy to Substitute Senate Bill No. 6058.

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

MOTION

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Ericksen and Honeyford spoke in favor of passage of the bill.

Senators McCoy and Ranker spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6058.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6058 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Ericksen, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, King, McAuliffe, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler and Sheldon

Voting nay: Senators Billig, Cleveland, Eide, Fain, Fraser, Frockt, Hargrove, Hill, Keiser, Kline, Kohl-Welles, Lias, Litzow, McCoy, Mullet, Nelson, Pedersen, Ranker, Rolfes and Tom

Excused: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 6058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Brown, Vice President Pro Tempore assumed the chair.

SECOND READING

SENATE BILL NO. 6321, by Senators Bailey and Conway

Removing the statutory provision that allows members of plan 3 of the public employees' retirement system, school employees' retirement system, and teachers' retirement system to select a new contribution rate option each year.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Conway spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6321.

ROLL CALL

THIRTY SECOND DAY, FEBRUARY 13, 2014

2014 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 6321 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 6321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6095, by Senators Hargrove, Kline and Roach

Concerning background checks for persons with whom dependent children are placed. Revised for 1st Substitute: Addressing background checks for persons who will have access to children or vulnerable adults.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6095 was substituted for Senate Bill No. 6095 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6095.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6095 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Dansel and Padden

SUBSTITUTE SENATE BILL NO. 6095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rivers, Senator Holmquist Newbry was excused.

SECOND READING

SENATE BILL NO. 6016, by Senators Rivers, Keiser, Cleveland, Tom, Kline and McAuliffe

Concerning continuity of care for enrollees in the Washington health benefit exchange during grace periods. Revised for 1st Substitute: Concerning the grace period for enrollees of the Washington health benefit exchange.

MOTION

On motion of Senator Rivers, Substitute Senate Bill No. 6016 was substituted for Senate Bill No. 6016 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rivers moved that the following amendment by Senator Rivers and Becker be adopted:

On page 1, line 8 after "premium." Insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:

(1)(a)An issuer of a qualified health plan shall provide a notice to a health care provider or health care facility that an enrollee is in a grace period if the health care provider or health care facility:

(i)(A) Submits a request to the issuer regarding the enrollee's eligibility, coverage, or health plan benefits;

(B) Submits a request to the issuer regarding the status of a claim for services provided to an enrollee; or

(C) Reports a claim in a remittance advice; and

(ii) Request or claim is for a date during the second or third month of the enrollee's grace period.

(b) The issuer of a qualified health plan shall provide the notice to the health care provider or health care facility. The notice to the health care provider or health care facility must include:

(i) The purpose of the notice;

(ii) The enrollee's full legal name and any unique numbers identifying the enrollee; and

(iii) The name of the qualified health plan and the issuer;

(3) For purposes of this section "grace period" means a period of three consecutive months if an enrollee receiving advance payments of the premium tax credit has previously paid at least one full month's premium during the benefit year."

Correct the title accordingly.

Senators Rivers and Pedersen spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Rivers and Becker on page 1, line 8 to Substitute Senate Bill No. 6016.

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

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute Senate Bill No. 6016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6016.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6016 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Holmquist Newbry

ENGROSSED SUBSTITUTE SENATE BILL NO. 6016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:32 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Friday, February 14, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 14, 2014

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Liias.

The Sergeant at Arms Color Guard consisting of Pages Warren Backholm and Emily Borske, presented the Colors. Pastor Gregory Kaurin of Redeemer Lutheran Church, Fircrest offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1017 by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Morris, Fitzgibbon, Fey, Liias, McCoy, Hudgins, Farrell, Morrell, Ormsby, Upthegrove and Pollet)

AN ACT Relating to creating new efficiency standards; amending RCW 19.260.030, 19.260.040, and 19.260.050; and reenacting and amending RCW 19.260.020.

Referred to Committee on Energy, Environment & Telecommunications.

E2SHB 1129 by House Committee on Transportation (originally sponsored by Representative Morris)

AN ACT Relating to ferry vessel replacement; amending RCW 47.60.322, 46.17.040, 46.17.050, and 46.17.060; and creating a new section.

Referred to Committee on Transportation.

HB 1179 by Representatives Morrell, Sawyer, Zeiger, Takko and Ryu

AN ACT Relating to the lien for collection of sewer utility charges by counties; and amending RCW 36.94.150.

Referred to Committee on Governmental Operations.

HB 1185 by Representatives Takko, Alexander, Springer, Tharinger, Clibborn, Kochmar and Ryu

AN ACT Relating to equitable allocation of auditor costs; and amending RCW 36.18.010.

Referred to Committee on Governmental Operations.

HB 1360 by Representatives Wylie and Harris

AN ACT Relating to extending the deadline to designate one or more industrial land banks; and amending RCW 36.70A.367.

Referred to Committee on Governmental Operations.

E2SHB 1563 by House Committee on Capital Budget (originally sponsored by Representatives Farrell, Wylie, McCoy, Orwall, Seaquist, Bergquist, Springer, Pedersen, O'Ban, Kochmar, Moeller, Fitzgibbon, Appleton, Ryu, Stanford, Maxwell, Jinkins, S. Hunt, Fey, Pollet, Goodman, Habib and Santos)

AN ACT Relating to the disposition of surplus property for the development of affordable housing; amending RCW 47.12.063, 79.11.005, 79A.05.170, 79A.05.175, 81.112.080, 36.34.135, and 39.102.020; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.34 RCW; adding a new chapter to Title 39 RCW; and repealing RCW 43.19.19201, 43.20A.037, 43.63A.510, 47.12.064, and 72.09.055.

Referred to Committee on Transportation.

ESHB 1674 by House Committee on Technology & Economic Development (originally sponsored by Representatives Santos, Morris and Maxwell)

AN ACT Relating to increasing the regulatory oversight and accountability of the office of minority and women's business enterprises; amending RCW 39.19.020, 39.19.060, 39.19.080, 39.19.090, 39.19.200, and 39.19.250; adding a new section to chapter 39.19 RCW; repealing RCW 39.19.100 and 39.19.110; and prescribing penalties.

Referred to Committee on Ways & Means.

HB 1684 by Representatives Reykdal, Manweller, Sells and Ryu

AN ACT Relating to defining suitable work to include a minimum age requirement; amending RCW 50.20.100; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1783 by Representatives Seaquist, Hansen, Buys, Springer, Angel and Ryu

AN ACT Relating to health district banking; and adding a new section to chapter 70.46 RCW.

Referred to Committee on Governmental Operations.

HB 1785 by Representatives S. Hunt, Kristiansen and Ryu

AN ACT Relating to authorizing de minimis use of state resources to provide information about programs that may be authorized payroll deductions; and amending RCW 42.52.160.

Referred to Committee on Governmental Operations.

SHB 1791 by House Committee on Public Safety (originally sponsored by Representatives Parker, Orwall, Fagan, Riccelli, Ryu, Haler, Moscoso and Santos)

AN ACT Relating to trafficking; and amending RCW 9A.40.100, 9A.44.128, 9.68A.120, and 9A.88.150.

Referred to Committee on Law & Justice.

ESHB 1840 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Hope, Hunter, Pedersen, Bergquist, Habib, Fey, Ryu, Jinkins, Pollet and Tharinger)

AN ACT Relating to firearms laws concerning persons subject to no-contact orders, protection orders, and restraining orders; amending RCW 9.41.040 and 9.41.800; adding new sections to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

HB 1896 by Representatives Lytton, Chandler, Blake, MacEwen and Wilcox

AN ACT Relating to enhancing compliance with the responsibilities of fishing guides; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

E2SHB 2002 by House Committee on Appropriations (originally sponsored by Representatives Condotta and Reykdal)

AN ACT Relating to snowmobile license fees; amending RCW 46.17.350 and 46.17.350; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 2018 by House Committee on Appropriations (originally sponsored by Representative Hunter)

AN ACT Relating to additional contribution rates for contributions made after the date the service is rendered for individual employers of the Washington state retirement systems; amending RCW 41.45.010, 41.45.050, and 41.45.060; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2057 by House Committee on Public Safety (originally sponsored by Representatives Hayes, Hurst, Klippert, Holy, Van De Wege and Hope)

AN ACT Relating to arrest without warrant; and amending RCW 10.31.100.

Referred to Committee on Law & Justice.

SHB 2098 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Bergquist, Buys, S. Hunt, Manweller, Hudgins, Morrell and Haigh)

AN ACT Relating to conforming amendments made necessary by reorganizing and streamlining central service functions, powers, and duties of state government; amending RCW 2.36.054, 2.36.057, 2.36.0571, 2.68.060, 4.92.110, 4.96.020, 8.26.085, 15.24.086, 15.64.060, 15.65.285, 15.66.280, 15.88.070, 15.89.070, 15.100.080, 15.115.180, 17.15.020, 19.27.097, 19.27.150, 19.27A.020, 19.27A.190, 19.34.100, 19.285.060, 27.34.075, 27.34.410, 27.48.040, 28A.150.530, 28A.335.300, 28B.10.417, 35.21.779, 35.68.076, 35A.65.010, 36.28A.070, 39.04.155, 39.04.220, 39.04.290, 39.04.320, 39.04.330, 39.04.370, 39.04.380, 39.24.050, 39.30.050, 39.32.020, 39.32.040, 39.32.060, 39.35.060, 39.35A.050, 39.35B.040, 39.35C.050, 39.35C.090, 39.59.010, 41.04.017, 41.04.220, 41.04.375, 43.01.090, 43.01.091, 43.01.240, 43.01.250, 43.01.900, 43.15.020, 43.17.050, 43.17.100, 43.17.400, 43.19.647, 43.19.651, 43.19.670, 43.19.682, 43.19.691, 43.19.757, 43.19A.022, 43.19A.040, 43.21F.045, 43.34.090, 43.82.035, 43.82.055, 43.82.130, 43.83.116, 43.83.120, 43.83.136, 43.83.142, 43.83.156, 43.83.176, 43.83.188, 43.83.202, 43.88.090, 43.88.092, 43.88.350, 43.88.560, 43.96B.215, 43.101.080, 43.105.020, 43.105.052, 43.105.340, 43.105.905, 43.325.020, 43.325.030, 43.330.907, 43.331.040, 43.331.050, 44.68.065, 44.73.010, 46.08.065, 46.08.150, 46.08.172, 47.60.830, 49.74.040, 70.58.005, 70.94.537, 70.94.551, 70.95.265, 70.95C.110, 70.95H.030, 70.95M.060, 70.235.050, 71A.20.190, 72.01.430, 72.09.450, 77.12.177, 77.12.451, 79.19.080, 79.24.300, 79.24.530, 79.24.540, 79.24.560, 79.24.570, 79.24.664, 79.24.710, 79.24.720, 79.24.730, and 79A.15.010; reenacting RCW 42.17A.110; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.105 RCW; recodifying RCW 43.105.340 and 43.41A.900; decodifying RCW 37.14.010, 43.19.533, 43.320.012, 43.320.013, 43.320.014, 43.320.015, 43.320.901, and 70.120.210; repealing RCW 43.105.041, 43.105.178, 43.105.330, 43.105.070, and 43.105.825; and providing an expiration date.

Referred to Committee on Governmental Operations.

SHB 2102 by House Committee on Judiciary (originally sponsored by Representatives Sawyer, Muri, Kirby, Zeiger, Fey, Sequist, Green, Morrell, Jinkins, Liias, Van De Wege, Ryu and Bergquist)

AN ACT Relating to civil suits by prisoners against victims; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Law & Justice.

SHB 2105 by House Committee on Government Operations & Elections (originally sponsored by Representatives Hawkins, Bergquist, Buys, S. Hunt, Holy, Orwall, Ross, Reykdal, Hayes, Pollet, Kochmar, Hudgins, Magendanz, Moscoso, Vick, Riccelli, Klippert, Stonier, Nealey, Tarleton, Scott, Pike, Fagan, Fey, Sequist, Chandler, Farrell, Haigh, Fitzgibbon, Sawyer, Moeller, Gregerson, Johnson, Haler, Appleton, Carlyle, Morrell, Goodman, Van De Wege and Freeman)

THIRTY THIRD DAY, FEBRUARY 14, 2014

2014 REGULAR SESSION

AN ACT Relating to promoting transparency in government by requiring public agencies with governing bodies to post agendas online in advance of meetings; adding a new section to chapter 42.30 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

Referred to Committee on Governmental Operations.

SHB 2195 by House Committee on Judiciary (originally sponsored by Representatives Morrell, Kochmar, Hurst, Green and Jinkins)

HB 2119 by Representatives Schmick, Fagan, Haler and Moscoso

AN ACT Relating to involuntary medication for maintaining the level of restoration in jail; amending RCW 10.77.092 and 10.77.065; and creating a new section.

AN ACT Relating to designating Palouse falls as the state waterfall; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Governmental Operations.

SHB 2215 by House Committee on Government Operations & Elections (originally sponsored by Representatives Robinson, Manweller, S. Hunt and Haler)

SHB 2121 by House Committee on Government Operations & Elections (originally sponsored by Representatives Pollet, S. Hunt, Rodne, Bergquist, Holy, Moeller, Hayes, Carlyle, Fitzgibbon, Liias, Takko, Springer, Appleton, Morrell, Reykdal, Jinkins, Moscoso, Ryu, Fagan, Farrell, Riccelli and Freeman)

AN ACT Relating to reconciling election laws; amending RCW 2.04.100, 2.06.080, 2.08.069, 2.08.120, 3.34.050, 3.34.100, 17.28.090, 27.12.370, 27.12.100, 28A.315.275, 28A.323.050, 28A.343.010, 28A.343.060, 28A.343.350, 35.02.078, 35.02.086, 35.02.100, 35.06.080, 35.07.050, 35.10.410, 35.10.420, 35.13.090, 35.16.030, 35.16.050, 35.17.310, 35.18.020, 35.23.805, 35A.12.040, 35A.14.080, 36.12.050, 36.16.020, 36.16.030, 36.32.030, 36.32.0558, 39.36.050, 52.04.011, 52.06.030, 52.14.060, 53.04.020, 53.04.023, 53.04.080, 53.12.172, 53.12.221, 54.08.060, 57.12.030, 57.12.039, 57.24.240, 68.52.250, 70.44.047, 82.14.036, 82.46.021, 82.80.090, 85.38.060, 85.38.070, 87.03.083, 52.26.080, 29A.04.321, 29A.04.330, 29A.08.161, 29A.08.210, 29A.08.230, 29A.24.111, 29A.60.221, 35.21.005, 35.22.120, 35A.01.040, 53.12.175, 29A.08.107, 53.12.010, 53.12.021, 53.12.115, 53.12.130, 53.16.015, 29A.08.810, 29A.68.020, 2.06.010, 29A.60.280, 35.17.260, 35.17.380, 35.17.400, 35.18.240, 35.22.055, and 36.32.070; reenacting and amending RCW 28A.343.030, 28A.343.320, 28A.343.660, and 29A.40.110; repealing RCW 28A.343.330 and 52.14.030; and repealing 2013 c 11 s 45.

AN ACT Relating to training public officials and employees regarding public records, records management, and open public meetings; adding a new section to chapter 42.30 RCW; adding new sections to chapter 42.56 RCW; adding new sections to chapter 40.14 RCW; creating new sections; and providing an effective date.

Referred to Committee on Governmental Operations.

ESHB 2151 by House Committee on Environment (originally sponsored by Representatives Blake and Seaquist)

Referred to Committee on Governmental Operations.

AN ACT Relating to recreational trails; amending RCW 79.10.120 and 79.10.130; adding new sections to chapter 79.10 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

SHB 2157 by House Committee on Local Government (originally sponsored by Representative Takko)

SHB 2261 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Short, Fagan and Magendanz)

AN ACT Relating to per diem compensation for flood control zone district supervisors; and amending RCW 86.15.055.

AN ACT Relating to the use of science to support significant agency actions; and amending RCW 34.05.271.

Referred to Committee on Governmental Operations.

Referred to Committee on Natural Resources & Parks.

HB 2170 by Representatives Takko and Kochmar

SHB 2262 by House Committee on Environment (originally sponsored by Representatives Short, Fagan and Magendanz)

AN ACT Relating to providing an additional method for water-sewer districts to disburse funds; and adding a new section to chapter 57.20 RCW.

AN ACT Relating to the use of science to support significant agency actions; and amending RCW 34.05.272.

Referred to Committee on Governmental Operations.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 2183 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Ormsby, Fey and Hudgins)

EHB 2278 by Representatives Takko, Chandler and Ryu

AN ACT Relating to maintaining a robust, clean, and job rich energy policy in the state of Washington that builds upon the goals created by the energy independence act; creating new sections; and providing an expiration date.

AN ACT Relating to interlocal agreements for ambulance services between fire protection districts and contiguous cities; and amending RCW 52.12.135.

Referred to Committee on Commerce & Labor.

HB 2296 by Representatives Pike, Harris, Blake, Vick, Taylor, Overstreet, Farrell, S. Hunt and Pollet

AN ACT Relating to duplicate signatures on petitions in cities, towns, and code cities; amending RCW 35.21.005 and 35A.01.040; and creating a new section.

Referred to Committee on Governmental Operations.

HB 2301 by Representatives Robinson, Fitzgibbon, Ryu and Dunshee

AN ACT Relating to county financial actions for a concluded fiscal year; and amending RCW 36.40.200.

Referred to Committee on Governmental Operations.

ESHB 2374 by House Committee on Government Operations & Elections (originally sponsored by Representative S. Hunt)

AN ACT Relating to making nonsubstantive changes to procurement law; amending RCW 28B.10.029, 35.57.080, 36.100.190, 39.04.190, 39.26.070, 39.26.235, 39.26.251, 39.26.255, 39.26.271, 39.35C.050, 39.35C.090, and 43.19.1919; reenacting and amending RCW 39.26.010; and repealing RCW 43.19.520, 43.19.525, and 43.19.533.

Referred to Committee on Governmental Operations.

HB 2381 by Representatives Hurst and Dahlquist

AN ACT Relating to creating an inactive certification, license, or registration status for real estate appraisers; amending RCW 18.140.160; and adding a new section to chapter 18.140 RCW.

Referred to Committee on Commerce & Labor.

ESHB 2406 by House Committee on Technology & Economic Development (originally sponsored by Representatives Tarleton, Short, Ryu and Smith)

AN ACT Relating to administrative processes for managing deposits and cost reimbursements of the energy facility site evaluation council; amending RCW 80.50.071; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 2433 by House Committee on Local Government (originally sponsored by Representatives Habib and Ryu)

AN ACT Relating to notification by a city or town to light and power businesses and gas distribution businesses of annexed areas and affected properties; and amending RCW 35.13.270 and 35A.14.801.

Referred to Committee on Governmental Operations.

SHB 2448 by House Committee on Business & Financial Services (originally sponsored by Representatives Fey, Orcutt and Ryu)

AN ACT Relating to transferring the insurance and financial responsibility program; and amending RCW 46.29.550, 46.29.560, 46.29.580, and 46.29.600.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 2473 by Representatives Liias, Rodne, Sells, Reykdal, Pollet and Freeman

AN ACT Relating to encouraging citizens to serve in the legislature by creating leave provisions for legislative service; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

SHB 2518 by House Committee on Public Safety (originally sponsored by Representatives Habib, Walsh, Goodman, Haigh and Roberts)

AN ACT Relating to the pilot identicard program; adding a new section to chapter 46.20 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

SHB 2541 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Haigh and MacEwen)

AN ACT Relating to miniature hobby boilers; and amending RCW 70.79.070 and 70.79.080.

Referred to Committee on Commerce & Labor.

HB 2547 by Representatives Ormsby, Manweller, Riccelli, Warnick and Parker

AN ACT Relating to the creation of a less than countywide port district within a county containing no port districts; amending RCW 53.04.023; creating a new section; and providing an expiration date.

Referred to Committee on Governmental Operations.

SHB 2576 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Reykdal, Kirby and Pollet)

AN ACT Relating to establishing a mandatory occupational disease exposure reporting requirement for firefighters; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2590 by Representatives Kirby and Ryu

AN ACT Relating to sellers of travel; and amending RCW 19.138.021, 19.138.040, 19.138.100, 19.138.120, and 19.138.140.

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SHB 2593 by House Committee on Local Government (originally sponsored by Representatives Stonier, Harris, Wylie, Ryu, Fey and Pike)

AN ACT Relating to local government treasury practices and procedures; and amending RCW 36.29.190 and 39.72.010.

Referred to Committee on Governmental Operations.

SHB 2644 by House Committee on Public Safety (originally sponsored by Representatives Ryu, Nealey, Moscoso, Sells, Appleton, Kagi, Haler, Gregerson, Orwall, Wylie, Roberts, Reykdal, Senn, Robinson, Farrell, Tarleton, Tharinger, Freeman, Walkinshaw, Jinkins, Morrell, Clibborn, Haigh, Pettigrew, Rodne, Moeller, Pollet, Bergquist, S. Hunt, Sawyer, Green, Stanford, Ormsby and Santos)

AN ACT Relating to coercion of involuntary servitude; reenacting and amending RCW 9A.40.010; adding a new section to chapter 9A.40 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

ESHB 2680 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Springer, Haler, Goodman and Freeman)

AN ACT Relating to liquor catering; amending RCW 66.44.350; reenacting and amending RCW 66.20.300 and 66.20.310; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 2682 by Representatives Green, Muri, Scott, Kirby, Warnick, Wilcox, Haler, Zeiger and Hayes

AN ACT Relating to modifying provisions governing the competitive bidding process of water-sewer districts; and amending RCW 57.08.050.

Referred to Committee on Governmental Operations.

HB 2708 by Representatives Tarleton, Short, DeBolt, Fey, Freeman, Hudgins, Lytton, Smith, Morrell, Ortiz-Self, Springer, Pollet and Muri

AN ACT Relating to a qualified alternative energy resource; and amending RCW 19.29A.090.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 2448 which was referred to the Committee on Financial Institutions, Housing & Insurance.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 14, 2014."

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through February 14, 2014 by voice vote.

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Thomas W Lux, Gubernatorial Appointment No. 9288, be confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

Senator Chase spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Liias was excused.

APPOINTMENT OF THOMAS W LUX

The President declared the question before the Senate to be the confirmation of Thomas W Lux, Gubernatorial Appointment No. 9288, as a member of the Board of Trustees, Shoreline Community College District No. 7.

The Secretary called the roll on the confirmation of Thomas W Lux, Gubernatorial Appointment No. 9288, as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Liias

Thomas W Lux, Gubernatorial Appointment No. 9288, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. I would like to thank you and your wife Linda for the wonderful Valentine treats. Thank her for staying up all night to make them and I would like to request that you once again suspend the rules so that we may start using these right away."

REPLY BY THE PRESIDENT

President Owen: “As tough as it is for me to do it we do have a tradition that has been established long ago to allow you to eat those cookies on the floor so you may do that. Yeah, I tested them last night, they’re perfect.”

PERSONAL PRIVILEGE

Senator Sheldon: “Mr. President, I also want to rise and thank you and your wife, gorgeous wife Linda. I know that you were moon lighting last night and very busy so you must have been up till the wee hours in the morning putting these cookies together with this personalized Valentines from you and Linda. I just want to thank you very much. Sorry you didn’t get any sleep last night at all but carry on.”

REPLY BY THE PRESIDENT

President Owen: “No, but I was fired up and motivated. Rocking on with what’s her name over here.”

PERSONAL PRIVILEGE

Senator Hewitt: “Thank you Mr. President. I also want to say for the fourteenth time, thank you for these wonderful cookies. I’m just wondering, now that it’s legal, if they’re laced?”

REPLY BY THE PRESIDENT

President Owen: “Yeah, if you knew my history you’d know that wasn’t even possible.”

PERSONAL PRIVILEGE

Senator Rivers: “Thank you Mr. President. I also wanted to thank you for these lovely cookies and I wanted to say, ‘We need more cow bell.’”

REPLY BY THE PRESIDENT

President Owen: “I was thinking of bringing that in this morning and using that instead of the block, you know.”

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist Newbry moved that Amy L McCoy, Gubernatorial Appointment No. 9295, be confirmed as a member of the Board of Trustees, Central Washington University.

Senator Holmquist Newbry spoke in favor of the motion.

APPOINTMENT OF AMY L MCCOY

The President declared the question before the Senate to be the confirmation of Amy L McCoy, Gubernatorial Appointment No. 9295, as a member of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Amy L McCoy, Gubernatorial Appointment No. 9295, as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway,

Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O’Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hatfield

Excused: Senator Liias

Amy L McCoy, Gubernatorial Appointment No. 9295, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Central Washington University.

MOTION

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

MOTION

On motion of Senator Rivers, Senator Becker was excused.

SECOND READING

SENATE BILL NO. 6040, by Senators Honeyford, Hargrove, Pearson, Ranker, Parlette and Sheldon

Concerning invasive species.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 6040 was substituted for Senate Bill No. 6040 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following striking amendment by Senators Honeyford, Hargrove and Liias be adopted:

Strike everything after the enacting clause and insert the following:

**"PART 1
INVASIVE SPECIES—MANAGEMENT**

NEW SECTION. **Sec. 101.** The legislature finds that:

(1) The state's fish, wildlife, and habitat are exceptionally valuable environmental resources for the state's citizens.

(2) The state's fish, wildlife, and habitat also provide exceptionally valuable economic, cultural, and recreational resources. These include hydroelectric power, agriculture, forests, water supplies, commercial and recreational fisheries, aquaculture, and public access to outdoor recreational opportunities.

(3) Invasive species pose a grave threat to these environmental and economic resources, especially to salmon recovery and state and federally listed threatened and endangered species. Because of the significant harm invasive species can cause, invasive species constitute a public nuisance.

(4) If allowed to become established, invasive species can threaten human health and cause environmental and economic disasters affecting not only our state, but other states and nations.

(5) The risk of invasive species spreading into Washington increases as travel and commerce grows in volume and efficiency.

(6) Prevention of invasive species is a cost-effective, successful, and proven management strategy. Prevention is the state's highest

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management priority with an emphasis on education and outreach, inspections, and rapid response.

(7) The integrated management of invasive species through pathways regulated by the department is critical to preventing the introduction and spread of a broad range of such species, including plants, diseases, and parasites.

(8) Washington's citizens must work together to protect the state from invasive species.

(9) Public and private partnerships, cooperative agreements, and compacts are important for preventing new arrivals and managing existing populations of invasive species, and coordinating these actions on local, state, national, and international levels.

(10) The department requires authority for this mission to effectively counter the unpredictable nature of invasive species' introductions and spread, enable the utilization of new advances in invasive ecology science, and implement applicable techniques and technology to address invasive species.

(11) An integrated management approach provides the best way for the state to manage invasive species and includes opportunities for creating an informed public, encouraging public involvement, and striving for local, regional, national, and international cooperation and consistency on management standards. An integrated management approach also applies sound science to minimize the chance that invasive species used for beneficial purposes will result in environmental harm.

(12) This chapter provides authority for the department to effectively address invasive species using an integrated management approach.

(13) The department of fish and wildlife currently has sufficient statutory authority to effectively address invasive species risks posed through discharge of ballast water under chapter 77.120 RCW and by private sector shellfish aquaculture operations regulated under chapter 77.115 RCW. The programs developed by the department under these chapters embody the principles of prevention as the highest priority, integrated management of pathways, public-private partnerships, clean and drain principles, and rapid response capabilities.

NEW SECTION. Sec. 102. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aquatic conveyance" means transportable personal property having the potential to move an aquatic invasive species from one aquatic environment to another. Aquatic conveyances include but are not limited to watercraft and associated equipment, float planes, construction equipment, fish tanker trucks, hydroelectric and irrigation equipment, personal fishing and hunting gear, and materials used for aquatic habitat mitigation or restoration.

(2) "Aquatic invasive species" means an invasive species of the animal kingdom with a life cycle that is at least partly dependent upon fresh, brackish, or marine waters. Examples include nutria, waterfowl, amphibians, fish, and shellfish.

(3) "Aquatic plant" means a native or nonnative emergent, submersed, partially submersed, free-floating, or floating-leaved plant species that is dependent upon fresh, brackish, or marine water ecosystems and includes all stages of development and parts.

(4) "Certificate of inspection" means a department-approved document that declares, to the extent technically or measurably possible, that an aquatic conveyance does not carry or contain an invasive species. Certification may be in the form of a decal, label, rubber stamp imprint, tag, permit, locking seal, or written statement.

(5) "Clean and drain" means to remove the following from areas on or within an aquatic conveyance to the extent technically and measurably possible:

(a) Visible native and nonnative aquatic animals, plants, or other organisms; and

(b) Raw water.

(6) "Commercial watercraft" means a management category of aquatic conveyances:

(a) Required to have valid marine documentation as a vessel of the United States or similar required documentation for a country other than the United States; and

(b) Not subject to watercraft registration requirements under chapter 88.02 RCW or ballast water requirements under chapter 77.120 RCW.

(7) "Cryptogenic species" means a species that scientists cannot commonly agree are native or nonnative or are part of the animal kingdom.

(8) "Decontaminate" means, to the extent technically and measurably possible, the application of a treatment to kill, destroy, remove, or otherwise eliminate all known or suspected invasive species carried on or contained within an aquatic conveyance or structural property by use of physical, chemical, or other methods. Decontamination treatments may include drying an aquatic conveyance for a time sufficient to kill aquatic invasive species through desiccation.

(9) "Detect" means the verification of invasive species' presence as defined by the department.

(10) "Eradicate" means, to the extent technically and measurably possible, to kill, destroy, remove, or otherwise eliminate an invasive species from a water body or property using physical, chemical, or other methods.

(11) "Infested site management" means management actions as provided under section 109 of this act that may include long-term actions to contain, control, or eradicate a prohibited species.

(12) "Introduce" means to intentionally or unintentionally release, place, or allow the escape, dissemination, or establishment of an invasive species on or into a water body or property as a result of human activity or a failure to act.

(13) "Invasive species" means nonnative species of the animal kingdom that are not naturally occurring in Washington for purposes of breeding, resting, or foraging, and that pose an invasive risk of harming or threatening the state's environmental, economic, or human resources. Invasive species include all stages of species development and body parts. They may also include genetically modified or cryptogenic species.

(14) "Invasive species council" means the Washington invasive species council established in RCW 79A.25.310 or a similar collaborative state agency forum. The term includes the council and all of its officers, employees, agents, and contractors.

(15) "Mandatory check station" means a location where a person transporting an aquatic conveyance must stop and allow the conveyance to be inspected for aquatic invasive species.

(16) "Possess" means to have authority over the use of an invasive species or use of an aquatic conveyance that may carry or contain an invasive species. For the purposes of this subsection, "authority over" includes the ability to intentionally or unintentionally hold, import, export, transport, purchase, sell, barter, distribute, or propagate an invasive species.

(17) "Prohibited species" means a classification category of nonnative species as provided in section 104 of this act.

(18) "Property" means both real and personal property.

(19) "Quarantine declaration" means a management action as provided under section 107 of this act involving the prohibition or conditioning of the movement of aquatic conveyances and waters from a place or an area that is likely to contain a prohibited species.

(20) "Rapid response" means expedited management actions as provided under section 108 of this act triggered when invasive species are detected, for the time-sensitive purpose of containing or eradicating the species before it spreads or becomes further established.

(21) "Raw water" means water from a water body and held on or within property. "Raw water" does not include water from precipitation that is captured in a conveyance, structure, or depression that is not otherwise intended to function as a water body, or water from a potable water supply system, unless the water contains visible aquatic organisms.

(22) "Regulated species" means a classification category of nonnative species as provided in section 104 of this act.

(23) "Registered watercraft" means a management category of aquatic conveyances required to register as vessels under RCW 88.02.550 or similar requirements for a state other than Washington or a country other than the United States.

(24) "Seaplane" means a management category of aquatic conveyances capable of landing on or taking off from water and required to register as an aircraft under RCW 47.68.250 or similar registration in a state other than Washington or a country other than the United States.

(25) "Small watercraft" means a management category of aquatic conveyances:

(a) Including inflatable and hard-shell watercraft used or capable of being used as a means of transportation on the water, such as kayaks, canoes, sailboats, and rafts that:

(i) Do not meet watercraft registration requirements under chapter 88.02 RCW; and

(ii) Are ten feet or more in length with or without mechanical propulsion or less than ten feet in length and fitted with mechanical propulsion.

(b) Excluding nonmotorized aquatic conveyances of any size not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses and tubes, beach and water toys, surf boards, and paddle boards.

(26) "Water body" means an area that carries or contains a collection of water, regardless of whether the feature carrying or containing the water is natural or nonnatural. Examples include basins, bays, coves, streams, rivers, springs, lakes, wetlands, reservoirs, ponds, tanks, irrigation canals, and ditches.

NEW SECTION. Sec. 103. (1) The department is the lead agency for managing invasive species of the animal kingdom statewide. This lead responsibility excludes pests, domesticated animals, or livestock managed by the department of agriculture under Titles 15, 16, and 17 RCW, forest invasive insect and disease species managed by the department of natural resources under Title 76 RCW, and mosquito and algae control and shellfish sanitation managed by the department of health under Titles 69, 70, and 90 RCW.

(2) Subject to the availability of funding for these specific purposes, the department may:

(a) Develop and implement integrated invasive species management actions and programs authorized by this chapter, including rapid response, early detection and monitoring, prevention, containment, control, eradication, and enforcement;

(b) Establish and maintain an invasive species outreach and education program, in coordination with the Washington invasive species council, that covers public, commercial, and professional pathways and interests;

(c) Align management classifications, standards, and enforcement provisions by rule with regional, national, and international standards and enforcement provisions;

(d) Manage invasive species to support the preservation of native species, salmon recovery, and the overall protection of threatened or endangered species;

(e) Participate in local, state, regional, national, and international efforts regarding invasive species to support the intent of this chapter;

(f) Provide technical assistance or other support to tribes, federal agencies, local governments, and private groups to promote an

informed public and assist the department in meeting the intent of this chapter;

(g) Enter into partnerships, cooperative agreements, and state or interstate compacts as necessary to accomplish the intent of this chapter;

(h) Research and develop invasive species management tools, including standard methods for decontaminating aquatic conveyances and controlling or eradicating invasive species from water bodies and properties;

(i) Post invasive species signs and information at port districts, privately or publicly owned marinas, state parks, and all boat launches owned or leased by state agencies or political subdivisions; and

(j) Adopt rules as needed to implement the provisions of this chapter.

(3) The department may delegate selected and clearly identified elements of its authorities and duties to another agency of the state with appropriate expertise or administrative capacity upon cooperative agreement with that agency. This delegation may include provisions of funding for implementation of the delegations. The department retains primary authority and responsibility for all requirements of this chapter unless otherwise directed in this chapter.

(4) This chapter does not apply to the possession or introduction of nonnative aquatic animal species by:

(a) Ballast water held or discharged by vessels regulated under chapter 77.120 RCW; or

(b) Private sector aquaculture operations, transfers, or conveyances regulated under chapter 77.115 RCW.

(5) This chapter does not preempt or replace other department species classification systems or other management requirements under this title. However, the department must streamline invasive species requirements under this chapter into existing permits and cooperative agreements as possible.

NEW SECTION. Sec. 104. (1) The department, in consultation with the invasive species council, may classify or reclassify and list by rule nonnative aquatic animal species as prohibited level 1, level 2, or level 3, based on the degree of invasive risk, the type of management action required, and resources available to conduct the management action.

(a) Species classified as prohibited level 1 pose a high invasive risk and are a priority for prevention and expedited rapid response management actions.

(b) Species classified as prohibited level 2 pose a high invasive risk and are a priority for long-term infested site management actions.

(c) Species classified as prohibited level 3 pose a moderate to high invasive risk and may be appropriate for prevention, rapid response, or other prohibited species management plan actions by the department, another agency, a local government, tribes, or the public.

(2) The department, in consultation with the invasive species council, may classify and list by rule regulated type A species. This classification is used for nonnative aquatic animal species that pose a low to moderate invasive risk that can be managed based on intended use or geographic scope of introduction, have a beneficial use, and are a priority for department-led or department-approved management of the species' beneficial use and invasive risks.

(3) Nonnative aquatic animal species not classified as prohibited level 1, level 2, or level 3 under subsection (1) of this section, or as regulated type A species under subsection (2) of this section, are automatically managed statewide as regulated type B species or regulated type C species and do not require listing by rule.

(a) Species managed as regulated type B pose a low or unknown invasive risk and are possessed for personal or commercial

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purposes, such as for aquariums, live food markets, or as nondomesticated pets.

(b) Species managed as regulated type C pose a low or unknown invasive risk and include all other species that do not meet the criteria for management as a regulated type B invasive species.

(4) Classification of prohibited and regulated species:

(a) May be by individual species or larger taxonomic groups up to the family name;

(b) Must align, as practical and appropriate, with regional and national classification levels;

(c) Must be statewide unless otherwise designated by a water body, property, or other geographic region or area; and

(d) May define general possession and introduction conditions acceptable under department authorization, a permit, or as otherwise provided by rule.

(5) Prior to or at the time of classifying species by rule as prohibited or regulated under subsections (1) and (2) of this section, the department, in consultation with the invasive species council, must adopt rules establishing standards for determining invasive risk levels and criteria for determining beneficial use that take into consideration environmental impacts, and especially effects on the preservation of native species, salmon recovery, and threatened or endangered species.

NEW SECTION. Sec. 105. (1) Until the department adopts rules classifying species pursuant to chapter 77.--- RCW (the new chapter created in section 122 of this act), species and classifications identified in this section are automatically managed as follows:

(a) Zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena rostriformis bugensis*), European green crab (*Carcinus maenas*), and all members of the genus *Eriocheir* (including Chinese mitten crab), all members of the walking catfish family (*Clariidae*), all members of the snakehead family (*Channidae*), silver carp (*Hypophthalmichthys molitrix*), largescale silver carp (*Hypophthalmichthys harmandi*), black carp (*Mylopharyngodon piceus*), and bighead carp (*Hypophthalmichthys nobilis*) are prohibited level 1 species statewide;

(b) Prohibited aquatic animal species classified under WAC 220-12-090(1), in effect on July 1, 2014, except those as noted in this subsection are prohibited level 3 species statewide;

(c) Regulated aquatic animal species classified under WAC 220-12-090(2), in effect on July 1, 2014, are regulated type A species statewide; and

(d) Nonnative aquatic animal species classified as game fish under WAC 232-12-019, in effect on July 1, 2014, or food fish under WAC 220-12-010, in effect on July 1, 2014, are regulated type A species statewide.

(2) The department, in consultation with the invasive species council, may change these classifications by rule.

NEW SECTION. Sec. 106. (1) Prohibited level 1, level 2, and level 3 species may not be possessed, introduced on or into a water body or property, or trafficked, without department authorization, a permit, or as otherwise provided by rule.

(2) Regulated type A, type B, and type C species may not be introduced on or into a water body or property without department authorization, a permit, or as otherwise provided by rule.

(3) Regulated type B species, when being actively used for commercial purposes, must be readily and clearly identified in writing by taxonomic species name or subspecies name to distinguish the subspecies from another prohibited species or a regulated type A species. Nothing in this section precludes using additional descriptive language or trade names to describe regulated type B species as long as the labeling requirements of this section are met.

NEW SECTION. Sec. 107. (1) If the department determines it is necessary to protect the environmental, economic, or human

health interests of the state from the threat of a prohibited level 1 or level 2 species, the department may declare a quarantine against a water body, property, or region within the state. The department may prohibit or condition the movement of aquatic conveyances and waters from such a quarantined place or area that are likely to contain a prohibited species.

(2) A quarantine declaration under this section may be implemented separately or in conjunction with rapid response management actions under section 108 of this act and infested site management actions under section 109 of this act in a manner and for a duration necessary to protect the interests of the state from the threat of a prohibited level 1 or level 2 species. A quarantine declaration must include:

(a) The reasons for the action including the prohibited level 1 or level 2 species triggering the quarantine;

(b) The boundaries of the area affected;

(c) The action timeline;

(d) Types of aquatic conveyances and waters affected by the quarantine and any prohibition or conditions on the movement of those aquatic conveyances and waters from the quarantine area; and

(e) Inspection and decontamination requirements for aquatic conveyances.

NEW SECTION. Sec. 108. (1) The department may implement rapid response management actions where a prohibited level 1 species is detected in or on a water body or property. Rapid response management actions may: Include expedited actions to contain, control, or eradicate the prohibited species; and, if applicable, be implemented in conjunction with a quarantine declaration. Rapid response management actions must be terminated by the department when it determines that the targeted prohibited level 1 species are:

(a) Eradicated;

(b) Contained or controlled without need for further management actions;

(c) Reclassified for that water body; or

(d) Being managed under infested site management actions pursuant to section 109 of this act.

(2) If a rapid response management action exceeds seven days, the department may implement an incident command system for rapid response management including scope, duration, and types of actions and to support mutual assistance and cooperation between the department and other affected state and federal agencies, tribes, local governments, and private water body or property owners. The purpose of this system is to coordinate a rapid, effective, and efficient response to contain, control, and eradicate if feasible, a prohibited level 1 species. Mutual assistance and coordination by other state agencies is especially important to assist the department in expediting necessary state and federal environmental permits.

(3) The department may enter into cooperative agreements with national, regional, state, and local rapid response management action partners to establish incident command system structures, secure or prepare submission-ready environmental permits, and identify mutual assistance commitments in preparation for potential future actions.

(4) The department may perform simulated rapid response exercises, testing, or other training activities to prepare for future rapid response management actions.

(5) In implementing rapid response management actions, the department may enter upon property consistent with the process established under section 119 of this act.

NEW SECTION. Sec. 109. (1) The department may implement infested site management actions where a prohibited level 2 species is detected in or on a water body or property. Infested site management actions may: Include long-term actions to contain, control, or eradicate the prohibited species; and, if

applicable, be implemented in conjunction with a quarantine declaration. Infested site management actions must be terminated by the department when it determines that the targeted prohibited level 2 species are:

- (a) Eradicated;
- (b) Contained or controlled without need for further management actions; or
- (c) Reclassified for that water body.

(2) The department must consult with affected state and federal agencies, tribes, local governments, and private water body or property owners prior to implementing infested site management actions. The purpose of the consultation is to support mutual assistance and cooperation in providing an effective and efficient response to contain, control, and eradicate, if feasible, a prohibited level 2 species.

(3) The department may enter into cooperative agreements with national, regional, state, and local infested site management action partners to establish management responsibilities, secure or prepare submission-ready environmental permits, and identify mutual assistance commitments.

(4) In implementing infested site management actions, the department may enter upon property consistent with the process established under section 119 of this act.

NEW SECTION. Sec. 110. (1) To the extent possible, the department's quarantine declarations under section 107 of this act, rapid response management actions under section 108 of this act, and infested site management actions under section 109 of this act must be implemented in a manner best suited to contain, control, and eradicate prohibited level 1 and level 2 species while protecting human safety, minimizing adverse environmental impacts to a water body or property, and minimizing adverse economic impacts to owners of an affected water body or property.

(2) The department is the lead agency for quarantine declarations, rapid response, and infested site management actions. Where the infested water body is subject to tribal, federal, or other sovereign jurisdiction, the department:

(a) Must consult with appropriate federal agencies, tribal governments, other states, and Canadian government entities to develop and implement coordinated management actions on affected water bodies under shared jurisdiction;

(b) May assist in infested site management actions where these actions may prevent the spread of prohibited species into state water bodies; and

(c) May assist other states and Canadian government entities, in the Columbia river basin, in management actions on affected water bodies outside of the state where these actions may prevent the spread of the species into state water bodies.

(3)(a) The department must provide notice of quarantine declarations, rapid response, and infested site management actions to owners of an affected water body or property. Notice may be provided by any reasonable means, such as in person, by United States postal service, by publication in a local newspaper, by electronic publication including social media or postings on the department's public web site, or by posting signs at the water body.

(b) The department must provide updates to owners of an affected water body or property based on management action type as follows:

(i) Every seven days for a rapid response management action and, if applicable, a quarantine declaration implemented in conjunction with a rapid response management action;

(ii) Every six months for a separate quarantine declaration;

(iii) Annually for the duration of an infested site management action and, if applicable, a quarantine declaration implemented in conjunction with an infested site management action; and

(iv) A final update at the conclusion of any management action.

(c) In addition to owners of an affected water body or property, the department must provide notice of a quarantine declaration to members of the public by any reasonable means for an area subject to a quarantine declaration, such as by publication in a local newspaper, by electronic publication including social media or postings on the department's public web site, or by posting signs at the water body. The department must provide updates at reasonable intervals and a final update at the conclusion of the quarantine declaration.

(4) The department must publicly list those water bodies or portions of water bodies in which a prohibited level 1 or level 2 species has been detected. The department may list those areas in which a prohibited level 3 species has been detected.

(5) When posting signs at a water body or property where a prohibited species has been detected, the department must consult with owners of the affected water body or property regarding placement of those signs.

NEW SECTION. Sec. 111. (1) If the director finds that there exists an imminent danger of a prohibited level 1 or level 2 species detection that seriously endangers or threatens the environment, economy, human health, or well-being of the state of Washington, the director must ask the governor to order, under RCW 43.06.010(14), emergency measures to prevent or abate the prohibited species. The director's findings must contain an evaluation of the effect of the emergency measures on environmental factors such as fish listed under the endangered species act, economic factors such as public and private access, human health factors such as water quality, or well-being factors such as cultural resources.

(2) If an emergency is declared pursuant to RCW 43.06.010(14), the director may consult with the invasive species council to advise the governor on emergency measures necessary under RCW 43.06.010(14) and this section, and make subsequent recommendations to the governor. The invasive species council must involve owners of the affected water body or property, state and local governments, federal agencies, tribes, public health interests, technical service providers, and environmental organizations, as appropriate.

(3) Upon the governor's approval of emergency measures, the director may implement these measures to prevent, contain, control, or eradicate invasive species that are the subject of the emergency order, notwithstanding the provisions of chapter 15.58 or 17.21 RCW or any other statute. These measures, after evaluation of all other alternatives, may include the surface and aerial application of pesticides.

(4) The director must continually evaluate the effects of the emergency measures and report these to the governor at intervals of not less than ten days. The director must immediately advise the governor if the director finds that the emergency no longer exists or if certain emergency measures should be discontinued.

NEW SECTION. Sec. 112. (1) A person in possession of an aquatic conveyance who enters Washington by road, air, or water is required to have a certificate of inspection. A person must provide this certificate of inspection upon request by a fish and wildlife officer or ex officio fish and wildlife officer.

(2) The department must adopt rules to implement this section including:

(a) Types of aquatic conveyances required to have a certificate of inspection;

(b) Allowable certificate of inspection forms including passport type systems and integration with existing similar permits;

(c) Situations when authorization can be obtained for transporting an aquatic conveyance not meeting inspection requirements to a specified location within the state where certificate of inspection requirements can be provided; and

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(d) Situations where aquatic conveyances are using shared boundary waters of the state, such as portions of the Columbia river, lake Osoyoos, and the Puget Sound.

NEW SECTION. Sec. 113. (1) A person in possession of an aquatic conveyance must meet clean and drain requirements after the conveyance's use in or on a water body or property. A certificate of inspection is not needed to meet clean and drain requirements.

(2) A fish and wildlife officer or ex officio fish and wildlife officer may order a person transporting an aquatic conveyance not meeting clean and drain requirements to:

(a) Clean and drain the conveyance at the discovery site, if the department determines there are sufficient resources available; or

(b) Transport the conveyance to a reasonably close location where resources are sufficient to meet the clean and drain requirements.

(3) This section may be enforced immediately on the transportation of aquatic plants by registered watercraft, small watercraft, seaplanes, and commercial watercraft. The department must adopt rules to implement all other aspects of clean and drain requirements, including:

(a) Other types of aquatic conveyances subject to this requirement;

(b) When transport of an aquatic conveyance is authorized if clean and drain services are not readily available at the last water body used; and

(c) Exemptions to clean and drain requirements where the department determines there is minimal risk of spreading invasive species.

NEW SECTION. Sec. 114. (1) The department may establish mandatory check stations to inspect aquatic conveyances for clean and drain requirements and aquatic invasive species. The check stations must be operated by at least one fish and wildlife officer, an ex officio fish and wildlife officer in coordination with the department, or department-authorized representative, and must be plainly marked by signs and operated in a safe manner.

(2) Aquatic conveyances required to stop at mandatory check stations include registered watercraft, commercial watercraft, and small watercraft. The department may establish rules governing other types of aquatic conveyances that must stop at mandatory check stations. The rules must provide sufficient guidance so that a person transporting the aquatic conveyance readily understands that he or she is required to stop.

(3) A person who encounters a mandatory check station while transporting an aquatic conveyance must:

(a) Stop at the mandatory check station;

(b) Allow the aquatic conveyance to be inspected for clean and drain requirements and aquatic invasive species;

(c) Follow clean and drain orders if clean and drain requirements are not met pursuant to section 113 of this act; and

(d) Follow decontamination orders pursuant to section 115 of this act if an aquatic invasive species is found.

(4) A person who complies with the department directives under this section is exempt from criminal penalties under sections 205 and 206 of this act, civil penalties under RCW 77.15.160(4), and civil forfeiture under RCW 77.15.070, unless the person has a prior conviction for an invasive species violation within the past five years.

NEW SECTION. Sec. 115. (1) Upon discovery of an aquatic conveyance that carries or contains an aquatic invasive species without department authorization, a permit, or as otherwise provided by rule, a fish and wildlife officer or ex officio fish and wildlife officer may issue a decontamination order:

(a) Requiring decontamination at the discovery site, if the situation presents a low risk of aquatic invasive species introduction,

and sufficient department resources are available at the discovery site;

(b) Prohibiting the launch of the aquatic conveyance in a water body until decontamination is completed and certified, if the situation presents a low risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site;

(c) Requiring immediate transport of the conveyance to an approved decontamination station, and prohibiting the launch of the conveyance in a water body until decontamination is completed and certified, if the situation presents a moderate risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site; or

(d) Seizing and transporting the aquatic conveyance to an approved decontamination station until decontamination is completed and certified, if the situation presents a high risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site.

(2) The person possessing the aquatic conveyance that is subject to orders issued under subsection (1)(b) through (d) of this section must bear any costs for seizure, transportation, or decontamination.

(3) Orders issued under subsection (1)(b) through (d) of this section must be in writing and must include notice of the opportunity for a hearing pursuant to section 116 of this act to determine the validity of the orders.

(4) If a decontamination order is issued under subsection (1)(d) of this section, the department may seize the aquatic conveyance for two working days or a reasonable additional period of time thereafter as needed to meet decontamination requirements. The decontamination period must be based on factors including conveyance size and complexity, type and number of aquatic invasive species present, and decontamination station resource capacity.

(5) If an aquatic conveyance is subject to forfeiture under RCW 77.15.070, the timelines and other provisions under that section apply to the seizure.

(6) Upon decontamination and issuing a certificate of inspection, an aquatic conveyance must be released to the person in possession of the aquatic conveyance at the time the decontamination order was issued, or to the owner of the aquatic conveyance.

NEW SECTION. Sec. 116. (1) A person aggrieved or adversely affected by a quarantine declaration under section 107 of this act, a rapid response management action under section 108 of this act, an infested site management action under section 109 of this act, or a decontamination order under section 115 of this act may contest the validity of the department's actions by requesting a hearing in writing within twenty days of the department's actions.

(2) Hearings must be conducted pursuant to chapter 34.05 RCW and the burden of demonstrating the invalidity of agency action is on the party asserting invalidity. The hearing may be conducted by the director or the director's designee and may occur telephonically.

(3) A hearing on a decontamination order is limited to the issues of whether decontamination was necessary and the reasonableness of costs assessed for any seizure, transportation, and decontamination. If the person in possession of the aquatic conveyance that was decontaminated prevails at the hearing, the person is entitled to reimbursement by the department for any costs assessed by the department or decontamination station operator for the seizure, transportation, and decontamination. If the department prevails at the hearing, the department is not responsible for and may not reimburse any costs.

NEW SECTION. Sec. 117. (1) The department may operate aquatic conveyance inspection and decontamination stations statewide for voluntary use by the public or for mandatory use

where directed by the department to meet inspection and decontamination requirements of this chapter. Decontamination stations can be part of or separate from inspection stations. Inspection and decontamination stations are separate from commercial vehicle weigh stations operated by the Washington state patrol.

(2) Inspection station staff must inspect aquatic conveyances to determine whether the conveyances carry or contain aquatic invasive species. If an aquatic conveyance is free of aquatic invasive species, then inspection station staff must issue a certificate of inspection. A certificate of inspection is valid until the conveyance's next use in a water body.

(3) If a conveyance carries or contains aquatic invasive species, then inspection station staff must require the conveyance's decontamination before issuing a certificate of inspection. The certificate of inspection is valid until the conveyance's next use in a water body.

(4) The department must identify, in a way that is readily available to the public, the location and contact information for inspection and decontamination stations.

(5) The department must adopt by rule standards for inspection and decontamination that, where practical and appropriate, align with regional, national, and international standards.

NEW SECTION. Sec. 118. (1) The department may authorize representatives to operate its inspection and decontamination stations and mandatory check stations. Department-authorized representatives may be department volunteers, other law enforcement agencies, or independent businesses.

(2) The department must adopt rules governing the types of services that department-authorized representatives may perform under this chapter.

(3) Department-authorized representatives must have official identification, training, and administrative capacity to fulfill their responsibilities under this section.

(4) Within two years of the effective date of this section, the department must provide the legislature with recommendations for a fee schedule that department-authorized representatives may charge users whose aquatic conveyances receive inspection and decontamination services.

NEW SECTION. Sec. 119. (1) The department may enter upon a property or water body at any reasonable time for the purpose of administering this chapter, including inspecting and decontaminating aquatic conveyances, collecting invasive species samples, implementing rapid response management actions or infested site management actions, and containing, controlling, or eradicating invasive species.

(2) Prior to entering the property or water body, the department shall make a reasonable attempt to notify the owner of the property or water body as to the purpose and need for the entry. Should the department be denied access to any property or water body where access is sought for the purposes set forth in this chapter, the department may apply to any court of competent jurisdiction for a warrant authorizing access to the property.

(3) Upon such an application, the court may issue the warrant for the purposes requested where the court finds reasonable cause to believe it is necessary to achieve the purposes of this chapter.

NEW SECTION. Sec. 120. (1) Funds from the watercraft excise tax proceeds that are deposited into the aquatic invasive species prevention account established under RCW 77.12.879 and the aquatic invasive species enforcement account established under RCW 43.43.400 may be used by the department to develop and implement an aquatic invasive species local management grant program. The grant program may expend up to two hundred fifty thousand dollars per fiscal year as competitive grants to state

agencies, cities, counties, tribes, special purpose districts, academic institutions, and nonprofit groups to:

(a) Manage prohibited level 1 or level 2 aquatic species at a local level;

(b) Develop rapid response management cooperative agreements for local water bodies;

(c) Develop or implement prohibited species management cooperative agreements for local water bodies; and

(d) Conduct innovative applied research that directly supports on-the-ground prevention, control, and eradication efforts.

(2) The department must give preference to projects that have matching funds, provide in-kind services, or maintain or enhance outdoor recreational opportunities.

NEW SECTION. Sec. 121. The provisions of this chapter must be liberally construed to carry out the intent of the legislature.

NEW SECTION. Sec. 122. Sections 102 through 104 and 106 through 121 of this act constitute a new chapter in Title 77 RCW.

PART 2 INVASIVE SPECIES—ENFORCEMENT

NEW SECTION. Sec. 201. A new section is added to chapter 77.15 RCW to read as follows:

(1) Based upon reasonable suspicion that a person possesses an aquatic conveyance that has not been cleaned and drained or carries or contains aquatic invasive species in violation of this title, fish and wildlife officers or ex officio fish and wildlife officers may temporarily stop the person and inspect the aquatic conveyance for compliance with the requirements of this title.

(2) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

NEW SECTION. Sec. 202. A new section is added to chapter 77.15 RCW to read as follows:

(1) Upon a showing of probable cause that there has been a violation of an invasive species law of the state of Washington, or upon a showing of probable cause to believe that evidence of such a violation may be found at a place, a court must issue a search warrant or arrest warrant. Fish and wildlife officers or ex officio fish and wildlife officers may execute any such search or arrest warrant reasonably necessary to carry out their duties under this title with regard to an invasive species law and may seize invasive species or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have property opened or entered and the contents examined.

(2) Seizure of property as evidence of a crime does not preclude seizure of the property for forfeiture as authorized by law.

NEW SECTION. Sec. 203. A new section is added to chapter 77.15 RCW to read as follows:

(1) Upon a showing of probable cause that a water body or property has an invasive species in or on it, and the owner refuses permission to allow inspection of the water body or property, a court in the county in which the water body or property is located may, upon the request of the director or the director's designee, issue a warrant to the director or the director's designee authorizing the taking of specimens of invasive species, general inspection of the property or water body, and the performance of containment, eradication, or control work.

(2) Application for issuance, execution, and return of the warrant authorized by this section must be in accordance with the applicable rules of the superior courts or the district courts.

Sec. 204. RCW 77.15.160 and 2013 c 307 s 2 are each amended to read as follows:

The following acts are infractions and must be cited and punished as provided under chapter 7.84 RCW:

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- (1) Fishing and shellfishing infractions:
 - (a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.
 - (b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by RCW 77.32.430 or department rule.
 - (c) Catch reporting: Failing to return a catch record card to the department for other than Puget Sound Dungeness crab, as required by department rule.
 - (d) Recreational fishing: Fishing for fish or shellfish and, without yet possessing fish or shellfish, the person:
 - (i) Owns, but fails to have in the person's possession the license or the catch record card required by chapter 77.32 RCW for such an activity; or
 - (ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish. This subsection does not apply to use of a net to take fish under RCW 77.15.580 or the unlawful use of shellfish gear for personal use under RCW 77.15.382.
 - (e) Seaweed: Taking, possessing, or harvesting less than two times the daily possession limit of seaweed:
 - (i) While owning, but not having in the person's possession, the license required by chapter 77.32 RCW; or
 - (ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.
 - (f) Unclassified fish or shellfish: Taking unclassified fish or shellfish in violation of any department rule by killing, fishing, taking, holding, possessing, or maliciously injuring or harming fish or shellfish that is not classified as game fish, food fish, shellfish, protected fish, or endangered fish.
 - (g) Wasting fish or shellfish: Killing, taking, or possessing fish or shellfish having a value of less than two hundred fifty dollars and allowing the fish or shellfish to be wasted.
- (2) Hunting infractions:
 - (a) Eggs or nests: Maliciously, and without permit authorization, destroying, taking, or harming the eggs or active nests of a wild bird not classified as endangered or protected. For purposes of this subsection, "active nests" means nests that contain eggs or fledglings.
 - (b) Unclassified wildlife: Taking unclassified wildlife in violation of any department rule by killing, hunting, taking, holding, possessing, or maliciously injuring or harming wildlife that is not classified as big game, game animals, game birds, protected wildlife, or endangered wildlife.
 - (c) Wasting wildlife: Killing, taking, or possessing wildlife that is not classified as big game and has a value of less than two hundred fifty dollars, and allowing the wildlife to be wasted.
 - (d) Wild animals: Hunting for wild animals not classified as big game and, without yet possessing the wild animals, the person owns, but fails to have in the person's possession, all licenses, tags, or permits required by this title.
 - (e) Wild birds: Hunting for and, without yet possessing a wild bird or birds, the person:
 - (i) Owns, but fails to have in the person's possession, all licenses, tags, stamps, and permits required under this title; or
 - (ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of hunting wild birds.
- (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting infractions:

- (a) Recordkeeping and reporting: If a person is a taxidermist, fur dealer, or wildlife meat cutter who is processing, holding, or storing wildlife for commercial purposes, failing to:
 - (i) Maintain records as required by department rule; or
 - (ii) Report information from these records as required by department rule.
- (b) Trapper's report: Failing to report trapping activity as required by department rule.
- (4) ((Aquatic invasive species infraction: Entering Washington by road and transporting a recreational or commercial watercraft that has been used outside of Washington without meeting documentation requirements as provided under RCW 77.12.879.)) (a) Invasive species management infractions:
 - (i) Out-of-state certification: Entering Washington in possession of an aquatic conveyance that does not meet certificate of inspection requirements as provided under section 112 of this act;
 - (ii) Clean and drain requirements: Possessing an aquatic conveyance that does not meet clean and drain requirements under section 113 of this act;
 - (iii) Clean and drain orders: Possessing an aquatic conveyance and failing to obey a clean and drain order under section 113 or 114 of this act; and
 - (iv) Transporting aquatic plants: Transporting aquatic plants on any state or public road, including forest roads. However, this subsection does not apply to plants that are:
 - (A) Being transported to the department or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;
 - (B) Legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;
 - (C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;
 - (D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or
 - (E) Being transported in such a way as the commission may otherwise prescribe.
- (b) When the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this subsection (4).
- (5) Other infractions:
 - (a) Contests: Conducting, holding, or sponsoring a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife.
 - (b) Other rules: Violating any other department rule that is designated by rule as an infraction.
 - (c) Posting signs: Posting signs preventing hunting or fishing on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.
 - (d) Scientific permits: Using a scientific permit issued by the director for fish, shellfish, or wildlife, but not including big game or big game parts, and the person:
 - (i) Violates any terms or conditions of the scientific permit; or
 - (ii) Violates any department rule applicable to the issuance or use of scientific permits.
- ((e) Transporting aquatic plants: Transporting aquatic plants on any state or public road, including forest roads. However:
 - (i) This subsection does not apply to plants that are:
 - (A) Being transported to the department or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(B) Legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;

(D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(E) Being transported in such a way as the commission may otherwise prescribe; and

(ii) This subsection does not apply to a person who:

(A) Is stopped at an aquatic invasive species check station and possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive plant species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or

(B) Has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.)

NEW SECTION. Sec. 205. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawful use of invasive species in the second degree if the person:

(a) Fails to stop at a mandatory check station or to return to the mandatory check station for inspection if directed to do so by a fish and wildlife officer or ex officio fish and wildlife officer;

(b) Fails to allow an aquatic conveyance stopped at a mandatory check station to be inspected for clean and drain requirements or aquatic invasive species;

(c) Fails to comply with a decontamination order;

(d) Possesses, except in the case of trafficking, a prohibited level 1 or level 2 species without department authorization, a permit, or as otherwise provided by rule;

(e) Possesses, introduces on or into a water body or property, or traffics in a prohibited level 3 species without department authorization, a permit, or as otherwise provided by rule;

(f) Introduces on or into a water body or property a regulated type A, type B, or type C species without department authorization, a permit, or as otherwise provided by rule;

(g) Fails to readily and clearly identify in writing by taxonomic species name or subspecies name a regulated type B species used for commercial purposes; or

(h) Knowingly violates a quarantine declaration under section 107 of this act.

(2) A violation of subsection (1) of this section is a gross misdemeanor. In addition to criminal penalties, a court may order the person to pay all costs in capturing, killing, or controlling the invasive species, including its progeny. This subsection does not affect the authority of the department to bring a separate civil action to recover habitat restoration costs necessitated by the person's unlawful use of invasive species.

(3) This section does not apply to:

(a) A person who complies with the department directives pursuant to section 114 of this act for mandatory check stations. Such a person is exempt from criminal penalties under this section or section 206 of this act, and forfeiture under this chapter, unless the person has a prior conviction under those sections within the past five years;

(b) A person who possesses an aquatic invasive species, if the person is in the process of:

(i) Removing it from the aquatic conveyance in a manner specified by the department; or

(ii) Releasing it if caught while fishing and immediately returning it to the water body from which it came;

(c) Possessing or introducing nonnative aquatic animal species by ballast water held or discharged by vessels regulated under chapter 77.120 RCW; or

(d) Possessing or introducing nonnative aquatic animal species through private sector shellfish aquaculture operations, transfers, or conveyances regulated under chapter 77.115 RCW.

(4) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

NEW SECTION. Sec. 206. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawful use of invasive species in the first degree if the person:

(a) Traffics or introduces on or into a water body or property a prohibited level 1 or level 2 species without department authorization, a permit, or as otherwise provided by rule; or

(b) Commits a subsequent violation of unlawful use of invasive species in the second degree within five years of the date of a prior conviction under section 205 of this act.

(2) A violation of this section is a class C felony. In addition to criminal penalties, a court may order the person to pay all costs in managing the invasive species, including the species' progeny. This subsection does not affect the authority of the department to bring a separate civil action to recover habitat restoration costs necessitated by the person's unlawful use of invasive species.

(3) This section does not apply to:

(a) A person who complies with department directives pursuant to section 114 of this act for mandatory check stations, and who is exempt from criminal penalties under this section and forfeiture under this chapter, unless the person has a prior conviction under this section or section 205 of this act within the past five years; or

(b) A person who possesses an aquatic invasive species, if the person is in the process of:

(i) Removing it from the aquatic conveyance in a manner specified by the department; or

(ii) Releasing it if caught while fishing and is immediately returning it to the water body from which it came.

(4) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

PART 3 INVASIVE SPECIES--OTHER PROVISIONS

Sec. 301. RCW 77.08.010 and 2012 c 176 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Anadromous game fish buyer" means a person who purchases or sells steelhead trout and other anadromous game fish harvested by Indian fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director.

(2) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(3) ("Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (4), (34), (49), (53), (70), and (71) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(4) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(5) "Bag limit" means the maximum number of game animals,

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game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

~~((6))~~ (4) "Building" means a private domicile, garage, barn, or public or commercial building.

~~((7))~~ (5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

~~((8))~~ (6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

~~((9))~~ (7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

~~((10))~~ (8) "Commercial" means related to or connected with buying, selling, or bartering.

~~((11))~~ (9) "Commission" means the state fish and wildlife commission.

~~((12))~~ (10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

~~((13))~~ (11) "Contraband" means any property that is unlawful to produce or possess.

~~((14))~~ (12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

~~((15))~~ (13) "Department" means the department of fish and wildlife.

~~((16))~~ (14) "Director" means the director of fish and wildlife.

~~((17))~~ (15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

~~((18))~~ (16) "Ex officio fish and wildlife officer" means:

(a) A commissioned officer of a municipal, county, or state agency having as its primary function the enforcement of criminal laws in general, while the officer is acting in the respective jurisdiction of that agency;

(b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;

(c) A commissioned fish and wildlife peace officer from another state who meets the training standards set by the Washington state criminal justice training commission pursuant to RCW 10.93.090, 43.101.080, and 43.101.200, and who is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency; or

(d) A Washington state tribal police officer who successfully completes the requirements set forth under RCW 43.101.157, is employed by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b), and is acting under a mutual law enforcement assistance agreement between the department and the tribal government.

~~((19))~~ (17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state

waters. The term "fish" includes all stages of development and the bodily parts of fish species.

~~((20))~~ (18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

~~((21))~~ (19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

~~((22))~~ (20) "Fish buyer" means a person engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisher.

~~((23))~~ (21) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

~~((24))~~ (22) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

~~((25))~~ (23) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

~~((26))~~ (24) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

~~((27))~~ (25) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.

~~((28))~~ (26) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

~~((29))~~ (27) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

~~((30))~~ (28) "Game farm" means property on which wildlife is held, confined, propagated, hatched, fed, or otherwise raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

~~((31))~~ (29) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

~~((32))~~ (30) "Illegal items" means those items unlawful to be possessed.

~~((33))~~ (31)(a) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building.

(b) "Intentionally feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

((34) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(35)) (32) "Large wild carnivore" includes wild bear, cougar, and wolf.

~~((36))~~ (33) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

~~((37))~~ (34) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

~~((38))~~ (35) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

~~((39))~~ (36) "Natural person" means a human being.

~~((40))~~ (37)(a) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the likelihood that the food, food waste, or other substance could attract large wild carnivores to the land or building.

(b) "Negligently feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

~~((41))~~ (38) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

~~((42))~~ (39) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

~~((43))~~ (40) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

~~((44))~~ (41) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

~~((45))~~ (42) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

~~((46))~~ (43) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

~~((47))~~ (44) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

~~((48))~~ (45) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

((49) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(50)) (46) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

~~((51))~~ (47) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

((52) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(53) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(54)) (48) "Resident" has the same meaning as defined in RCW 77.08.075.

~~((55))~~ (49) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

~~((56))~~ (50) "Saltwater" means those marine waters seaward of river mouths.

~~((57))~~ (51) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

~~((58))~~ (52) "Senior" means a person seventy years old or older.

~~((59))~~ (53) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

~~((60))~~ (54)(a) "Shark fin derivative product" means any product intended for use by humans or animals that is derived in whole or in part from shark fins or shark fin cartilage.

(b) "Shark fin derivative product" does not include a drug approved by the United States food and drug administration and available by prescription only or medical device or vaccine approved by the United States food and drug administration.

~~((61))~~ (55) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((62))~~ (56) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((63))~~ (57) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

~~((64))~~ (58) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

~~((65))~~ (59) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

~~((66))~~ (60) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

~~((67))~~ (61) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

~~((68))~~ (62) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~((69))~~ (63) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

((70) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(71) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(72)) (64) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

~~((73))~~ (65) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state. The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

~~((74))~~ (66) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

~~((75))~~ (67) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and

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invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

~~((76))~~ (68) "Wildlife meat cutter" means a person who packs, cuts, processes, or stores wildlife for consumption for another for commercial purposes.

~~((77))~~ (69) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

Sec. 302. RCW 77.12.020 and 2002 c 281 s 3 are each amended to read as follows:

(1) The director shall investigate the habits and distribution of the various species of wildlife native to or adaptable to the habitats of the state. The commission shall determine whether a species should be managed by the department and, if so, classify it under this section.

(2) The commission may classify by rule wild animals as game animals and game animals as fur-bearing animals.

(3) The commission may classify by rule wild birds as game birds or predatory birds. All wild birds not otherwise classified are protected wildlife.

(4) In addition to those species listed in RCW 77.08.020, the commission may classify by rule as game fish other species of the class Osteichthyes that are commonly found in freshwater except those classified as food fish by the director.

(5) The director may recommend to the commission that a species of wildlife should not be hunted or fished. The commission may designate species of wildlife as protected.

(6) If the director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the director may request its designation as an endangered species. The commission may designate an endangered species.

(7) If the director determines that a species of the animal kingdom, not native to Washington, is dangerous to the environment or wildlife of the state, the director may request its designation as deleterious exotic wildlife. The commission may designate deleterious exotic wildlife.

(8) (Upon recommendation by the director, the commission may classify nonnative aquatic animal species according to the following categories:

(a) Prohibited aquatic animal species: These species are considered by the commission to have a high risk of becoming an invasive species and may not be possessed, imported, purchased, sold, propagated, transported, or released into state waters except as provided in RCW 77.15.253;

(b) Regulated aquatic animal species: These species are considered by the commission to have some beneficial use along with a moderate, but manageable risk of becoming an invasive species, and may not be released into state waters, except as provided in RCW 77.15.253. The commission shall classify the following commercial aquaculture species as regulated aquatic animal species, and allow their release into state waters pursuant to rule of the commission: Pacific oyster (*Crassostrea gigas*), kumamoto oyster (*Crassostrea sikamea*), European flat oyster (*Ostrea edulis*), eastern oyster (*Crassostrea virginica*), manila clam (*Tapes philippinarum*), blue mussel (*Mytilus galloprovincialis*), and suminoe oyster (*Crassostrea ariankensis*);

(c) Unregulated aquatic animal species: These species are considered by the commission as having some beneficial use along with a low risk of becoming an invasive species, and are not subject to regulation under this title;

(d) Unlisted aquatic animal species: These species are not designated as a prohibited aquatic animal species, regulated aquatic

animal species, or unregulated aquatic animal species by the commission, and may not be released into state waters. Upon request, the commission may determine the appropriate category for an unlisted aquatic animal species and classify the species accordingly;

(e) This subsection (8) does not apply to the transportation or release of nonnative aquatic animal species by ballast water or ballast water discharge.

(9)) Upon recommendation by the director, the commission may develop a work plan to eradicate native aquatic species that threaten human health. Priority shall be given to water bodies that the department of health has classified as representing a threat to human health based on the presence of a native aquatic species.

Sec. 303. RCW 77.15.080 and 2012 c 176 s 9 are each amended to read as follows:

~~((4))~~ Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title. Fish and wildlife officers and ex officio fish and wildlife officers also may request that the person write his or her signature for comparison with the signature on his or her fishing, harvesting, or hunting license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license. Fish and wildlife officers may require the person, if age sixteen or older, to exhibit a driver's license or other photo identification.

((2) Based upon articulable facts that a person is transporting a prohibited aquatic animal species or any aquatic plant, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and inspect the watercraft to ensure that the watercraft and associated equipment are not transporting prohibited aquatic animal species or aquatic plants.))

Sec. 304. RCW 77.15.290 and 2012 c 176 s 21 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by department rule.

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

(4) This section does not apply to((: (a) Any person stopped at an aquatic)) invasive species ((check station who possesses a

recreational or commercial watercraft that is contaminated with an aquatic invasive species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or (b) any person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use).

Sec. 305. RCW 43.06.010 and 1994 c 223 s 3 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, including as provided in RCW 42.12.070, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of the prosecutor's duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;

(14) The governor, after finding that a prohibited level 1 or level 2 species as defined in chapter 77.-- RCW (the new chapter created

in section 122 of this act) has been detected and after finding that the detected species seriously endangers or threatens the environment, economy, human health, or well-being of the state of Washington, may order emergency measures to prevent or abate the prohibited species, which measures, after thorough evaluation of all other alternatives, may include the surface or aerial application of pesticides;

(15) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

Sec. 306. RCW 43.43.400 and 2011 c 171 s 8 are each amended to read as follows:

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

(a) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under RCW 77.08.010 [(3),] (28), (40), (44), (58), and (59), aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(b) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(2)) The aquatic invasive species enforcement account is created in the state treasury. Moneys directed to the account from RCW 82.49.030 and 88.02.640 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

((3) Funds in the aquatic invasive species enforcement account may be appropriated to the Washington state patrol and the department of fish and wildlife to develop an aquatic invasive species enforcement program for recreational and commercial watercraft, which includes equipment used to transport the watercraft and auxiliary equipment such as attached or detached outboard motors. Funds must be expended as follows:

(a) By the Washington state patrol, to inspect recreational and commercial watercraft that are required to stop at port of entry weigh stations managed by the Washington state patrol. The watercraft must be inspected for the presence of aquatic invasive species; and

(b) By the department of fish and wildlife to:

(i) Establish random check stations, to inspect recreational and commercial watercraft as provided for in RCW 77.12.879(3);

(ii) Inspect or delegate inspection of recreational and commercial watercraft. If the department conducts the inspection, there will be no cost to the person requesting the inspection;

(iii) Provide training to all department employees that are deployed in the field to inspect recreational and commercial watercraft; and

(iv) Provide an inspection receipt verifying that the watercraft is not contaminated after the watercraft has been inspected at a check station or has been inspected at the request of the owner of the recreational or commercial watercraft. The inspection receipt is valid until the watercraft is used again.

(4) The Washington state patrol and the department of fish and wildlife shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.))

(2) Expenditures from the account by the Washington state patrol may only be used to inspect for the presence of aquatic invasive species on aquatic conveyances that are required to stop at a Washington state patrol port of entry weigh station.

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(3) Expenditures from the account by the department of fish and wildlife may only be used to develop and implement an: (a) Aquatic invasive species local management grant program; and (b) aquatic invasive species enforcement program including enforcement of chapter 77.-- RCW (the new chapter created in section 122 of this act), enforcement of aquatic invasive species provisions in chapter 77.15 RCW, and training Washington state patrol employees working at port of entry weigh stations on how to inspect aquatic conveyances for the presence of aquatic invasive species.

(4) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

Sec. 307. RCW 10.31.100 and 2013 2nd sp.s. c 35 s 22 are each amended to read as follows:

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

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

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

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

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

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or

household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse; or

(d) The person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under section 205 or 206 of this act may arrest the person in connection with the violation.

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

~~((13))~~ (15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

Sec. 308. RCW 77.15.360 and 2007 c 337 s 3 are each amended to read as follows:

(1) A person is guilty of unlawful interfering in department operations if the person prevents department employees from carrying out duties authorized by this title, including but not limited to interfering:

(a) In the operation of department vehicles, vessels, or aircraft; ~~((or))~~

(b) With the collection of samples of tissue, fluids, or other bodily parts of fish, wildlife, and shellfish under RCW 77.12.071; or

(c) With actions authorized by a warrant issued under section 119 or 203 of this act.

(2) Unlawful interfering in department operations is a gross misdemeanor.

Sec. 309. RCW 82.49.030 and 2010 c 161 s 1045 are each amended to read as follows:

(1) The excise tax imposed under this chapter is due and payable to the department of licensing, county auditor or other agent, or subagent appointed by the director of the department of licensing at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

(2) The excise tax collected under this chapter must be deposited ~~((in the general fund.))~~ as follows:

(a) For fiscal year 2015, ninety-six percent to the general fund and the remaining four percent to be distributed as specified in subsection (3) of this section;

(b) For fiscal year 2016, ninety-three percent to the general fund and the remaining seven percent to be distributed as specified in subsection (3) of this section; and

(c) For fiscal year 2017 and each fiscal year thereafter, ninety percent to the general fund and the remaining ten percent to be distributed as specified in subsection (3) of this section.

(3) The excise tax not deposited into the general fund in subsection (2) of this section must be distributed as follows:

(a) Sixty percent must be deposited into the aquatic invasive species prevention account established under RCW 77.12.879; and

(b) Forty percent must be deposited into the aquatic invasive species enforcement account established under RCW 43.43.400.

Sec. 310. RCW 77.12.879 and 2013 c 307 s 1 are each amended to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. ~~((Moneys directed to the account from RCW 88.02.640(3)(a)(i) must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.~~

(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive species prevention program for recreational and commercial watercraft. Funds must be expended as follows:

(a) To inspect recreational and commercial watercraft;

(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;

(c) To evaluate and survey the risk posed by recreational and commercial watercraft in spreading aquatic invasive species into Washington state waters;

(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and

(e) To implement an aquatic invasive species early detection and rapid response plan. The plan must address the treatment and immediate response to the introduction to Washington waters of aquatic invasive species. Agency and public review of the plan must be conducted under chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant adverse environmental impact, a detailed statement under chapter 43.21C RCW must be prepared on the plan.

(3) Funds in the aquatic invasive species enforcement account created in RCW 43.43.400 may be appropriated to the department and Washington state patrol to develop an aquatic invasive species enforcement program for recreational and commercial watercraft.

(a) The department shall provide training to Washington state patrol employees working at port of entry weigh stations, and other local law enforcement employees, on how to inspect recreational and commercial watercraft for the presence of aquatic invasive species.

(b) A person who enters Washington by road transporting any commercial or recreational watercraft that has been used outside of Washington must have in his or her possession documentation that the watercraft is free of aquatic invasive species. The department must develop and maintain rules to implement this subsection (3)(b), including specifying allowable forms of documentation.

(c) The department is authorized to require persons transporting recreational and commercial watercraft to stop at check stations. Check stations must be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner.

(d) Any person stopped at a check station who possesses a recreational or commercial watercraft that is contaminated with aquatic invasive species, must bear the expense for any necessary impoundment, transportation, cleaning, and decontamination of the watercraft.

(e) Any person stopped at a check station who possesses a recreational or commercial watercraft that is contaminated with aquatic invasive species, is exempt from the criminal penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that person complies with all department directives for the proper decontamination of the watercraft.

(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005.) All receipts directed to the account from RCW 82.49.030 and 88.02.640, as well as legislative appropriations, gifts, donations, fees, and penalties

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received by the department for aquatic invasive species management, must be deposited into the account.

(2) Expenditures from the account may only be used to implement the provisions of chapter 77.-- RCW (the new chapter created in section 122 of this act).

(3) Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 311. The sum of thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2015, from the aquatic invasive species prevention account to the department of fish and wildlife for a contract, that includes performance measures and requires reporting on outcomes, with the Pacific Northwest economic region nonprofit organization to support regional coordination of invasive species prevention activities in the Pacific Northwest.

NEW SECTION. Sec. 312. The sum of twenty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2015, from the aquatic invasive species enforcement account to the department of fish and wildlife for a contract, that includes performance measures and requires reporting on outcomes, with the Pacific Northwest economic region nonprofit organization to support regional coordination of invasive species prevention activities in the Pacific Northwest.

NEW SECTION. Sec. 313. The following acts or parts of acts are each repealed:

(1) RCW 77.12.875 (Prohibited aquatic animal species--Infested state waters) and 2002 c 281 s 5;

(2) RCW 77.12.878 (Infested waters--Rapid response plan) and 2002 c 281 s 6;

(3) RCW 77.12.882 (Aquatic invasive species--Inspection of recreational and commercial watercraft--Rules--Signage) and 2007 c 350 s 4;

(4) RCW 77.15.253 (Unlawful use of prohibited aquatic animal species--Penalty) and 2007 c 350 s 5 & 2002 c 281 s 4;

(5) RCW 77.15.293 (Unlawfully avoiding aquatic invasive species check stations--Penalty) and 2007 c 350 s 7;

(6) RCW 77.60.110 (Zebra mussels and European green crabs--Draft rules--Prevention of introduction and dispersal) and 1998 c 153 s 2; and

(7) RCW 77.60.120 (Infested waters--List published) and 1998 c 153 s 3."

Senators Honeyford, Liias and Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Honeyford, Hargrove and Liias to Substitute Senate Bill No. 6040.

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

MOTION

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

On page 1, line 1 of the title, after "species;" strike the remainder of the title and insert "amending RCW 77.15.160, 77.12.020, 77.15.080, 77.15.290, 43.06.010, 43.43.400, 10.31.100, 77.15.360, 82.49.030, and 77.12.879; reenacting and amending RCW 77.08.010; adding new sections to chapter 77.15 RCW; adding a new chapter to Title 77 RCW; creating a new section; repealing RCW 77.12.875, 77.12.878, 77.12.882, 77.15.253, 77.15.293, 77.60.110, and 77.60.120; prescribing penalties; and making appropriations."

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 6040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Liias, Parlette and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6040.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6040 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Becker

ENGROSSED SUBSTITUTE SENATE BILL NO. 6040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Mullet moved adoption of the following resolution:

SENATE RESOLUTION
8679

By Senators Mullet and Litzow

WHEREAS, Ava Frisinger served 16 years as Mayor of Issaquah and is known as the city's longest-serving mayor; and

WHEREAS, Before serving as mayor, Ava Frisinger provided exceptional leadership to Issaquah's City Council, staff, and volunteers as a member on the City Council and the Planning Policy Commission; and

WHEREAS, Both in her public and private life, Ava Frisinger remains committed to sustainability and is a dedicated advocate for her community and an environmental steward who balances Issaquah's environmental, economic, and social needs; and

WHEREAS, Ava Frisinger successfully implemented smart-growth policies in one of the fastest growing cities to ensure that the City of Issaquah grew responsibly and in a way that preserves open space and quality of life, a highlight of which includes the preservation of more than 140 acres on Park Pointe; and

WHEREAS, Ava Frisinger was instrumental in the creation of the Central Issaquah Plan, the Issaquah Highlands, and Talus urban villages, which have set the standard in the Puget Sound Region for sustainable, long-term, environmentally responsible development; and

WHEREAS, As a vest-clad docent at the Issaquah Salmon Hatchery, Ava Frisinger is an expert on salmon policy and an environmental leader for the Friends of the Issaquah Salmon Hatchery;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the outstanding career achievements and accomplishments of Ava Frisinger; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Ava Frisinger to convey the respect of this body and acknowledge a career committed to serving the people and city of Issaquah.

Senators Mullet and Litzow spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8679.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced The Honorable Ava Frisinger, Mayor of Issaquah, and her husband Mr. Bill Frisinger who were present in the gallery.

MOTION

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

SECOND READING

SENATE BILL NO. 6078, by Senators McCoy, Kohl-Welles and Conway

Recognizing "Native American Heritage Day."

MOTIONS

On motion of Senator McCoy, Substitute Senate Bill No. 6078 was substituted for Senate Bill No. 6078 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCoy, the rules were suspended, Substitute Senate Bill No. 6078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCoy, Roach, Hargrove, Sheldon, Fraser, Angel, Baumgartner, McAuliffe, Chase and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6078.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6078 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rolfes: "Thank you Mr. President. It's already been noted on the floor. This is Senator McCoy's first bill. It's not his maiden speech but it's his first bill so we'll be honoring him today. I wanted to say a couple of things about Senator McCoy if I might? Well, he brought to us this awesome piece of legislation that I think will be particularly noted in the schools in our state for years to come. In this body we have a tremendous resource in Senator McCoy, not just for his expertise on tribal issues and his background on those things. What I think a lot of people don't know about Senator McCoy is that he served twenty years in the United States Air Force. He got training in the Air Force in computer and technical skills; worked in the White House for a few years as a computer technician; went into the private sector; came back to Washington about two decades ago to work with the Tulalip Tribe; and retired from there a couple of years ago having reached position of General Manager of the Quil Ceda Business Park essentially. He managed the lands that had the Casino, the outlet malls and all of the small business activities there. So, he's a resource to us on veteran issues, on business issues, on technology issues as well as the background he's gained in the Legislature for more than decade that he served in the House. So, I want welcome Senator McCoy to the Senate and you're just a great asset for all of us. Thank you."

PERSONAL PRIVILEGE

Senator Billig: "Thank you Mr. President. So, when I arrived in the House four years ago I didn't know anything. Some people might say that I still don't know anything. That may be fair but Senator McCoy was the Chair of one of the committees that I served on. And, you know, he is this distinguished senior member and he really took me under his arm and helped me a lot. He helped me with my first bill, created the Office of Native Education in OSPI and I won't ever forget his support and his help in my legislative career. So, I want to welcome Senator McCoy to this body but as improbable as it may have seemed when we were in the House, I would like to remind him I do have seniority over him. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator King: "Well, I would like to say welcome to the good Senator. I have one piece of advice for him. We have members on this floor that can talk for ever and ever on a given bill and so, we have a three minute rule that's implemented here on occasion and you know there's a lot of us on this floor that can say a lot things in three minutes. I believe in his maiden speech today, I want him to be aware of that three minute rule because I think he may have set a record for saying the fewest words in three minutes. so, I just want to remind him on occasion we have that rule and we might want to speed up just a little bit more but Senator welcome, great to have you here."

PERSONAL PRIVILEGE

Senator Angel: "Thank you Mr. President. I too want to welcome Senator McCoy. He was very kind. We served together. I was the ranking member on Tribal Affairs and he helped me

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learn a lot about tribal cultures and it was a great experience. I am looking forward to working with him here in the Senate.”

PERSONAL PRIVILEGE

Senator McCoy: “Thank you Mr. President. As with the custom of this chamber that after your first bill you provide a gift. Well, to further your education in my culture, we always give a gift after something like this. We do it at whatever occasion may be, it’s called a potlatch. So, consequently we are celebrating a potlatch and me providing traditional gifts from my culture. Now, the first one I want to draw your attention to is the one that’s got the basket weave and the note. This is from the children of the Tulalip Quil Ceda Elementary School. And the reason they teach the basket weave because it’s a basic math, hand and eye coordination, hand dexterity and other things. Within, in the Tulalip Quil Ceda elementary curriculum culture is inter-woven with their classwork. So, the same on the inside of the card was from each child in the school. So, this is actually a gift from the children and then the children also were the ones that made this necklace for me. And then, the second item, the rose. The cedar rose is also a traditional gift that we always give at whatever function that we’re at. So, both of these, the basket weave and the cedar rose can we worn as boutonnieres or I even have some folks that tie some yarn to it and then use it as a book mark. So, you can be creative how you use these items in my culture. So, you know I didn’t think I would ever come over to the Senate. In fact, a couple of years ago I said, ‘No way would I come over here’ but circumstances always change and I always leave my options open and ok, but basically every ten to twelve years I always change my job. I was in the House for eleven years so it was time for me to change and so here I am. Thank you for accepting me.”

SECOND READING

SENATE BILL NO. 6061, by Senators Litzow, Dammeier, Hill, Becker and Braun

Requiring adoption of high school academic acceleration policies.

The measure was read the second time.

MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 6061 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6163, by Senators Billig, Litzow, Frockt, Dammeier, McAuliffe, Rolfes, King, Tom, Kohl-Welles and Keiser

Creating the summer knowledge improvement pilot program. Revised for 2nd Substitute: Concerning expanded learning opportunities.

MOTIONS

On motion of Senator Billig, Second Substitute Senate Bill No. 6163 was substituted for Senate Bill No. 6163 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Second Substitute Senate Bill No. 6163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Billig spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Roach: “Would Senator Billig yield to a question? This is only to make a point Senator. It’s not to say anything negative. I do support the bill. Does this bill have a parent component in it?”

Senator Billig: “Yes, thank you Senator Roach for the question. There are several pieces of parent components in this bill. The bill creates a council to advise on extended opportunities. One of the members of that council would be a member of a parent organization, parent teacher organization. And then there’s also the bill contemplates a pilot project for an extended school year. One of the components of that pilot project would be that school districts must go out into the community to seek input from the community and specifically parents.”

Senators Roach and Dammeier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6163.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6163 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O’Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Sheldon and Tom

Voting nay: Senators Padden and Schoesler

SECOND SUBSTITUTE SENATE BILL NO. 6163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6096, by Senators Pearson, McCoy, Brown and Roach

Providing for property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas.

MOTIONS

On motion of Senator Pearson, Second Substitute Senate Bill No. 6096 was substituted for Senate Bill No. 6096 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Second Substitute Senate Bill No. 6096 was advanced to third

reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6096 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 6096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6312, by Senators Darneille, Hargrove, Rolfes, McAuliffe, Ranker, Conway, Cleveland, Fraser, McCoy, Keiser and Kohl-Welles

Concerning state purchasing of mental health and chemical dependency treatment services.

MOTIONS

On motion of Senator Darneille, Second Substitute Senate Bill No. 6312 was substituted for Senate Bill No. 6312 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Second Substitute Senate Bill No. 6312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

POINT OF INQUIRY

Senator Roach: "Would Senator Darneille yield to a question? Nothing in this bill will modify the funding to or the use of the criminal justice training camp but will this bill have the drug court funding? Will it leave it alone?"

Senator Darneille: "I can only respond that it is a workin progress, that we're looking at the membership of the task force to make sure that there is more representation so that all voices can be heard. There will still be local decision making. Whatever comes out of this bill at the end of this process. There still will be local control on how dollars are spent. So, I imagine that those local planning groups are going to be clearly talking about how to implement all these services and so I know that there a number of counties that use the one tenth of one percent tax authority to support their drug courts and I'm not sure that we at this level mandate how local governments use those dollars."

Senator Roach spoke on final passage of the bill.

Senator Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6312.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6312 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 6312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6330, by Senator Sheldon

Promoting affordable housing in urban growth areas. Revised for 2nd Substitute: Promoting affordable housing in unincorporated areas of rural counties within urban growth areas.

MOTIONS

On motion of Senator Sheldon, Second Substitute Senate Bill No. 6330 was substituted for Senate Bill No. 6330 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Second Substitute Senate Bill No. 6330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6330.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6330 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Lias, Litzow, McAuliffe, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Fraser, Kohl-Welles, McCoy and Nelson

SECOND SUBSTITUTE SENATE BILL NO. 6330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5977, by Senators Hobbs and Fain

Addressing the regulation of service contracts and protection product guarantees.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5977 was substituted for Senate Bill No. 5977 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5977 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5977.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5977 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5977, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Senator Dansel was excused.

SECOND READING

SENATE BILL NO. 6439, by Senators Liias, Litzow, McAuliffe, Billig, Kohl-Welles, Keiser, Pedersen, Mullet, Rolfes, Cleveland, Fraser and Frockt

Concerning preventing harassment, intimidation, and bullying in public schools.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 6439 was substituted for Senate Bill No. 6439 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 6439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6439.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6439 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Padden

Absent: Senator Holmquist Newbry

Excused: Senators Dansel and Ericksen

SUBSTITUTE SENATE BILL NO. 6439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed an international delegation of five young people from Indonesia visiting the capital while studying their program theme, "Young Leaders Working for Peaceful Change and Democratic Societies," focused on leadership, women and politics who were present in the gallery together with representatives of their sponsors, the World Affairs Council of Seattle, International Visitors Program and the U. S. Department of State.

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. On this last bill I didn't have an opportunity to speak and I was really puzzled about whether I was going to speak. One of the concerns that I have and I think that Boeing is a very important issue but I was little disappointed in the maker of the motion and the sponsor of the bill because just yesterday I had-and this is tough to talk about-I had a striped shirt and a plaid tie and he really on multiple occasions had to point that out how big of a fashion faux pas that was. And it hurt me. It hurt me. I just wanted to take this opportunity to say that and to share my concerns and while I am pleased that you are here in the Senate and I think you're a wonderful addition I just hope that we can work on some of our more emotive and interpersonal skills in the future because many of us, particularly on the Majority Coalition side, we're just very sensitive people and we need to be treated with respect. Welcome aboard."

PERSONAL PRIVILEGE

Senator Nelson: "Well Mr. President, I too was very disappointed with Senator Liias' second speech. He took debate. He was a key debater at one time. This is a bill that you can be passionate about. This is a bill that should of make this chamber resonate and instead, instead, nice steady voice, discussing

bullying in schools. I expect more in the future Senator Liias. Use our debate skills, please on the Senate floor. I apologize but I'm so disappointed."

PERSONAL PRIVILEGE

Senator Pearson: "Yes, Mr. President. I hate to say it but his speech was like an empty growler bottle."

PERSONAL PRIVILEGE

Senator Billig: "Well, I wanted to welcome Senator Liias. I served with him in the other body and so in the other body there are ninety eight members or over twenty committees so statistically, the chances of serving on all three committees with another member is very small. That was the case, we served on all three committees together for two years and we were the two Co-Vice Chairs of the Transportation Committee. So, one of the reasons I came to the Senate was to get away from him and then he came over and followed me. We have something else in common. We both went to Georgetown University. Not the same year, I'm not sure who's older or younger but and I know his Latin is a little rusty but I wanted to welcome him to the Senate with the Georgetown motto which is; 'Hoya Saxa' Senator Liias."

PERSONAL PRIVILEGE

Senator Ranker: "Thank you Mr. President. I actually have a question for you which is rather important. And I'm kind of discouraged Mr. President that there was such a dramatic rule change and I don't believe any of us were aware of it. So, mostly I'm curious, when was the rule changed that began allowing Pages to introduce legislation?"

PERSONAL PRIVILEGE

Senator Hobbs: "Well, the good Senator from the Twenty-First District introduced a resolution for Senator Paull Shin. We all remember Paull Shin and you told the stories, Senator, that he was telling you that you were handsome and bright. So, I was curious what you know if we could back that up? And what Paull said in his book, 'An Exodus For Hope'. Mr. President, if you don't mind I'd like to read from the book? When Marko Liias came to my office I remember telling him, that 'foolish ugly kid Marco, that he was handsome and that he was my adopted son. What a rube.' I even told him my famous monkey brain joke. And he laughed but everyone laughs at that joke and I don't know why. Besides, everyone knows Senator Hobbs is the most good looking and intelligent member of the Senate and I love him like a son'."

PERSONAL PRIVILEGE

Senator Liias: "Mr. President, I take it as a special victory that my first speech was on the Senator Shin resolution when no one dared to speak against it and the second time that I'm being bullied is on my anti school bullying bill. So, I feel like those are moral victories. I would like to personally apologize to the good Floor Leader. I was just trying to help improve the way that he was viewed on television by our television audiences. So, I will try to be more gentle and respectful in the future. And to Senator Hobbs, I'd hoped that he wouldn't read that passage. I mean it is sort of a tough passage for me in the book but I'd hoped he wouldn't share it with the public. And to you Mr. President, you asked me to make sure that when I gave my real maiden speech that we would have perhaps a second round of hospitality. You

haven't let me go home this week so I don't have it yet but come Monday morning, I promise you'll get a second round of wonderful treats from the Twenty First. And to Senator Pearson, we're going to bring some growler fills to the session by the end of this sixty days. So, we're going to solve these problems. I'm glad to be here."

REPLY BY THE PRESIDENT

President Owen: "Senator Liias, you clearly have a lot to learn about who's in control of the Senate. I haven't let you go home?! And speaking of fashion, well, that's another subject."

SECOND READING

SENATE BILL NO. 6137, by Senators Conway, Pearson, Parlette and Keiser

Regulating pharmacy benefit managers and pharmacy audits.

MOTION

On motion of Senator Conway, Substitute Senate Bill No. 6137 was substituted for Senate Bill No. 6137 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Conway be adopted:

On page 2, line 8 after "department of" strike "licensing" and insert "revenue"

On page 2, line 14 after "business address" insert "phone number,"

On page 2, line 22 after "rule." Insert the following:

"(4) All receipts from registrations and renewals collected by the department must be deposited into the business license account created in RCW 19.02.210."

On page 6, line 8 after "is" strike "identified" and insert "indicated"

On page 6, line 29 after "there" strike "is" and insert "are" and after "least" strike "one" and insert "two"

On line 30 after "source" strike "drug" and insert "drugs, or at least one generic drug available from only one manufacturer,"

On page 8, line 9 after "Title" strike "48" and insert "19"

On page 8, line 9 after "RCW." Insert the following:

NEW SECTION, Sec. 12. A new section is added to chapter 19.02 RCW to read as follows: The department may adopt rules for the registration fee established in section 2 of this act."

Senators Parlette and Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette and Conway on page 2, line 8 to Substitute Senate Bill No. 6137.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "pharmacy benefit managers regarding registration, audits and maximum allowable cost

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standards; and adding a new chapter to Title 19; and adding a new section to chapter 19.02 RCW."

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 6137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, Parlette and Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6137.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6137 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 6137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6431, by Senators Hargrove, Kohl-Welles, Lias, Kline, Rolfes, Parlette, Frockt, Pedersen and Conway

Concerning assistance for schools in implementing youth suicide prevention activities.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6431 was substituted for Senate Bill No. 6431 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6431.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6431 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser,

Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE BILL NO. 6431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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

MOTION

At 11:18 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:55 p.m. by President Owen.

POINT OF ORDER

Senator Fain: "Did you get a new attorney?"

REPLY BY THE PRESIDENT

President Owen: "Yea, budget cuts."

Senator Fain: "You got a raw deal."

President Owen: "You take what you get."

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2014

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1286,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1902,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,

HOUSE BILL NO. 2061,

SUBSTITUTE HOUSE BILL NO. 2080,

SUBSTITUTE HOUSE BILL NO. 2135,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2160,

HOUSE BILL NO. 2254,

SUBSTITUTE HOUSE BILL NO. 2310,

HOUSE BILL NO. 2329,

SUBSTITUTE HOUSE BILL NO. 2331,

ENGROSSED HOUSE BILL NO. 2351,

SUBSTITUTE HOUSE BILL NO. 2372,

SUBSTITUTE HOUSE BILL NO. 2415,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2451,
 SUBSTITUTE HOUSE BILL NO. 2467,
 SUBSTITUTE HOUSE BILL NO. 2492,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2519,
 SUBSTITUTE HOUSE BILL NO. 2537,
 SUBSTITUTE HOUSE BILL NO. 2544,
 ENGROSSED HOUSE BILL NO. 2558,
 SUBSTITUTE HOUSE BILL NO. 2612,
 HOUSE BILL NO. 2723,
 SUBSTITUTE HOUSE BILL NO. 2739,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1298,
 ENGROSSED HOUSE BILL NO. 1367,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1654,
 HOUSE BILL NO. 1892,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2029,
 SUBSTITUTE HOUSE BILL NO. 2074,
 HOUSE BILL NO. 2099,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111,
 SUBSTITUTE HOUSE BILL NO. 2126,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2246,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2306,
 SECOND SUBSTITUTE HOUSE BILL NO. 2333,
 SUBSTITUTE HOUSE BILL NO. 2364,
 HOUSE BILL NO. 2407,
 HOUSE BILL NO. 2408,
 SUBSTITUTE HOUSE BILL NO. 2410,
 HOUSE BILL NO. 2437,
 HOUSE BILL NO. 2456,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2543,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2580,
 SUBSTITUTE HOUSE BILL NO. 2592,
 SECOND SUBSTITUTE HOUSE BILL NO. 2616,
 SUBSTITUTE HOUSE BILL NO. 2724,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 6219, by Senators Dansel, Sheldon, Hatfield and Hobbs

Concerning actions for damage arising from vehicular traffic on a primitive road.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dansel and Kline spoke in favor of passage of the bill.

Pedersen spoke against passage of the bill.

POINT OF ORDER

Senator Sheldon: "I think the good Representative Pedersen is impugning those small counties, calling them 'primitive' counties. If you would, Mr. President, if you would please admonish Senator Pedersen."

REMARKS BY THE PRESIDENT

President Owen: "Did he really say primitive counties? Senator Pedersen, would really appreciate it if you would use a little more discretion in your comments. It hurts."

Senator Schoesler spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Roach: "Would Senator Pedersen yield to a question? I'd like you to enumerate the primitive counties in Washington State. To help you they are all listed up around here so you can just go around and tell us which ones are and which ones aren't?"

Senator Pedersen: "Senator Roach, perhaps all of the counties that have primitive roads might be primitive counties."

Senators Ericksen, Nelson and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6219.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6219 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Hewitt

SENATE BILL NO. 6219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Senator Hewitt was excused.

PERSONAL PRIVILEGE

Senator King: "Well, you know I heard that you know we started on the 13th of January this session and I heard that because

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the good Senator that just had this bill passed had to drive here on such primitive roads that he left on January 1st so I'm wondering if there is any truth to that rumor."

President Owen: "Before it gets in the meat department."

PERSONAL PRIVILEGE

PERSONAL PRIVILEGE

Senator Dansel: "I actually left in December but no. Well, first of all I thank the body's indulgence and yours Mr. President. I'm going to have passed out now some mementos. My gift however, today is not quite full. I'm getting some personalized golf balls made so you're going to get a sleeve of Titleist golf balls but also you're going to be receiving now a Cattle Producers of Washington lapel pin. The Seventh District is embodied by a lot of natural resource-based industries and cattle ranching is one of the last of many that a lot of the folks up there find their work from. I very much appreciate everything today and thank you."

Senator Honeyford: "Thank you Mr. President. I believe that Senator Dansel needs to have anatomy lesson. If you look at this animal carefully you'll notice neither a cow nor a bull, so I will leave it at that."

SECOND READING

SENATE BILL NO. 6076, by Senators Benton and Dansel

Concerning the maintenance and operations of parks and recreational land acquired through the conservation futures program.

PERSONAL PRIVILEGE

MOTION

Senator Fain: "I just want to say that I appreciate every member of this chamber very much but based upon what I've seen from Senator Dansel and the brevity of his floor speeches and his desire to remain mostly silent during our floor activity to help things move along, he is quickly becoming my favorite member. Thank you Mr. President."

On motion of Senator Benton, Substitute Senate Bill No. 6076 was substituted for Senate Bill No. 6076 and the substitute bill was placed on the second reading and read the second time.

PERSONAL PRIVILEGE

MOTION

Senator Kline: "Mr. President, I'm trying to figure out what kind of animal this is! It's not a cougar I don't think so you guys are off the hook. It's not an elephant. We feel pretty good about that. It looks like it might be a bull in which case I want you to know that I wore my insignia, a shovel. I think if there is an insignia that governs all of us I think it's the shovel. Senator, I'm wondering if maybe this is a lynx. We don't want to have lynxes, cougars, none of that please. It clearly is a four-legged animal of some sort with an American flag imposed on it. I wonder if the good member from the Seventh could explain what this is?"

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

On page 2, after line 19, insert the following: "(3)Any board of county commissioners that uses the tax levied under RCW 84.34.230 for maintenance and operations of parks and recreation land under subsection (2) of this section may do so only after an affirmative vote by the commission."

Senators Rolfes and Benton spoke in favor of adoption of the amendment.

PERSONAL PRIVILEGE

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 2, after line 19 to Substitute Senate Bill No. 6076.

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

Senator Dansel: "Well, of course, sometimes the most dangerous animals walk on two legs but this happens to be just a simple cow draped in the American flag."

MOTION

PERSONAL PRIVILEGE

On motion of Senator Benton, the rules were suspended, Engrossed Substitute Senate Bill No. 6076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Liias spoke in favor of passage of the bill.

Senator Liias: "Thank you Mr. President. Once upon a time I was the youngest member of the State House so as I was preparing to make my transition over a number of folks asked. 'Are you going to the youngest member of the Senate?' And judging by the looks, I thought I actually may be and then I heard that there was this punk kid from Ferry County that was going to be here and he was taking that title so to the youngest member of the Senate from the youngest member of our caucus welcome and we look forward to working with you."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6076.

PERSONAL PRIVILEGE

ROLL CALL

Senator Becker: "Thank you Mr. President. Well, to Senator Kline who is obviously from Seattle, we'll get you a coloring book of what a cow, a pig, a goat, a sheep so you can learn what the animals are like and really know what goes on out there."

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6076 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

REMARKS BY THE PRESIDENT

Voting nay: Senators Ericksen, Holmquist Newbry and Honeyford

Excused: Senator Hewitt

ENGROSSED SUBSTITUTE SENATE BILL NO. 6076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6446, by Senators Schoesler, Hewitt and Ranker

Concerning payments in lieu of taxes on county game lands.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 6446 was substituted for Senate Bill No. 6446 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 6446 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Lias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6446.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6446 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senators Hargrove and Ranker were excused.

SECOND READING

SENATE BILL NO. 6413, by Senators Fain, Eide, Padden, Pearson, Hobbs, Angel, King, Becker, Tom, Sheldon, Dammeier, Honeyford, Hill, O'Ban, Litzow, Brown, Schoesler and Rolfes

Clarifying prior offenses for driving under the influence or physical control of a vehicle under the influence.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 6413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6413.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6413 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Ericksen

SENATE BILL NO. 6413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Nelson, Senators Hargrove and Ranker were excused.

SECOND READING

SENATE BILL NO. 6179, by Senators Braun, Benton, Becker, Sheldon, Baumgartner, Brown, Schoesler, Rivers, Honeyford, Tom, Hewitt and Parlette

Authorizing workers' compensation group self-insurance plans.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 6179 was substituted for Senate Bill No. 6179 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 6179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Schoesler spoke in favor of passage of the bill.

Senators Mullet and Pedersen spoke against passage of the bill.

POINT OF ORDER

Senator Rolfes: "Are we currently working under Senate Rule 29, allowing each member to speak only once?"

REPLY BY THE PRESIDENT

President Owen: "That is correct."

Senators Cleveland, Hasegawa, Kohl-Welles, Fraser, Keiser, Lias, Nelson and Rolfes spoke against passage of the bill.

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Senators Holmquist Newbry and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the adoption of the amendment by Senator Dammeier on page 3, line 12 to Substitute Senate Bill No. 6499.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6179.

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

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6179 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

On motion of Senator Dammeier, the rules were suspended, Engrossed Substitute Senate Bill No. 6499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dandel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Senators Dammeier, Frockt spoke in favor of passage of the bill.

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Senator McAuliffe spoke against passage of the bill.

SUBSTITUTE SENATE BILL NO. 6179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6499.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6499 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

On motion of Senator Fain, Substitute Senate Bill No. 6179 was immediately transmitted to the House of Representatives.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Dammeier, Ericksen, Fain, Frockt, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Parlette, Pearson, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Tom

SECOND READING

SENATE BILL NO. 6499, by Senators Dammeier, McAuliffe, Litzow, Ranker, Billig, Frockt, Tom, Hargrove, Fain and Rivers

Voting nay: Senators Chase, Cleveland, Conway, Dandel, Darneille, Eide, Fraser, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Padden, Pedersen and Roach

Creating the joint task force on local education financing reform.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

MOTION

On motion of Senator Dammeier, Substitute Senate Bill No. 6499 was substituted for Senate Bill No. 6499 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, Senator Ranker was excused.

SECOND READING

MOTION

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

SENATE BILL NO. 6133, by Senators Braun, Conway, King and Tom

On page 3, beginning on line 12, strike all material through "section." on line 18 and insert the following:

Concerning expiration dates related to real estate broker provisions.

"(5) Staff support for the task force shall be jointly provided by senate committee services and the house of representatives office of program research, with the office of financial management and the office of the superintendent of public instruction providing data and models as needed. The first meeting of the task force shall be convened by the house of representatives office of program research and senate committee services within forty-five days of the effective date of this section."

The measure was read the second time.

Senator Dammeier spoke in favor of adoption of the amendment.

MOTION

MOTION

On motion of Senator Nelson, Senators Hargrove and Ranker were excused.

On motion of Senator Braun, the rules were suspended, Senate Bill No. 6133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6133.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6133 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dansel, Ericksen, Frockt and Holmquist Newbry

Excused: Senator Ranker

SENATE BILL NO. 6133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6228, by Senators Mullet, Tom, Keiser, Frockt, Parlette, Hatfield, Cleveland, Fain, Becker, Ericksen, Rolfes and Pedersen

Concerning transparency tools for consumer information on health care cost and quality.

MOTION

On motion of Senator Mullet, Substitute Senate Bill No. 6228 was substituted for Senate Bill No. 6228 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following amendment by Senators Mullet and Becker be adopted:

On page 2, line 14 after "(b)" insert the following "Recognizing integrated health care delivery systems focus on total cost of care, carrier's operating integrated care delivery systems may meet the requirement of subsection (a) by providing meaningful consumer data based on the total cost of care. This subsection applies only to the portion of enrollment a carrier offers pursuant to Chapter 48.46 RCW and as part of an integrated delivery system, and does not exempt from subsection (a) coverage offered pursuant to Chapter 48.21, 48.44, or 48.46 RCW if not part of an integrated delivery system;"

Correct the internal references accordingly.

On page 2, line 19 after "review" insert the following ", the feedback must be monitored for appropriateness and validity, and the site may include independently compiled quality of care ratings of providers and facilities"

On page 2, line 21 after "treatment" insert the following ", or the total cost of care," and on line 21, after "(a)" insert "and (b)"

On page 2, line 25 after "treatment" insert the following ", or total cost of the care episode,"

On page 2, line 33 after "available" insert the following "or medical versus surgical alternatives as appropriate"

On page 3, on line 9 after "site." Insert the following "(4) The commissioner may not expand the requirements of this act by rule."

Senators Mullet and Becker spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Billig, Senator Kline was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mullet and Becker on page 2, line 14 to Substitute Senate Bill No. 6228.

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

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute Senate Bill No. 6228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6228.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6228 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Liias

Excused: Senators Kline and Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 6228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6512, by Senators Becker, Sheldon, Holmquist Newbry, Rivers, Brown, Padden, Angel, Dammeier, Dansel, King, Hewitt, Honeyford and Pearson

Concerning federal funding programs requiring changes in state law.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 6512 was substituted for Senate Bill No. 6512 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 6512 was deferred and the bill held its place on the second reading calendar.

SECOND READING

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SENATE BILL NO. 6059, by Senators Brown, Chase, Rivers, Becker, Braun and Bailey

Froct, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Concerning charges for scanning public records.

Excused: Senator Ranker

The measure was read the second time.

SENATE BILL NO. 6358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SECOND READING

On motion of Senator Brown, the rules were suspended, Senate Bill No. 6059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SENATE BILL NO. 6362, by Senators Bailey, Becker, Froct, Kohl-Welles and Tom

Senator Brown spoke in favor of passage of the bill.

Creating efficiencies for institutions of higher education.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6059.

MOTIONS

ROLL CALL

On motion of Senator Bailey, Substitute Senate Bill No. 6362 was substituted for Senate Bill No. 6362 and the substitute bill was placed on the second reading and read the second time.

The Secretary called the roll on the final passage of Senate Bill No. 6059 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Froct, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

Excused: Senator Ranker

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6362.

SENATE BILL NO. 6059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6362 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

SENATE BILL NO. 6358, by Senators Kohl-Welles, Bailey, Froct, Becker, Chase and Tom

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Froct, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Requiring institutions of higher education to provide certain financial aid information to admitted and prospective students.

Excused: Senator Ranker

The measure was read the second time.

SUBSTITUTE SENATE BILL NO. 6362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SECOND READING

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SENATE BILL NO. 6436, by Senators Froct, Bailey, Kohl-Welles and Hargrove

Senator Kohl-Welles spoke in favor of passage of the bill.

Creating a work group to make recommendations for the continued viability of the college bound scholarship program.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6358.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Senate Bill No. 6358 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

On motion of Senator Froct, Substitute Senate Bill No. 6436 was substituted for Senate Bill No. 6436 and the substitute bill was placed on the second reading and read the second time.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser,

MOTION

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

On page 2, line 9, after "(v)" insert "One representative of a private, nonprofit higher education institution as defined in RCW 28B.07.020(4), selected by an association of independent nonprofit baccalaureate degree-granting institutions;

(vi)"

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

Senators Frockt and Bailey spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt and others on page 2, line 9 to Substitute Senate Bill No. 6436.

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

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 6436 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6436.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6436 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 6436, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 6512 which had been deferred earlier in the day.

MOTION

Senator Becker moved that the following amendment by Senators Becker, Fraser and Hargrove be adopted:

On page 2, line 11, after "programs", insert "greater than twenty-five million dollars in biennial expenditures"

On page 2, line 11, after "agencies", insert "and the common school system"

Senators Becker and Fraser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker, Fraser and Hargrove on page 2, line 11 to Substitute Senate Bill No. 6512.

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

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute Senate Bill No. 6512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6512.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6512 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Dassel, Eide, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Conway, Darneille, Frockt, Hasegawa, Keiser and Kohl-Welles

Excused: Senator Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 6512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6201, by Senators Hasegawa, Kohl-Welles, Chase and Conway

Creating an optional life annuity benefit for plan 2 members of the law enforcement officers' and firefighters' retirement system.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Bill No. 6201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa and Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6201.

ROLL CALL

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The Secretary called the roll on the final passage of Senate Bill No. 6201 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Hargrove

Excused: Senator Ranker

SENATE BILL NO. 6201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 6199, by Senators Braun and Hargrove

Addressing wildfires caused by incendiary devices.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 6199 was substituted for Senate Bill No. 6199 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 6199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Lias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6199 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Kline and Ranker

SUBSTITUTE SENATE BILL NO. 6199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6250, by Senators Dammeier, Sheldon and Tom

Requiring submission of digital copies of public employees' collective bargaining agreements.

MOTIONS

On motion of Senator Dammeier, Substitute Senate Bill No. 6250 was substituted for Senate Bill No. 6250 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dammeier, the rules were suspended, Substitute Senate Bill No. 6250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6250.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6250 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Conway, Frockt, Hasegawa, Hatfield, Kline, Lias, McAuliffe, McCoy, Nelson and Roach

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 6250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6124, by Senators Keiser, Dammeier, Hargrove, Ranker, McCoy, Hasegawa, Conway, Darneille, McAuliffe, Cleveland, Billig, Rolfes, Nelson, Mullet, Fraser, Frockt, Eide, Kohl-Welles, Kline, Hobbs, Pedersen, Hatfield, Parlette, Roach and Becker

Developing a state Alzheimer's plan.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6124 was substituted for Senate Bill No. 6124 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Becker and Lias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6124.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6124 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Baumgartner

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 6124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Liias was excused.

SECOND READING

SENATE BILL NO. 6143, by Senators Padden and Sheldon

Clarifying tenant remedies upon landlord's failure to perform duties.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Pedersen, Nelson, Kline and Darneille spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6143.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6143 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, McCoy, Mullet, Nelson, Pedersen and Rolfes

Excused: Senators Liias and Ranker

SENATE BILL NO. 6143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6524, by Senators Ericksen, Sheldon, Benton, Baumgartner, Holmquist Newbry, Braun, Parlette and Dammeier

Concerning the safety of the transport of hazardous materials.

MOTION

On motion of Senator Ericksen, Second Substitute Senate Bill No. 6524 was substituted for Senate Bill No. 6524 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rolfes moved that the following striking amendment by Senator Rolfes be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that oil transportation by train and vessel poses a potential hazard to the health and well-being of Washington residents and the natural resources and economic vitality of the state. Recent accidents, such as the oil train explosions in North Dakota, Alabama, New Brunswick, and Quebec, as well as the frequent incidence of leaks and spills from pipelines, railcars, and vessels carrying oil across the nation, highlight the risks to human health and the environment caused by the transportation of oil. Furthermore, as the location and type of oil extracted in North America changes with the advent of new technology, there are associated changes in the patterns and methods of transporting crude oil and refined petroleum products. According to the United States department of transportation, the new types of oil being transported through the state may also be particularly flammable and dangerous. Measures to prevent spills from oil trains and tank vessels are critical to lowering risks to the state's natural resources and economic base. It is therefore the intent and purpose of this act to establish appropriate measures to reduce the risk of oil spills from vessels, to encourage the adoption of spill prevention measures, to ensure that the public has access to information about the movement of oil through the state, and to ensure that communities are fully informed about any risks posed to their safety by the transportation of oil.

NEW SECTION. Sec. 2. A new section is added to chapter 90.56 RCW to read as follows:

The department shall make available on its web site a quarterly report on the maritime and terrestrial transportation of oil in Washington. The report must include information including, but not limited to, the following sources:

(1) Information submitted to the department pursuant to section 3 of this act;

(2) Advanced notices of transfer and other information provided to the department pursuant to RCW 88.46.165, including aggregated information on the quantities and types of oil being transferred, the frequency and duration of oil transfers, and the locations of product transfers;

(3) Reported information on spills, accidents, discharges, or other prohibited occurrences submitted to the department pursuant to RCW 90.56.050(1), 90.56.280, or 88.46.100; and

(4) Relevant information about the volume and type of oil transported through Washington that is collected by federal agencies including the United States department of transportation, United States coast guard, United States department of energy, and United States army corps of engineers.

NEW SECTION. Sec. 3. A new section is added to chapter 90.56 RCW to read as follows:

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(1) The owner or operator for each facility other than a transmission pipeline shall submit to the department the following information:

- (a) The number of tank vessels and railcars that transferred or delivered oil at the facility each week;
- (b) The volume and type of oil that arrived at and departed from the facility each week, including the volume and type of oil:
 - (i) By mode of arrival at the facility, including but not limited to arrival by vessel, rail, pipeline, or motor vehicle;
 - (ii) By mode of departure from the facility, including but not limited to departure by vessel, rail, pipeline, or motor vehicle;
- (c) The route taken by any oil that arrived at the facility by railcar.

(2) Beginning November 1, 2014, the owner or operator of each facility must submit the information required pursuant to subsection (1) of this section by February 1st, May 1st, August 1st, and November 1st of each year and each quarterly submission must include the information in subsection (1) of this section for each week of the quarter covered by the submission. The department may develop a reporting form and guidance for the submission of the information in subsection (1) of this section by facility owners or operators. To the extent feasible, the department must integrate the reporting form with other forms used by facilities to submit information to the department, including forms used to submit the information required by RCW 88.46.165.

(3)(a) Prior to making any confidential information submitted pursuant to this section available on its web site, the department must aggregate the submitted information to the extent necessary to ensure confidentiality if public disclosure of the specific information or data would result in an unfair competitive disadvantage to the owner or operator submitting the information.

(b) The department may not make publicly available specific information about the volume of oil or the number of vessels or railcars that arrive at or depart from individual facilities. Instead, information about facility-specific arrivals and departures of oil must be aggregated prior to disclosure in order to prevent unfair competitive disadvantage to the owner or operator submitting the information.

NEW SECTION. Sec. 4. (1) Washington State University shall consult with the department of ecology and the emergency management division of the military department to conduct a study regarding the state's capacity to respond to and recover from accidents involving railcars transporting oil. In conducting this study, Washington State University shall consider the potential near-term increase in the volume of oil being transported via rail through Washington as a result of proposed new or expanded oil refining and storage facilities. Washington State University shall seek the input of relevant stakeholders and other state agencies in carrying out this study.

(2) The study required under subsection (1) of this section must:

- (a) Examine the current and projected prevalence of oil transportation by railcar through Washington communities;
- (b) Make a preliminary identification of the communities at the greatest risk of an accident involving oil transportation by railcar;
- (c) Examine, generally, the extent to which state and local emergency plans, oil spill contingency plans developed pursuant to chapter 90.56 RCW, and geographic response plans address this threat;
- (d) Examine the roles and responsibilities of federal, state, local, and tribal entities in preparing for emergencies or oil spills;
- (e) Determine whether adequate resources are available to respond to and recover from such an accident in a timely and effective manner; and

(f) Address the potential impacts to transportation networks and other critical infrastructure from an accident involving oil transported by railcar.

(3) Washington State University shall report its findings from the study to the appropriate committees of the legislature by December 1, 2014.

(4) This section expires June 30, 2015.

Sec. 5. RCW 88.16.035 and 2009 c 496 s 1 are each amended to read as follows:

(1) The board of pilotage commissioners shall:

(a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the enforcement and administration of this chapter, except for rules adopted after July 1, 2014, that implement RCW 88.16.190, 88.16.195, 88.16.200, and section 12 of this act, for which the department of ecology may adopt rules as described in section 8 of this act;

(b)(i) Issue training licenses and pilot licenses to pilot applicants meeting the qualifications provided for in RCW 88.16.090 and such additional qualifications as may be determined by the board;

(ii) Establish a comprehensive training program to assist in the training and evaluation of pilot applicants before final licensing; and

(iii) Establish additional training requirements, including a program of continuing education developed after consultation with pilot organizations, including those located within the state of Washington, as required to maintain a competent pilotage service;

(c) Maintain a register of pilots, records of pilot accidents, and other history pertinent to pilotage;

(d) Determine from time to time the number of pilots necessary to be licensed in each district of the state to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service in each district;

(e) Annually fix the pilotage tariffs for pilotage services provided under this chapter: PROVIDED, That the board may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board: PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the board may consider pilot retirement plan expenses incurred in the prior year in either pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots;

(f) File annually with the governor and the chairs of the transportation committees of the senate and house of representatives a report which includes, but is not limited to, the following: The number, names, ages, pilot license number, training license number, and years of service as a Washington licensed pilot of any person licensed by the board as a Washington state pilot or trainee; the names, employment, and other information of the members of the board; the total number of pilotage assignments by pilotage district, including information concerning the various types and sizes of vessels and the total annual tonnage; the annual earnings or stipends of individual pilots and trainees before and after deduction for expenses of pilot organizations, including extra compensation as a separate category; the annual expenses of private pilot associations, including personnel employed and capital expenditures; the status of pilotage tariffs, extra compensation, and travel; the retirement contributions paid to pilots and the disposition thereof; the number of groundings, marine occurrences, or other incidents which are reported to or investigated by the board, and which are determined to be accidents, as defined by the board, including the vessel name, location of incident, pilot's or trainee's name, and disposition of the case together with information received before the board acted from

all persons concerned, including the United States coast guard; the names, qualifications, time scheduled for examinations, and the district of persons desiring to apply for Washington state pilotage licenses; summaries of dispatch records, quarterly reports from pilots, and the bylaws and operating rules of pilotage organizations; the names, sizes in deadweight tons, surcharges, if any, port of call, name of the pilot or trainee, and names and horsepower of tug boats for any and all oil tankers subject to the provisions of RCW 88.16.190 together with the names of any and all vessels for which the United States coast guard requires special handling pursuant to their authority under the Ports and Waterways Safety Act of 1972; the expenses of the board; and any and all other information which the board deems appropriate to include;

(g) Make available information that includes the pilotage act and other statutes of Washington state and the federal government that affect pilotage, including the rules of the board, together with such additional information as may be informative for pilots, agents, owners, operators, and masters;

(h) Appoint advisory committees and employ marine experts as necessary to carry out its duties under this chapter;

(i) Provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter; and do such other things as are reasonable, necessary, and expedient to insure proper and safe pilotage upon the waters covered by this chapter and facilitate the efficient administration of this chapter.

(2) If the department of ecology adopts rules after July 1, 2014, pursuant to subsection (1)(a) of this section, any rules previously adopted by the board pursuant to subsection (1)(a) of this section that implement RCW 88.16.190, 88.16.195, and 88.16.200 are no longer in effect as of the effective date of the rules adopted by the department of ecology.

(3) The board may pay stipends to pilot trainees under subsection (1)(b) of this section.

Sec. 6. RCW 88.16.170 and 1991 c 200 s 601 are each amended to read as follows:

Because of the danger of spills, the legislature finds that the transportation of crude oil and refined petroleum products by tankers on the Columbia river, Grays Harbor, and on Puget Sound and adjacent waters creates a great potential hazard to important natural resources of the state and to jobs and incomes dependent on these resources.

The legislature recognizes that the Columbia river has many natural obstacles to navigation and shifting navigation channels that create the risk of an oil spill. The legislature also recognizes Grays Harbor and Puget Sound and adjacent waters are (a) relatively confined salt water environments with irregular shorelines and therefore there is a greater than usual likelihood of long-term damage from any large oil spill.

The legislature further recognizes that certain areas of the Columbia river, Grays Harbor, and Puget Sound and adjacent waters have limited space for maneuvering a large oil tanker and that these waters contain many natural navigational obstacles as well as a high density of commercial and pleasure boat traffic.

For these reasons, it is important that large oil tankers be piloted by highly skilled persons who are familiar with local waters and that such tankers have sufficient capability for rapid maneuvering responses.

It is therefore the intent and purpose of RCW 88.16.180 and 88.16.190 to decrease the likelihood of oil spills on the Columbia river, Grays Harbor, and on Puget Sound and its shorelines by requiring all oil tankers above a certain size to employ licensed pilots and to be escorted by a tug or tugs while navigating on certain areas of Puget Sound and adjacent waters, and also in Grays Harbor and the Columbia river if deemed prudent by the department of ecology.

Sec. 7. RCW 88.16.190 and 1994 c 52 s 1 are each amended to read as follows:

(1) ((Any oil tanker, whether enrolled or registered, of greater than one hundred and twenty-five thousand deadweight tons shall be prohibited from proceeding beyond a point east of a line extending from Discovery Island light south to New Dungeness light.

(2) An oil tanker, whether enrolled or registered, of forty to one hundred and twenty-five thousand deadweight tons may proceed beyond the points enumerated in subsection (1) if such tanker possesses all of the following standard safety features:

(a) Shaft horsepower in the ratio of one horsepower to each two and one-half deadweight tons; and

(b) Twin screws; and

(c) Double bottoms, underneath all oil and liquid cargo compartments; and

(d) Two radars in working order and operating, one of which must be collision avoidance radar; and

(e) Such other navigational position location systems as may be prescribed from time to time by the board of pilotage commissioners:

PROVIDED, That, if such forty to one hundred and twenty-five thousand deadweight ton tanker is in ballast or is under escort of a tug or tugs with an aggregate shaft horsepower equivalent to five percent of the deadweight tons of that tanker, subsection (2) of this section shall not apply: PROVIDED FURTHER, That additional tug shaft horsepower equivalencies may be required under certain conditions as established by rule and regulation of the Washington utilities and transportation commission pursuant to chapter 34.05 RCW: PROVIDED FURTHER, That)) Except as provided in subsection (2) of this section, an oil tanker of greater than forty thousand deadweight tons may enter any of the waters in (a) of this subsection, to the extent that these waters are within the territorial boundaries of Washington, only if the oil tanker is under the escort of a tug or tugs in compliance with the requirements of subsection (3) of this section and section 8 of this act:

(a) East of a line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area, including but not limited to Haro Strait, Rosario Strait, the Strait of Georgia, Puget Sound, Hood Canal, and those portions of the Strait of Juan de Fuca east of the line between New Dungeness light and Discovery Island light;

(b) The department of ecology may designate the following additional areas by rule where tug escorts are required:

(i) Within a two mile radius of the Grays Harbor pilotage district as defined by RCW 88.16.050;

(ii) Within three miles of Cape Disappointment at the mouth of the Columbia river; or

(iii) Any inland portion of the Columbia river up to Bonneville dam.

(2)(a) If an oil tanker is in ballast, the tug requirements of subsection (1) of this section do not apply.

(b) If an oil tanker is a single-hulled oil tanker of greater than five thousand gross tons, the requirements of subsection (1)(a) of this section do not apply and the oil tanker must instead comply with 33 C.F.R. Part 168, as of the effective date of this section.

(3) Oil tankers of greater than forty thousand deadweight tons must ensure that any escort tugs they use have an aggregate shaft horsepower equivalent to at least five percent of the deadweight tons of the escorted oil tanker. The department of ecology may adopt rules to ensure that escort tugs have sufficient capacity for safe escort.

(4) A tanker assigned a deadweight of less than forty thousand deadweight tons at the time of construction or reconstruction as reported in Lloyd's Register of Ships is not subject to the provisions of RCW 88.16.170 through 88.16.190.

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(5) For the purposes of this section, "oil tanker" means a self-propelled deep draft tank vessel designed to transport oil in bulk. "Oil tanker" does not include an articulated tug-barge tank vessel.

NEW SECTION. Sec. 8. A new section is added to chapter 88.16 RCW to read as follows:

(1)(a) Prior to adopting rules pursuant to this section, the department of ecology must seek the input of stakeholders including maritime safety forums such as the Puget Sound, Grays Harbor, and lower Columbia region harbor safety committees. Both prior to and in adopting rules pursuant to this section, the department of ecology must consider the net benefits to navigational safety of any new tug escort requirements. Both prior to and in adopting rules applicable to the area described in RCW 88.16.190(1)(a), the department of ecology must also consider the data and findings of the 2014 vessel traffic risk assessment completed under the direction of the Puget Sound partnership and maritime experts.

(b) Prior to adopting rules pursuant to this section, the department of ecology must submit a report to the legislature by December 1, 2014. The report must include a recommendation on the merits of establishing additional tug escort safeguards by rule pursuant to this section.

(c) Unless the 2015 legislature acts to repeal the department of ecology's rule-making authority based on the recommendations of the report, the department may adopt rules pursuant to this section.

(2) Beginning July 1, 2015, the department of ecology may adopt rules to require the escort of oil tankers by a tug or tugs in the areas listed in RCW 88.16.190(1).

(3) Beginning July 1, 2015, the department of ecology may adopt rules that require additional safeguards related to tanker escorts to address specific spill risks based on season, adverse weather conditions, the type of oil, as defined in RCW 90.56.010, being transported by the tanker, or geographic location. However, if an oil tanker is equipped with fully redundant systems, the department of ecology may not:

(a) Require escort by more than one tug; and

(b) Subject the oil tanker to any requirements adopted by rule under this subsection (3).

(4) In developing rules for Grays Harbor and the Columbia river, the department of ecology must recognize the differences between these areas and Puget Sound, including differences in the physical environment, vessel traffic, weather, and other relevant factors. The department of ecology must appropriately account for these unique local circumstances in any rules adopted pursuant to this section.

(5) The authority of the department of ecology to initiate rule making to adopt additional tug escort safety requirements pursuant to this section and RCW 88.16.190 expires January 1, 2020.

(6) For the purposes of this section, "redundant systems" includes, at minimum, all of the following features:

(a) A double hull;

(b) Two independent propellers each with a dedicated engine or motor, propulsion system, electrical system, fuel system, lube oil system, and any other system required to provide an independent means of propulsion;

(c) Two independent rudders, each with separate steering systems; and

(d) The arrangement of the propulsion and steering systems in (b) and (c) of this subsection such that a fire or flood in one space will not affect the equivalent system in the other space or spaces.

Sec. 9. RCW 88.16.200 and 2008 c 128 s 14 are each amended to read as follows:

Any vessel designed for the purpose of carrying as its cargo liquefied natural or liquefied petroleum gas shall adhere to the

provisions of RCW 88.16.190(~~(2)~~) and rules adopted under section 8 of this act as though it were an oil tanker.

Sec. 10. RCW 90.56.010 and 2007 c 347 s 6 are each amended to read as follows:

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

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Board" means the pollution control hearings board.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Committee" means the preassessment screening committee established under RCW 90.48.368.

(7) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(8) "Department" means the department of ecology.

(9) "Director" means the director of the department of ecology.

(10) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(11)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; (iii) motor vehicle motor fuel outlet; (iv) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(12) "Fund" means the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

(13) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

(14) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(15) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(16) "Necessary expenses" means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; (c) conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.

(17) "Oil" or "oils" means oil of any kind that is liquid at atmospheric temperature and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(18) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(19) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(20)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(21) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(22) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(23) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(24) "Spill" means an unauthorized discharge of oil or hazardous substances into the waters of the state.

(25) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(26) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(27) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

(28) "Transmission pipeline" means an interstate or intrastate pipeline subject to regulation by the United States department of transportation under Part 195 of Title 49 of the code of federal regulations in effect as of January 1, 2014, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipes, pumping units, and fabricated assemblies associated with pumping units.

(29) "Type of oil" means crude oil or refined petroleum products including gasoline, diesel, jet fuel, fuel oils, blending components, and other petroleum products. Crude oil types must be specified by their distinct place of origin.

NEW SECTION. Sec. 11. A new section is added to chapter 90.56 RCW to read as follows:

(1) For the purposes of this section, "barge" means a vessel that is not self-propelled.

(2)(a) If an oil spill occurs involving a barge laden with oil towed by a tug in the following geographic areas and the department finds that the owner or operator of the tug has acted with recklessness or negligence, the tug owner or operator is subject to a penalty of between one thousand and one thousand five hundred dollars per gallon of oil discharged, to the extent that these waters are within the territorial boundaries of Washington:

(i) East of a line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area, including but not limited to Haro Strait, Rosario Strait, the Strait of Georgia, Puget Sound, Hood Canal, and those portions of the Strait of Juan de Fuca east of the line between New Dungeness light and Discovery Island light;

(ii) Within a two mile radius of the Grays Harbor pilotage district as defined by RCW 88.16.050;

(iii) Within three miles of Cape Disappointment at the mouth of the Columbia river; or

(iv) Any inland portion of the Columbia river.

(b) Regardless of whether the department makes a finding of recklessness or negligence under (a) of this subsection, the owner or operator of a tug is not subject to the penalties under (a) of this subsection if there were at least two individuals qualified by the United States coast guard in the control bridge of the tug for the duration of the voyage as recorded in the ship's log, one of whom was assigned to serve exclusively as lookout except during the docking of the vessel.

(c) The absence of a finding of recklessness or negligence by the department for purposes of the assessment of penalties under this subsection (2) may not be used as a defense to liability under RCW 9A.08.010 or other statutes or common law that establish standards for the determination of recklessness or negligence.

(3) The penalty assessed in subsection (2) of this section is in addition to any natural resource damages provided for under RCW 90.48.366 or 90.48.367 and any other penalties provided for under this chapter or chapter 90.48 or 88.46 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 88.16 RCW to read as follows:

The department of ecology may issue a penalty of up to ten thousand dollars a day for each violation of RCW 88.16.190 or 88.16.200 or rules adopted under section 8 of this act. Each violation is a separate and distinct offense, and in the case of a continuing violation, every day's continuance is a separate and distinct violation. Every act of commission or omission which procures, aids, or abets in the violation is considered a violation and subject to the penalty. The penalty amount must be set in consideration of the previous history of the violator and the severity of the violation's impact on public health, the environment, or both, in addition to other relevant factors. Penalties under this section shall be imposed pursuant to the procedures set forth in RCW 43.21B.300.

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Sec. 13. RCW 43.21B.110 and 2013 c 291 s 33 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, section 12 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, section 11 of this act, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 14. RCW 43.21B.110 and 2013 c 291 s 34 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, section 12 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, section 11 of this act, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 15. RCW 43.21B.300 and 2010 c 210 s 12 and 2010 c 84 s 4 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70.94.431, 70.95.315, 70.105.080, 70.107.050, section 12 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 90.76 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within thirty days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in

which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431, the disposition of which shall be governed by that provision, RCW 70.105.080, which shall be credited to the hazardous waste control and elimination account created by RCW 70.105.180, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 90.76.080, which shall be credited to the underground storage tank account created by RCW 90.76.100.

NEW SECTION. Sec. 16. Section 13 of this act expires June 30, 2019.

NEW SECTION. Sec. 17. Section 14 of this act takes effect June 30, 2019.

NEW SECTION. Sec. 18. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "materials;" strike the remainder of the title and insert "amending RCW 88.16.035, 88.16.170, 88.16.190, 88.16.200, 90.56.010, 43.21B.110, and 43.21B.110; adding new sections to chapter 90.56 RCW; adding new sections to chapter 88.16 RCW; creating new sections; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency."

Senators Rolfes, Billig, Chase, McCoy, Nelson and Frockt spoke in favor of adoption of the striking amendment.

Senators Ericksen and Baumgartner spoke against adoption of the striking amendment.

POINT OF ORDER

Senator Rolfes: "I believe the Senate is still working under Rule 29!"

REPLY BY THE PRESIDENT

President Owen: "And your point is?"

Senator Rolfes: "We just want to make sure that everybody is only speaking once on each point."

President Owen: "That would be a good point."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

Senator Billig demanded a roll call.

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

Senator Sheldon spoke against adoption of the striking amendment.

Senator Fraser, Hasegawa, Keiser and Cleveland spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rolfes to Second Substitute Senate Bill No. 6524.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Rolfes and the amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, Pedersen and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Holmquist Newbry, Honeyford, King, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Excused: Senators Liias and Ranker

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The state of Washington has a long history of leading in efforts to protect our natural environment while encouraging economic opportunities. Public safety, protection of the natural environment, and economic opportunities are goals shared by all Washingtonians.

(2) Liquid bulk crude oil spill prevention and response programs in Washington state, created through thoughtful cooperation and coordination between industry and the communities they serve, is a model to the rest of the nation and a model to the world. As modes of transport for various types of liquid bulk crude oil change and as the volume of liquid bulk crude oil transported through Washington changes, it is important that proactive steps are taken to ensure public safety and protection of natural resources.

(3) This act is intended to build upon strong and prudent plans currently in effect, identify areas that need further protections, and invest taxpayer funds today to increase safety and prevent spills.

(4) Prevention of crude oil spills is a top priority of the legislature. Providing first responders, local communities, and impacted parties with the tools to respond when spills do occur is in the vital interest of the citizens of Washington state.

NEW SECTION. Sec. 2. (1) The department of ecology, in consultation with the utilities and transportation commission, the federal railroad administration, and industry representatives, shall conduct a study on the safety of transporting crude oil in liquid bulk form by rail. The study must include:

(a) A review of:

(i) The federal, state, and local emergency response and prevention programs and activities for spills from railcars transporting liquid bulk crude oil with a focus on high hazard areas where emergency response equipment can be strategically placed for use by federal, state, regional, or local governments or other emergency responders;

(ii) The capacity of local jurisdictions to prevent and respond to liquid bulk crude oil spills;

(iii) The identification of weaknesses or gaps in federal, state, and local liquid bulk crude oil spill prevention and response; and

(iv) Federal regulations governing liquid bulk crude oil spill prevention and response for transport by rail;

(b) A survey of:

(i) Local government funding for emergency liquid bulk crude oil spill prevention and response programs;

(ii) Sources of funding, entities assessed, or contributions required by participants of emergency liquid bulk crude oil spill prevention and response programs; and

(iii) Regional or countywide cooperative agreements implementing liquid bulk crude oil spill prevention and response programs;

(c) Recommendations for legislative consideration on at least the following:

(i) Levels of funding and sources of funding for emergency liquid bulk crude oil spill prevention and response programs;

(ii) Participants that should be included in an emergency liquid bulk crude oil spill prevention and response program and the amount these participants should be assessed;

(iii) Appropriate use of funds such as: Liquid bulk crude oil spill response, equipment, training, or other benefits to those who are assessed;

(iv) Cooperative regional or countywide agreements to meet emergency oil and liquid bulk crude oil spill prevention and response program needs, while maintaining an individual organization's distinct purpose; and

(v) Methods to increase cooperation and coordination among organizations responding to oil and liquid bulk crude oil spills, including:

(A) Sharing resources or mutual aide between terrestrial and on-water liquid bulk crude oil spill emergencies; and

(B) Communication to ensure a common understanding of the potential threat from liquid bulk crude oil spills; and

(d) A report on the status and progress of federal rule making for rail tank car safety requirements including model, age, modifications, and upgrades.

(2) The department of ecology must provide: (a) A preliminary evaluation on the status of the safety of transporting liquid bulk crude oil in the state and include recommendations for near-term legislative action to address needs identified in the review as required under subsection (1)(a)(i) of this section, to the relevant policy and fiscal committees of the senate and house of representatives by December 31, 2014; and (b) using the study and reviews conducted under this section, a final report regarding the safety of the transport of liquid bulk crude oil, as well as recommendations for policy, budget needs, or legislation to the relevant policy and fiscal committees of the senate and house of representatives by December 31, 2015.

NEW SECTION. Sec. 3. The department of ecology shall provide an analysis on the safety of transporting liquid bulk crude oil on waters of the state.

(1) The analysis must include:

(a) The capacity to address risks posed by increased waterborne traffic of liquid bulk crude oil;

(b) Weaknesses or gaps in liquid bulk crude oil spill prevention and response programs, including identification of programs that are not complete or need to be more robust, with a focus on Grays Harbor and the Columbia river; and

(c) Barge and tug operations within the state related to the movement of liquid bulk crude oil; and

(d) A status report on the federal, state, and local waterborne liquid bulk crude oil spill prevention and preparedness.

(2) The department of ecology must provide to the relevant policy and fiscal committees of the senate and house of representatives by December 31, 2014, a status report on waterborne liquid bulk crude oil spill prevention and preparedness; recommendations for Grays Harbor and the Columbia river crude oil spill prevention and preparedness; and an analysis of barge and tug liquid bulk crude oil operations, and safety gaps or weaknesses in liquid bulk crude oil spill prevention and response programs and area or regional efforts.

Sec. 4. RCW 90.56.250 and 1991 c 200 s 205 are each amended to read as follows:

(1) The department shall annually publish an index of available, up-to-date descriptions of prevention plans and contingency plans for oil spills submitted and approved pursuant to RCW 90.56.200, 90.56.210, 88.46.040, and 88.46.060 and an inventory of equipment available for responding to such spills.

(2) The department shall make available on its web site: (a) Descriptions of prevention and contingency programs for liquid bulk crude oil spills; (b) descriptions of how the department is responding to or has addressed public concerns regarding liquid bulk crude oil spill prevention and response; and (c) in the event of a liquid bulk crude oil spill, information and updates regarding all efforts taken to clean up the spill, in consultation with and in agreement with the unified command, if applicable. The department may not make available on its web site specific plan elements or confidential information.

NEW SECTION. Sec. 5. A new section is added to chapter 90.56 RCW to read as follows:

(1) The department must provide to the relevant policy and fiscal committees of the senate and house of representatives:

(a) A review of all state and federal geographic response plans as needed in contingency plans required under RCW 90.56.210 and 88.46.060 by December 31, 2014; and

(b) Annual updates, beginning December 31, 2015, and ending December 31, 2021, as required under RCW 43.01.036, as to the progress made in completing state and federal geographic response plans as needed in contingency plans required under RCW 90.56.060, 90.56.210, and 88.46.060.

(2) The department must contract, if practicable, with eligible independent third parties to ensure completion by December 1, 2016, of at least fifty percent of the geographic response plans as needed in contingency plans required under RCW 90.56.210 and 88.46.060 for the state.

NEW SECTION. Sec. 6. A new section is added to chapter 90.56 RCW to read as follows:

(1) The owner or operator for each facility other than a transmission pipeline shall submit to the department data and information on the volume and type of crude oil that arrived at and departed from the facility each month, including the place of origin of the crude oil, the mode of arrival and departure at the facility including, but not limited to, arrival by vessel, rail, or pipeline.

(2)(a) Any person required to present information to the department pursuant to subsection (1) of this section may request that specific information be held in confidence. Information requested to be held in confidence is presumed to be confidential.

(b) Information presented to the department pursuant to subsection (1) of this section must be held in confidence by the department or aggregated to the extent necessary to ensure confidentiality if public disclosure of the specific information or data would result in an unfair competitive disadvantage to the person supplying the information.

(c)(i) Whenever the department receives a request to publicly disclose unaggregated information or otherwise proposes to publicly disclose information submitted pursuant to subsection (1) of this section, notice of the request or proposal must be provided to the person submitting the information. The notice must indicate the form in which the information is to be released. Upon receipt of notice, the person submitting the information has ten working days in which to respond to the notice to justify the claim of confidentiality on each specific item of information covered by the notice on the basis that public disclosure of the specific information would result in an unfair competitive disadvantage to the person supplying the information.

(ii) The department shall consider the respondent's submittal in determining whether to publicly disclose the information submitted

to it to which a claim of confidentiality is made. The department shall issue a written decision that sets forth its reasons for making the determination whether each item of information for which a claim of confidentiality is made remains confidential or must be publicly disclosed.

(iii) The department shall not publicly disclose information submitted to it pursuant to subsection (1) of this section within ten working days after the department has issued its written decision required in (c)(ii) of this subsection.

(iv) No information submitted to the department pursuant to subsection (1) of this section may be deemed confidential if the person submitting the information or data has made it public.

(v) With respect to information provided under subsection (1) of this section, neither the department nor any employee of the department may do any of the following:

(A) Use the information for any purpose other than the statistical purposes for which it is supplied;

(B) Make any publication whereby the information furnished by any particular establishment or individual can be identified; or

(C) Permit anyone other than department employees to examine the individual reports provided under subsection (1) of this section.

(d) Any confidential information pertinent to the responsibilities of the department that is obtained by another state agency must be available to the department and must be treated in a confidential manner.

NEW SECTION. Sec. 7. The department of ecology and the utilities and transportation commission shall jointly hold a symposium on emergency prevention and response activities for liquid bulk crude oil transported in the Pacific Northwest region. The department of ecology and the utilities and transportation commission must invite state representatives from the Pacific Northwest economic region authorized under chapter 43.147 RCW and representatives from interested tribes and local governments. The symposium must include representatives from neighboring states, territories, and countries. The symposium must at a minimum address:

(1) Cooperative emergency prevention and response activities between the shared international and state borders;

(2) Expected risks posed by increased transport of Canadian crude oil or liquid bulk crude oil throughout the Pacific Northwest region within the next three to five years;

(3) Changes in methods for transporting liquid bulk crude oil and associated risks;

(4) Identification of responsible agencies and corresponding activities that can be taken to address expected risks; and

(5) Consideration of new or emerging technologies to make transport safer.

NEW SECTION. Sec. 8. (1) The department of ecology shall provide grants to emergency responders to assist with oil spill response and firefighting equipment and resources needed to meet the requirements of this act.

(2) The department of ecology, in consultation with emergency first responders, representatives from the oil and rail industries, and businesses that are recipients of liquid bulk crude oil shall review grant applications.

(a) The application review must include evaluation of equipment and resource requests, funding requirements, and coordination with existing equipment and resources in the area.

(b) Funding must be prioritized for applicants from areas where liquid bulk crude oil is transferred from one mode of transportation to another.

(c) Grants must be coordinated to maximize currently existing equipment and resources that have been put in place by first responders and industry.

NEW SECTION. Sec. 9. This act may be known and cited as the spill prevention and response act."

MOTION

Senator Rolfes moved that the following amendment by Senator Ranker to the striking amendment be adopted:

On page 7, after line 21 of the amendment, insert the following:

"Sec. 9. RCW 82.23B.010 and 1992 c 73 s 6 are each amended to read as follows:

~~((Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

(2) "Bulk oil terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil to or from a rail tank car.

(3) "Crude oil" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

~~((3))~~ (4) "Department" means the department of revenue.

~~((4))~~ (5) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

~~((5))~~ (6) "Navigable waters" means those waters of the state and their adjoining shorelines that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

~~((6))~~ (7) "Person" has the meaning provided in RCW 82.04.030.

~~((7))~~ (8) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be refined as a fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

~~((8))~~ (9) "Tank car" means a rail car, the body of which consists of a tank for transporting liquids.

(10) "Taxpayer" means the person owning crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal in this state from a waterborne vessel or barge and who is liable for the taxes imposed by this chapter.

~~((9))~~ (11) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of travelling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

Sec. 10. RCW 82.23B.020 and 2006 c 256 s 2 are each amended to read as follows:

(1) An oil spill response tax is imposed on the privilege of receiving: (a) Crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state; and (b) crude oil at a bulk oil terminal within this state from a rail tank car. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk terminal from a rail tank car or waterborne vessel or barge at the rate of one cent per barrel of crude oil or petroleum product received.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving: (a) Crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state; and (b) crude oil at a bulk oil terminal

within this state from a rail tank car. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine or bulk oil terminal from a rail tank car or waterborne vessel or barge at the rate of four cents per barrel of crude oil or petroleum product.

(3) The taxes imposed by this chapter ~~((shall))~~ must be collected by the marine or bulk oil terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the ~~((imposition of the))~~ taxes imposed, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she ~~((shall)),~~ nevertheless, ~~((be))~~ is personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine or bulk oil terminal operator ~~((shall))~~ must relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter ~~((shall))~~ must be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected ~~((shall be))~~ is guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected ~~((shall))~~ must be stated separately from other charges made by the marine or bulk oil terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes ~~((shall be))~~ are due from the marine or bulk oil terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine or bulk oil terminal operator or to the department, ~~((shall))~~ constitute a debt from the taxpayer to the marine or bulk oil terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter ~~((, shall be))~~ is guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department. The department ~~((shall))~~ must give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department ~~((shall))~~ must provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator ~~((shall))~~ must relieve the marine or bulk oil terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section ~~((shall))~~ must be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the oil spill prevention account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management ~~((shall))~~ must determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and ~~((shall))~~ may not be

used to challenge the validity of any tax imposed under this chapter. The office of financial management ((shall)) must promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than nine million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than eight million dollars.

Sec. 11. RCW 82.23B.030 and 1992 c 73 s 9 are each amended to read as follows:

The taxes imposed under this chapter ((shall)) only apply to the first receipt of crude oil or petroleum products at a marine or bulk oil terminal in this state and not to the later transporting and subsequent receipt of the same oil or petroleum product, whether in the form originally received at a marine or bulk oil terminal in this state or after refining or other processing.

Sec. 12. RCW 82.23B.040 and 1992 c 73 s 10 are each amended to read as follows:

Credit ((shall)) must be allowed against the taxes imposed under this chapter for any crude oil or petroleum products received at a marine or bulk oil terminal and subsequently exported from or sold for export from the state." Renummer the remaining section consecutively and correct any internal references accordingly.

On page 7, line 26 of the title amendment, after "crude oil;" strike all material through "sections." on line 27 and insert "amending RCW 90.56.250, 82.23B.010, 82.23B.020, 82.23B.030, and 82.23B.040; adding new sections to chapter 90.56 RCW; and creating new sections."

Senators Rolfes, McCoy and Chase spoke in favor of adoption of the amendment to the striking amendment.

Senator Ericksen spoke against adoption of the amendment to the striking amendment.

Senator Kline spoke on the adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 7, after line 21 to the striking amendment to Second Substitute Senate Bill No. 6524.

The motion by Senator Rolfes failed and the amendment to the striking amendment was not adopted by voice vote.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Ericksen to Second Substitute Senate Bill No. 6524.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the safety of the transport of liquid bulk crude oil; amending RCW 90.56.250; adding new sections to chapter 90.56 RCW; and creating new section."

MOTION

Senator Ericksen moved that the rules be suspended, Second Substitute Senate Bill No. 6524 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Rolfes objected to the motion.

The President declared the question before the Senate to be the motion by Senator Ericksen to advance the bill to final passage.

The motion by Senator Ericksen failed on a voice vote.

MOTION

On motion of Senator Fain, further consideration of Second Substitute Senate Bill No. 6524 was deferred and the bill held its place on the calendar.

SECOND READING

SENATE BILL NO. 6181, by Senators Braun, Angel, Bailey, Rivers, Becker and Honeyford

Concerning child care subsidies and child support enforcement services.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 6181 was substituted for Senate Bill No. 6181 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.215.135 and 2013 c 323 s 9 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote continuity of care for children.

(2) The department shall establish and implement policies to train staff on child care subsidy fraud, including:

(a) Methods to detect suspected child care subsidy fraud;

(b) The department's procedures for reporting suspected child care subsidy fraud to the office of fraud and accountability; and

(c) The office of fraud and accountability's procedures for reporting child care subsidy fraud anonymously.

(3) To incentivize a working connections child care subsidy applicant or recipient to seek child support enforcement services from the department of social and health services, division of child support, the department of social and health services shall waive the child care copayment for one month for applicants or recipients who seek child support enforcement services for the first time and have not already done so as required by other public assistance programs.

(4) Beginning in fiscal year 2013, authorizations for the working connections child care subsidy shall be effective for twelve months unless a change in circumstances necessitates reauthorization sooner than twelve months. Seeking child support enforcement services for the first time under subsection (3) constitutes a change in circumstances. The twelve-month

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certification applies only if the enrollments in the child care subsidy or working connections child care program are capped.

PERSONAL PRIVILEGE

~~((3-))~~ (5) Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2013, working connections child care providers shall receive a five percent increase in the subsidy rate for enrolling in level 2 in the early achievers programs. Providers must complete level 2 and advance to level 3 within thirty months in order to maintain this increase.

Senator McAuliffe: “Thank you Mr. President. Well, today we recognize as a very special day. It is Valentine’s Day. I have a very special Valentine I would like to share with you and members of the Senate?”

Senators Hargrove and Braun spoke in favor of adoption of the striking amendment.

REPLY BY THE PRESIDENT

President Owen: “Senator McAuliffe.”

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and others to Substitute Senate Bill No. 6181.

PERSONAL PRIVILEGE

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

Senator McAuliffe “[Senator McAuliffe held an open electronic Valentine’s Day card to the microphone which played a portion of “*Still the one*” by Orleans.] Thank you Mr. President.”

MOTION

REPLY BY THE PRESIDENT

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 6181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

President Owen: “What?”

Senators Braun and Darneille spoke in favor of passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6181.

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

ROLL CALL

MESSAGE FROM THE HOUSE

February 13, 2014

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6181 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

MR. PRESIDENT:
The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2368,
and the same is herewith transmitted.

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

BARBARA BAKER, Chief Clerk

MOTION

Excused: Senators Liias and Ranker

At 4:40 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Monday, February 17, 2014.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 17, 2014

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Baumgartner and Hobbs.

The Washington State Civil Air Patrol Color Guard, consisting of Cadet Airman Tristan Thoman, Rifle Guard; Cadet Second Lieutenant Piper Phillips, American Flag Commanding; Cadet Technical Sergeant John Roe, Flag Bearer; and Cadet Airman Timothy McNelly, Rifle Guard presented the Colors. Chaplin (Lieutenant Colonel) William Adam, Peninsula Composite Squadron, Assistant Chaplin of the Washington Wing of the Civil Air Patrol, offered the prayer.

The President thanked the cadets that comprised the Civil Air Patrol Guard for their performance while presenting the colors.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 14, 2014

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1170,
 SUBSTITUTE HOUSE BILL NO. 1635,
 SECOND SUBSTITUTE HOUSE BILL NO. 1651,
 HOUSE BILL NO. 2130,
 SUBSTITUTE HOUSE BILL NO. 2153,
 SUBSTITUTE HOUSE BILL NO. 2175,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2177,
 HOUSE BILL NO. 2334,
 SUBSTITUTE HOUSE BILL NO. 2373,
 SUBSTITUTE HOUSE BILL NO. 2378,
 SUBSTITUTE HOUSE BILL NO. 2474,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2512,
 HOUSE BILL NO. 2515,
 HOUSE BILL NO. 2553,
 SUBSTITUTE HOUSE BILL NO. 2610,
 SUBSTITUTE HOUSE BILL NO. 2699,
 SUBSTITUTE HOUSE BILL NO. 2725,
 SECOND SUBSTITUTE HOUSE BILL NO. 2743,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 14, 2014

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1072,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287,
 HOUSE BILL NO. 2359,
 HOUSE BILL NO. 2404,
 SECOND SUBSTITUTE HOUSE BILL NO. 2486,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535,
 SUBSTITUTE HOUSE BILL NO. 2613,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626,
 ENGROSSED HOUSE BILL NO. 2684,
 SECOND SUBSTITUTE HOUSE BILL NO. 2694,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2746,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6566 by Senators O'Ban, Padden, Pearson and Sheldon

AN ACT Relating to affirming the authority of the clemency and pardons board to make recommendations to the governor regarding petitions for reprieve to ensure that victims, law enforcement, prisoners, and others are heard; amending RCW 10.01.120; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SB 6567 by Senators Tom, Hill, Billig, Rolfes, Chase, Ranker, Hargrove, Baumgartner, Schoesler, Litzow, Fain, Ericksen and Dammeier

AN ACT Relating to adjusting the oil spill response tax and oil spill administration tax; and amending RCW 82.23B.010, 82.23B.020, 82.23B.030, and 82.23B.040.

Referred to Committee on Ways & Means.

SB 6568 by Senator Baumgartner

AN ACT Relating to ordering the supreme court to increase the number of cases it decides; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1286 by Representatives Sawyer, Dahlquist, Clibborn, Jinkins, Ryu, Zeiger, Tharinger, Santos and Pollet

AN ACT Relating to the sale or exchange of unused department of transportation lands to federally recognized Indian tribes; and amending RCW 47.12.080.

Referred to Committee on Transportation.

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SHB 1298 by House Committee on Government Operations & Elections (originally sponsored by Representatives Springer, S. Hunt, Ryu and Pollet)

AN ACT Relating to implementing recommendations of the sunshine committee; amending RCW 13.34.100, 42.56.240, 42.56.330, and 70.148.060; and reenacting and amending RCW 42.56.230.

Referred to Committee on Governmental Operations.

EHB 1367 by Representatives Kirby, Jinkins, Crouse, Green, Fey, Sawyer, Kochmar, Fitzgibbon and Pollet

AN ACT Relating to assessments for nuisance abatement in cities and towns; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Governmental Operations.

ESHB 1654 by House Committee on Local Government (originally sponsored by Representatives Riccelli, Ormsby, Fitzgibbon, Tarleton, Van De Wege and Ryu)

AN ACT Relating to establishing a regional fire protection service authority within the boundaries of a single city; amending RCW 52.26.010, 52.26.030, 52.26.040, and 52.26.060; and reenacting and amending RCW 52.26.020.

Referred to Committee on Commerce & Labor.

HB 1892 by Representatives Reykdal, S. Hunt, Liias, Ryu and Fey

AN ACT Relating to modifying certain provisions regarding transportation benefit districts; and amending RCW 36.73.065, 82.80.140, and 36.73.015.

Referred to Committee on Transportation.

E2SHB 1902 by House Committee on Transportation (originally sponsored by Representatives Holy, Shea, Short, Clibborn, Schmick, Ormsby, Fagan, Crouse, Riccelli, Blake and Kristiansen)

AN ACT Relating to the creation of intermittent-use trailer license plates; amending RCW 46.17.220, 46.16A.200, 46.18.277, and 46.19.060; adding a new section to chapter 46.18 RCW; adding a new section to chapter 46.04 RCW; and prescribing penalties.

Referred to Committee on Transportation.

ESHB 2023 by House Committee on Business & Financial Services (originally sponsored by Representatives Habib, Ryu, Zeiger and Maxwell)

AN ACT Relating to allowing crowdfunding for certain small securities offerings; amending RCW 42.56.270; adding new sections to chapter 21.20 RCW; and creating new sections.

Referred to Committee on Financial Institutions, Housing & Insurance.

E2SHB 2029 by House Committee on Appropriations (originally sponsored by Representatives Morris and Hudgins)

AN ACT Relating to eliminating the economic development-related agencies, boards, and commissions; amending RCW 28B.30.530, 28B.155.010, 28C.18.060, 39.102.040, 43.160.060, 43.160.900, 43.330.050, 43.330.080, 43.330.082, 43.330.090, 43.330.250, 43.330.270, 43.330.280, 43.330.375, 50.38.050, 82.14.505, 82.33A.010, 43.131.418, and 43.330.010; reenacting and amending RCW 28C.18.080, 43.84.092, 43.84.092, and 43.330.310; repealing RCW 43.162.005, 43.162.010, 43.162.012, 43.162.015, 43.162.020, 43.162.025, 43.162.030, 43.162.040, 82.33A.020, 43.374.010, 43.336.010, 43.336.020, 43.336.030, 43.336.040, 43.336.050, 43.336.060, 43.336.900, and 43.330.290; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

HB 2061 by Representatives Harris, Cody and Hope

AN ACT Relating to carriers operating outside of the exchange but only relating to requiring that carriers offering health benefit plans that meet the definition of bronze level in the individual or small group market must also offer silver and gold level plans as specified in section 1302 of P.L. 111-148 of 2010 and that nongrandfathered individual and small group health plans must conform with the actuarial value tiers specified in section 1302 of P.L. 111-148 of 2010; and amending RCW 48.43.700 and 48.43.705.

Referred to Committee on Health Care.

SHB 2074 by House Committee on Health Care & Wellness (originally sponsored by Representatives Sawyer, Rodne, Jinkins, Pedersen, Kirby, Cody, Hansen and Hargrove)

AN ACT Relating to fees for health records; and adding a new section to chapter 70.02 RCW.

Referred to Committee on Health Care.

SHB 2080 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Sawyer, Zeiger, Appleton, Angel, DeBolt, Blake, Haler, McCoy, Wilcox, Fitzgibbon, Hurst, Freeman, S. Hunt, Santos and Ryu)

AN ACT Relating to vacating convictions for certain tribal fishing activities; and reenacting and amending RCW 9.96.060.

Referred to Committee on Law & Justice.

HB 2099 by Representatives Vick, Blake, Buys, Van De Wege, Orcutt, Haler, Ross and Fagan

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending RCW 84.33.088; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

ESHB 2111 by House Committee on Transportation (originally sponsored by Representatives Farrell, Hayes, Fey, Rodne, Zeiger, Fitzgibbon, Morrell, Jinkins, Moscoso, Ryu and Freeman)

AN ACT Relating to the enforcement of regional transit authority fares; and amending RCW 81.112.210.

Referred to Committee on Transportation.

SHB 2126 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Lytton, Warnick, Tharinger, Chandler, Blake, Van De Wege, MacEwen, Pettigrew, Dunshee, Stanford, Fitzgibbon, Haler, Ross, Buys, Morrell, Roberts and Ryu)

AN ACT Relating to the community forest trust account; amending RCW 43.30.385, 79.64.020, 79.64.040, and 79.155.090; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 79.155 RCW.

Referred to Committee on Natural Resources & Parks.

SHB 2135 by House Committee on Business & Financial Services (originally sponsored by Representatives Parker, Stanford and Kirby)

AN ACT Relating to the regulation of service contracts and protection product guarantees; and amending RCW 48.110.020.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 2160 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Pollet, Appleton, S. Hunt, Buys, Haler, Warnick, Pettigrew, Manweller, Goodman, Clibborn, Santos, Harris and Kagi)

AN ACT Relating to allowing physical therapists to perform spinal manipulation; amending RCW 18.74.---, 18.74.010, 18.74.035, and 18.74.085; adding a new section to chapter 18.74 RCW; and providing effective dates.

Referred to Committee on Health Care.

ESHB 2246 by House Committee on Environment (originally sponsored by Representatives S. Hunt, Fitzgibbon, Hudgins, Morris, Ryu, Roberts, Bergquist, Goodman and Pollet)

AN ACT Relating to financing for stewardship of mercury-containing lights; amending RCW 70.275.030, 70.275.040, and 70.275.050; reenacting and amending RCW 70.275.020; adding a new section to chapter 70.275 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 70.95M RCW; creating a new section; recodifying RCW 70.275.080; repealing RCW 70.275.120; providing an effective date; and providing a contingent effective date.

Referred to Committee on Ways & Means.

HB 2254 by Representatives Manweller, Sells and Johnson

AN ACT Relating to telecommunications work experience for purposes of eligibility toward limited energy specialty electrician certification; and amending RCW 19.28.191.

Referred to Committee on Commerce & Labor.

ESHB 2306 by House Committee on Finance (originally sponsored by Representatives Lytton, Morris and Blake)

AN ACT Relating to current use valuation for farm and agricultural land; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2310 by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Cody, Green, Van De Wege, Tharinger, Morrell, Johnson, Parker, Stonier, Reykdal, Jinkins and Kochmar)

AN ACT Relating to safety equipment for individual providers; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Ways & Means.

HB 2329 by Representatives Riccelli, Short, Hudgins, Cody, Stanford, Walkinshaw, Bergquist, Farrell, Jinkins, S. Hunt, Green, Tharinger, Morrell, Van De Wege, Clibborn, Harris, Tarleton, Vick, Moeller, Kagi, Roberts, Senn and Pollet

AN ACT Relating to creating the breastfeeding-friendly Washington designation; adding new sections to chapter 70.54 RCW; repealing RCW 43.70.640; and providing an effective date.

Referred to Committee on Health Care.

SHB 2331 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Sells, Ormsby, Moscoso, Moeller, Ryu, Reykdal and Pollet)

AN ACT Relating to certified payroll records on public works projects; and amending RCW 39.12.040.

Referred to Committee on Commerce & Labor.

2SHB 2333 by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Ryu, Sells, Moscoso, Seaquist, S. Hunt, Green, Stanford, Appleton, Reykdal, Fitzgibbon, Habib, Bergquist, Goodman, Farrell, Ormsby, Pollet and Walkinshaw)

AN ACT Relating to the employment antiretaliation act; amending RCW 49.46.010, 49.46.100, and 39.12.010; reenacting and amending RCW 49.48.082; adding new sections to chapter 49.46 RCW; adding a new section to chapter 49.12 RCW; adding new sections to chapter 49.48 RCW; adding new sections to chapter 39.12 RCW; adding new sections to chapter 49.52 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

EHB 2351 by Representatives Tarleton, Harris, Cody, Schmick, Walkinshaw, Riccelli, Ryu, Morrell, Roberts, Zeiger and Freeman

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AN ACT Relating to volunteer health care professionals licensed in a foreign jurisdiction; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

SHB 2364 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Hurst, Blake, Pettigrew, Manweller, Pollet and Vick)

AN ACT Relating to sales by craft and general licensed distilleries of spirits for off-premise consumption and spirits samples for on- premise consumption; and amending RCW 66.24.145, 66.28.040, 19.126.020, 66.24.140, and 66.28.310.

Referred to Committee on Commerce & Labor.

ESHB 2368 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Sawyer, Walsh, Gregerson, Jinkins, Orwall, Robinson, Bergquist, Reykdal, Hansen, Van De Wege, Goodman, Sullivan, S. Hunt, Pettigrew, Ryu, Kagi, Lytton, Tarleton, Freeman, Ormsby, Walkinshaw, Morrell, Pollet, Appleton and Riccelli)

AN ACT Relating to a surcharge for local homeless housing and assistance; amending RCW 36.22.179, 43.185C.060, and 43.185C.240; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2372 by House Committee on Transportation (originally sponsored by Representatives Klippert and Clibborn)

AN ACT Relating to providing flexibility in penalty amounts for failure to register vehicles; reenacting and amending RCW 46.16A.030; and creating a new section.

Referred to Committee on Transportation.

HB 2407 by Representatives Ormsby, Sullivan and Chandler

AN ACT Relating to correcting restrictions on collecting a pension in the public employees' retirement system for retirees returning to work in an ineligible position or a position covered by a different state retirement system; and amending RCW 41.40.037.

Referred to Committee on Ways & Means.

HB 2408 by Representatives Ormsby, Chandler, Sullivan and Haler

AN ACT Relating to removing the statutory provision that allows members of plan 3 of the public employees' retirement system, school employees' retirement system, and teachers' retirement system to select a new contribution rate option each year; and amending RCW 41.34.040.

Referred to Committee on Ways & Means.

SHB 2410 by House Committee on Capital Budget (originally sponsored by Representatives Riccelli, Hawkins, Stonier, Santos, Reykdal, Farrell, Bergquist, Senn, Appleton, Ormsby, Parker, Walkinshaw, Robinson, Tharinger, Ryu, Morrell, Stanford, S. Hunt, Gregerson and Freeman)

AN ACT Relating to equipment assistance grants to enhance student nutrition in public schools; adding a new section to chapter 28A.235 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2415 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Parker, Ormsby, Zeiger, Walsh, Holy, Christian, Lytton, Riccelli, Fagan, Kagi, Gregerson, Orwall and Santos)

AN ACT Relating to creating a temporary homeless status certification; adding a new section to chapter 43.185C RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2437 by Representative Hunter

AN ACT Relating to clarifying employee eligibility for benefits from the public employees' benefits board and conforming the eligibility provisions with federal law; amending RCW 41.05.009, 41.05.011, 41.05.065, 41.05.066, 41.05.095, and 41.05.195; and reenacting and amending RCW 41.05.080.

Referred to Committee on Ways & Means.

ESHB 2451 by House Committee on Health Care & Wellness (originally sponsored by Representatives Liias, Walsh, Moeller, Cody, Walkinshaw, Jinkins, Lytton, Goodman, Stanford, Wylie, Riccelli, Pettigrew, Roberts, Orwall, Ryu, Tarleton, Reykdal, Habib, Bergquist, Gregerson, Farrell, Pollet and Ormsby)

AN ACT Relating to restricting the practice of sexual orientation change efforts; amending RCW 18.130.020 and 18.130.180; and creating new sections.

Referred to Committee on Health Care.

HB 2456 by Representatives Gregerson, Freeman, Tarleton, Orwall, Sells, Ryu, Appleton, Van De Wege, Goodman, Morrell and Muri

AN ACT Relating to correcting the expiration date of a definition of firefighter; and amending 2007 c 304 s 4 (uncodified).

Referred to Committee on Ways & Means.

SHB 2467 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Manweller, Cody, DeBolt, Green, Liias, Dunshee, Ryu, Tarleton, Goodman, Gregerson, Morrell, Kagi and Ormsby)

AN ACT Relating to dental benefits offered in the Washington state health benefit exchange; and amending RCW 43.71.065.

Referred to Committee on Health Care.

SHB 2492 by House Committee on Judiciary (originally sponsored by Representatives Rodne, Jinkins, Morrell and Tharinger)

AN ACT Relating to liability of health care providers responding to an emergency; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law & Justice.

ESHB 2519 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Senn, Walsh, Kagi, Hunter, Roberts, Tharinger, Haigh, Goodman and Freeman)

AN ACT Relating to connecting children involved in the child welfare system to quality early care and education programming; amending RCW 43.215.405 and 43.215.405; adding a new section to chapter 26.44 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2537 by House Committee on Judiciary (originally sponsored by Representatives Robinson, Appleton, Jinkins, Stanford, Riccelli, Pollet and Santos)

AN ACT Relating to tenant screening; amending RCW 59.18.257; reenacting and amending RCW 59.18.030; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 2543 by House Committee on Public Safety (originally sponsored by Representatives Shea, Overstreet, Taylor and Short)

AN ACT Relating to electronic monitoring; amending RCW 9.94A.030; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

SHB 2544 by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Holy, Bergquist, Ormsby, Manweller, Christian, Green, Pettigrew and Kretz)

AN ACT Relating to newborn screening; amending RCW 70.83.020; adding new sections to chapter 70.83 RCW; and providing an expiration date.

Referred to Committee on Health Care.

EHB 2558 by Representatives Fey, Jinkins and Freeman

AN ACT Relating to disposing tax foreclosed property to cities for affordable housing purposes; and amending RCW 36.35.150.

Referred to Committee on Ways & Means.

E2SHB 2580 by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Tarleton, Haler, Fey, Wylie, Seaquist, Pollet, Ryu and Carlyle)

AN ACT Relating to fostering economic resilience and development in Washington by supporting the maritime industry and other manufacturing sectors; creating new sections; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

SHB 2592 by House Committee on Judiciary (originally sponsored by Representatives Stonier, Pike, Wylie, Harris, Fey, Orcutt and Moeller)

AN ACT Relating to county electronic public auctions; amending RCW 36.34.060, 36.34.080, 36.34.090, 36.35.120, 84.56.070, 84.56.090, 84.64.005, 84.64.080, and 84.64.200; reenacting and amending RCW 36.16.140; adding a new section to chapter 36.16 RCW; adding a new section to chapter 84.64 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SHB 2612 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Hansen, Haler, Zeiger and Seaquist)

AN ACT Relating to the opportunity scholarship program; amending RCW 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.050, 28B.145.060, and 28B.145.070; and adding a new section to chapter 28B.145 RCW.

Referred to Committee on Ways & Means.

2SHB 2616 by House Committee on Appropriations (originally sponsored by Representatives Freeman, Walsh, Kagi, Roberts, Smith, Orwall, Tarleton and Pollet)

AN ACT Relating to parents with developmental disabilities involved in dependency proceedings; reenacting and amending RCW 13.34.136; and creating a new section.

Referred to Committee on Ways & Means.

HB 2723 by Representatives Gregerson, Rodne, Orwall, Jinkins, Robinson, Freeman, Takko, Farrell, Bergquist, Riccelli, Fitzgibbon, Senn, Ryu, Morrell, Ortiz-Self, Clibborn, Kagi and Goodman

AN ACT Relating to foreclosures; amending RCW 61.24.031, 61.24.163, 61.24.165, and 61.24.172; and reenacting and amending RCW 61.24.005.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2724 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Ortiz-Self, Appleton, Walkinshaw, Sawyer, Ryu, Roberts, Stanford and Wylie)

AN ACT Relating to the exemption of information concerning archaeological resources and traditional cultural

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places from public disclosure; and amending RCW 42.56.300.

SENATE RESOLUTION
8682

Referred to Committee on Governmental Operations.

SHB 2739 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Ortiz-Self, Walsh, Santos, Bergquist, Walkinshaw, Kagi, Johnson, Ryu, Zeiger and Magendanz)

AN ACT Relating to early childhood development as it relates to school success; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

MOTION

Senator Fain moved that all measures listed on the Introduction and First Reading report be referred to the committees as designated with the exception of Senate Bill No. 6566 which should be referred to the Committee on Law & Justice and Engrossed Substitute House Bill No. 2023 which should be referred to the Committee on Financial Institutions, Housing & Insurance.

Senator Rolfes spoke on the motion by Senator Fain.

The President declared the question before the Senate to be the motion by Senator Fain to refer the bills on the Introduction and First Reading report as previously designated to the committees.

The motion by Senator Fain carried by a voice vote.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 17, 2014."

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through February 17, 2014 by voice vote.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

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

MOTION

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

MOTION

Senator Honeyford moved adoption of the following resolution:

By Senators Honeyford, Hatfield, Hobbs, Brown, Schoesler, Holmquist Newbry, Angel, Hewitt, Benton, Becker, Ericksen, Bailey, Parlette, Hill, Dammeier, Rivers, Braun, Fraser, Padden, Pearson, Conway, Hasegawa, Sheldon, Fain, Chase, Rolfes, Nelson, King, Litzow, Baumgartner, and O'Ban

WHEREAS, The Civil Air Patrol was born on December 1, 1941, just days before the attack on Pearl Harbor, for the purposes of liaison flying and interdiction of infiltrators on the east coast and the southern border of the United States, and the Civil Air Patrol insignia, a red three-bladed propeller in the Civil Defense white-triangle-in-blue-circle, began appearing everywhere; and

WHEREAS, When German submarines began to prey on American ships, the Civil Air Patrol's mission grew to include a 1,000-member coastal patrol, 64 of whom died in service and 26 of whom were lost at sea; and

WHEREAS, After Civil Air Patrol planes were issued bombs and depth charges in response to a crew watching in vain as a grounded sub off Cape Canaveral, Florida, escaped before the military arrived, the Civil Air Patrol Coastal flew 24 million miles and found 173 subs, attacked 57, hit 10, and sank two; and

WHEREAS, By presidential executive order, the Civil Air Patrol became an auxiliary of the Army Air Force on April 28, 1943, and some months later the Germans withdrew coastal U-boat operations "because of those damned little red and yellow airplanes"; and

WHEREAS, The Civil Air Patrol went on to target-towing operations, courier service for the Army, liaison and cargo flights between war plants, and southern border patrol against enemy infiltrators crossing from Mexico, and air, search and rescue, and nonflying Civil Air Patrol members guarded airfields and trained a rapidly growing corps of Civil Air Patrol cadets; and

WHEREAS, During the postwar years, the Civil Air Patrol was put to work in search and rescue missions, saving the United States millions of dollars in operational costs, because there was no other organization with the equipment and training to continue this vital job as military aircraft was far too expensive to operate and flew too fast to accurately spot downed planes and personnel; and

WHEREAS, During floods and other natural disasters, the Civil Air Patrol has flown vital serum and vaccines to areas unreachable by heavier aircraft, and ground teams have helped in the evacuation of cities and towns; and

WHEREAS, The Civil Air Patrol has a cadet program with over 24,000 young people between the ages of 12 and 20, one of its major attractions being the aerospace program which provides both classroom and practical instruction in flight and rocketry, and each cadet is offered the opportunity to participate in orientation flights in both powered and glider aircraft, while learning search and rescue techniques and many other valuable skills, with an emphasis on military history, leadership, and service to others both within the squadron and the community as a whole; and

WHEREAS, Today's Civil Air Patrol continues its service and commitment to our state and country with three primary missions: Aerospace Education, Cadet Programs, and Emergency Services; and

WHEREAS, In Washington state alone, the Civil Air Patrol is composed of 734 senior members and 638 cadets who flew their eleven aircraft 2,304 hours in service to our state and, primarily for cadet aerospace education, their Washington state gliders took 696 flights, at a value of 3 million dollars in volunteer hours; and

WHEREAS, The Washington Wing was ranked first for hours flown per aircraft above all Wings in the CAP Pacific Region, which is comprised of Wings from Alaska, Oregon, California, Hawaii, Washington, and Nevada, and the Washington Wing ranked 14th for hours flown per wing out of the 57 CAP units nationwide;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state Senate recognize the Washington state wing of the Civil Air Patrol for its courageous and unwavering dedication to our citizens; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Civil Air Patrol Wing Commander, Colonel David Lehman, and to Civil Air Patrol Colonel, Theodore Tax.

Senators Honeyford and O'Ban spoke in favor of adoption of the resolution.

POINT OF INQUIRY

Senator Keiser: "Would Senator Honeyford yield to a question? I always admire a man in a dashing uniform and it's a wonder to see it on you and I'd like you to tell me a little more about your uniform today. Would you?"

Senator Honeyford: "It's a United States Air Force uniform. The insignia on the shoulder boards are for Lieutenant Colonel. I received that for being the Legislative Squadron leader but I also participate with the Yakima squadron and their training and these ribbons are some of the ribbons that have been earned since I have been in Civil Air Patrol."

Senators Chase, Brown and Cleveland spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8682.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Colonel Theodore Tax, Vice Commander of the Washington Wing who was seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the cadets, representatives and other guests of the Civil Air Patrol, Washington Wing who were present in the gallery and recognized by the senate.

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Steven R. Hill, Gubernatorial Appointment No. 9206, be confirmed as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

Senator Keiser spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Hobbs was excused.

MOTION

On motion of Senator Fain, Senator Baumgartner was excused.

APPOINTMENT OF STEVEN R. HILL

The President declared the question before the Senate to be the confirmation of Steven R. Hill, Gubernatorial Appointment No. 9206, as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Steven R. Hill, Gubernatorial Appointment No. 9206, as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Hobbs

Steven R. Hill, Gubernatorial Appointment No. 9206, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Frederick Goldberg, Gubernatorial Appointment No. 9235, be confirmed as a member of the Board of Trustees, The Evergreen State College.

Senators Fraser and Frockt spoke in favor of passage of the motion.

MOTION

On motion of Senator Billig, Senators Keiser and Nelson were excused.

APPOINTMENT OF FREDERICK GOLDBERG

The President declared the question before the Senate to be the confirmation of Frederick Goldberg, Gubernatorial Appointment No. 9235, as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Frederick Goldberg, Gubernatorial Appointment No. 9235, as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel,

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Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

Senators Fraser and Hasegawa spoke against passage of the bill.

Excused: Senators Baumgartner, Hobbs, Keiser and Nelson

Frederick Goldberg, Gubernatorial Appointment No. 9235, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 5514 was deferred and the bill held its place on the third reading calendar.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

SECOND READING

MOTION

SENATE BILL NO. 6014, by Senators Roach and Fain

Senator Schoesler moved that Uriel R Iniguez, Gubernatorial Appointment No. 9277, be confirmed as a member of the Board of Trustees, Eastern Washington University.

Concerning the operation of a vessel under the influence of an intoxicant.

Senator Schoesler spoke in favor of the motion.

MOTIONS

APPOINTMENT OF URIEL R INIGUEZ

On motion of Senator Padden, Substitute Senate Bill No. 6014 was substituted for Senate Bill No. 6014 and the substitute bill was placed on the second reading and read the second time.

The President declared the question before the Senate to be the confirmation of Uriel R Iniguez, Gubernatorial Appointment No. 9277, as a member of the Board of Trustees, Eastern Washington University.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 6014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Secretary called the roll on the confirmation of Uriel R Iniguez, Gubernatorial Appointment No. 9277, as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Senators Padden, Roach and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6014.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ROLL CALL

Excused: Senators Baumgartner, Hobbs and Keiser

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6014 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Uriel R Iniguez, Gubernatorial Appointment No. 9277, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

MOTION

Excused: Senator Baumgartner

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

SUBSTITUTE SENATE BILL NO. 6014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

MOTION

SENATE BILL NO. 5514, by Senators Roach and Benton

Concerning utility rates and charges for vacant mobile home lots in manufactured housing communities.

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

The measure was read the second time.

MOTION

MOTION

Senator Fraser moved adoption of the following resolution:

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5514 was advanced to third reading, the second

SENATE RESOLUTION

8681

By Senators Fraser, Honeyford, Nelson, Hewitt, Tom, Rolfes, Fain, Mullet, Bailey, Kline, Hobbs, Pedersen, Eide, Schoesler, Keiser, Hargrove, Ranker, Frockt, Lias, Conway, Darneille, Padden, Braun, Angel, Ericksen, Hatfield, Benton, Kohl-Welles, McCoy, Hasegawa, Pearson, Becker, Chase, Sheldon, McAuliffe, Cleveland, Billig, Parlette, Litzow, Roach, Brown, Dansel, Holmquist Newbry, Baumgartner, O'Ban, Hill, Rivers, Dammeier, and King

WHEREAS, 125 years ago, on February 22, 1889, fittingly on George Washington's Birthday, President Grover Cleveland signed legislation enabling the Washington Territory to proceed with the steps necessary to become a state; and

WHEREAS, From this date, the process proceeded expeditiously, taking only nine months, with a State Constitutional Convention held in Olympia July 4 to August 22, 1889, the proposed State Constitution approved by Washington's all-male voters on October 1, and the Proclamation of Statehood issued by the President on November 11; and

WHEREAS, Although these steps were achieved quickly, this action culminated a 36-year quest for statehood, which began with the establishment of the Washington Territory in 1853; and

WHEREAS, Prior attempts to achieve statehood involved actions during the 1870s, which included the unsuccessful 1878 Walla Walla Constitutional Convention, and actions during the 1880s, which included an effort to establish a "State of Tacoma"; and

WHEREAS, The Enabling Act specified many significant policies required to be included in the Washington State Constitution, including that "the constitution shall be republican in form," that it shall "make no distinction in civil or political rights on account of race or color, except as to Indians not taxed," that is "not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence," that there be "perfect toleration of religious sentiment," and that "provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children...and free from sectarian control"; and

WHEREAS, The Enabling Act provided that, upon statehood, the national government would transfer significant amounts of land to the state government for purposes of supporting "common schools," "agricultural colleges," "normal schools," "a scientific school," and "charitable, educational, penal, and reformatory institutions"; and

WHEREAS, Provisions of the Enabling Act have been amended by Congress periodically, as the Act continues to guide and inform the principles governing the State to this day; and

WHEREAS, The Enabling Act also provided for the general judicial framework for the State, and appended the State to the Ninth Judicial Circuit of the federal court system; and

WHEREAS, Statehood finally allowed the citizens of the former Territory to have direct representation in Congress; and

WHEREAS, Washington State will commemorate the 125th Anniversary of the admission of Washington State to the Union on November 11, 1889, with events and ceremonies on November 11, 2014, which will include the return to the State Capitol of the "Keepers of the Capsule" after 25 years, to fulfill the oath they took in 1989 at the age of 10; and

WHEREAS, This historic return will feature the first updating of the State's 400-year time capsule, the swearing-in of the second generation of "Keepers of the Capsule" to watch and ward over the capsule on its journey to the year 2389, and the installation of the first 25 year time capsule materials since 1989 by the new generation of "Keepers of the Capsule";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate call on the people of the State of Washington to commemorate the 125th Anniversary of the Enabling Act, enacted by Congress, which enabled Washington to become the successful, vibrant state it is today and will continue to be in the future.

Senators Fraser, Cleveland and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8681.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Washington 125 Planning Committee: Mrs. Jerry Honeyford; Mrs. Shanna Stevenson, Washington State Historical Society; Mr. Mark Foutch, former Mayor of the City of Olympia; and Ms. Jennifer Estroff, Chair of the "Keepers of the Capsule" who were present in the gallery.

MOTION

At 10:06 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:48 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2365,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 14, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2192,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2298,
ENGROSSED HOUSE BILL NO. 2582,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND READING

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SENATE BILL NO. 6206, by Senators Honeyford, Conway and Holmquist Newbry

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

Concerning telecommunications installations.

MOTION

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Becker, the rules were suspended, Engrossed Substitute Senate Bill No. 6511 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Conway spoke in favor of passage of the bill.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6511.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6206.

ROLL CALL

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6206 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6511 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

Absent: Senator Rivers

Excused: Senator Baumgartner

SENATE BILL NO. 6206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND READING

SENATE BILL NO. 6511, by Senators Becker and King

SENATE BILL NO. 6138, by Senators Bailey, Pedersen, Parlette and Kline

Addressing the prior authorization of health care services.

Allowing the Washington state dental quality assurance commission to adopt rules regarding credential renewal requirements for dental professionals.

MOTION

The measure was read the second time.

On motion of Senator Becker, Substitute Senate Bill No. 6511 was substituted for Senate Bill No. 6511 and the substitute bill was placed on the second reading and read the second time.

MOTION

MOTION

Senator Becker moved that the following amendment by Senators Becker, Parlette and Pedersen be adopted:

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On page 2, line 17 after "rule;" insert the following:

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

"(g) Recommendations to limit or eliminate the application of prior authorization to routine health care services for which a person may self-refer;"

Re-label the remaining subsection

The President declared the question before the Senate to be the final passage of Senate Bill No. 6138.

Senators Becker and Pedersen spoke in favor of adoption of the amendment.

ROLL CALL

The President declared the question before the Senate to be the adoption of the amendment by Senators Becker, Parlette and Pedersen on page 2, line 17 to Substitute Senate Bill No. 6511.

The Secretary called the roll on the final passage of Senate Bill No. 6138 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

SENATE BILL NO. 6138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6519, by Senators Litzow, Hobbs, Keiser and McAuliffe

Concerning public school employees' insurance benefits reporting.

The measure was read the second time.

MOTION

On motion of Senator Litzow, the rules were suspended, Senate Bill No. 6519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6519.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6519 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Conway, Fraser, Hasegawa, Liias, McAuliffe, McCoy and Nelson

Excused: Senator Baumgartner

SENATE BILL NO. 6519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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

MOTION

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

AFTERNOON SESSION

The Senate was called to order at 1:09 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5859, by Senators Braun, Hatfield, Holmquist Newbry and Hargrove

Providing enhanced payment to small rural hospitals that meet the criteria of a sole community hospital.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5859 was substituted for Senate Bill No. 5859 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5859 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Braun and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5859.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5859 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Mullet

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 5859, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hatfield: "Thank you Mr. President.' Engaged,' 'inspired' and 'imaginative in their pursuit to understand the past,' that's how Longview school district administrators described Amy Johnson's students. Amy Johnson is the 2013 Washington State American History Teacher of the Year. I just wanted to take a moment to congratulate her. She teaches at Cascade Middle School in the Nineteenth Legislative District and rumor is that she is visiting us today with her family. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed Mrs. Amy Johnson, the 2013 Washington State American History Teacher of the Year, from

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Longview; her husband, Mr. Tom Johnson; and her son Mark who were present in the gallery together with their family and friends. The National History Teacher of the Year Award, sponsored by the Gilder Lehrman Institute of American History, HISTORY NETWORK, and The Preserve America program administered by the Advisory Council on Historic Preservation in cooperation with the White House, the U. S. Department of the Interior, and the U. S. Department of Agriculture, recognized outstanding K-12 American history teachers across the country.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6415.

SECOND READING

SENATE BILL NO. 6050, by Senators O'Ban, Becker, Pedersen, Keiser, Dammeier, Darneille, Baumgartner, Rolfes, Kohl-Welles, Parlette, Hill and Brown

ROLL CALL

Concerning communication of mammographic breast density information to patients.

The Secretary called the roll on the final passage of Senate Bill No. 6415 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

MOTIONS

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

On motion of Senator O'Ban, Substitute Senate Bill No. 6050 was substituted for Senate Bill No. 6050 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 6050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Excused: Senator Baumgartner

SENATE BILL NO. 6415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator O'Ban spoke in favor of passage of the bill.

Senator Pedersen spoke against passage of the bill.

SECOND READING

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6050.

SENATE BILL NO. 6025, by Senators O'Ban and Roach

ROLL CALL

Creating a sentence enhancement for body armor.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6050 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

The measure was read the second time.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

MOTION

Voting nay: Senators Billig, Chase, Cleveland, Fraser, Hasegawa, Hatfield, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson and Pedersen

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

Beginning on page 15, line 20, strike all of sections 2 through 4 and insert the following:

"Sec. 2. RCW 9.94A.535 and 2013 2nd sp.s. c 35 s 37 are each amended to read as follows:

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

SECOND READING

SENATE BILL NO. 6415, by Senators Fain, Angel, Tom, Dammeier, Hill, Becker, Eide, Hobbs, King, Brown, Bailey, Litzow, Schoesler, Braun and Rolfes

Concerning consecutive sentences for driving under the influence or physical control of a vehicle under the influence of intoxicating liquor, marijuana, or any drug.

(1) Mitigating Circumstances - Court to Consider

The measure was read the second time.

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(i) The defendant was making a good faith effort to obtain or provide medical assistance for someone who is experiencing a drug-related overdose.

(j) The current offense involved domestic violence, as defined in RCW 10.99.020, and the defendant suffered a continuing pattern of coercion, control, or abuse by the victim of the offense and the offense is a response to that coercion, control, or abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, or stalking, as defined in RCW 9A.46.110, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

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(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The offender or an accomplice was wearing body armor at the time of the offense and was armed with a firearm, as defined in RCW 9.41.010, or a deadly weapon, as defined in RCW 9A.04.110.

(o) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

~~((p))~~ (p) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

~~((q))~~ (q) The offense involved an invasion of the victim's privacy.

~~((r))~~ (r) The defendant demonstrated or displayed an egregious lack of remorse.

~~((s))~~ (s) The offense involved a destructive and foreseeable impact on persons other than the victim.

~~((t))~~ (t) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

~~((u))~~ (u) The defendant committed the current offense shortly after being released from incarceration.

~~((v))~~ (v) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

~~((w))~~ (w) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

~~((x))~~ (x) The defendant committed the offense against a victim who was acting as a good samaritan.

~~((y))~~ (y) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

~~((z))~~ (z) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

~~((aa))~~ (aa)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010.

~~((ab))~~ (bb) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street gang as defined in RCW 9.94A.030, its reputation, influence, or membership.

~~((bc))~~ (cc) The current offense involved paying to view, over the internet in violation of RCW 9.68A.075, depictions of a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (g).

~~((cd))~~ (dd) The offense was intentionally committed because the defendant perceived the victim to be homeless, as defined in RCW 9.94A.030.

~~((de))~~ (ee) The current offense involved a felony crime against persons, except for assault in the third degree pursuant to RCW 9A.36.031(1)(k), that occurs in a courtroom, jury room, judge's

chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber. This subsection shall apply only: (i) During the times when a courtroom, jury room, or judge's chamber is being used for judicial purposes during court proceedings; and (ii) if signage was posted in compliance with RCW 2.28.200 at the time of the offense.

~~((ef))~~ (ff) During the commission of the current offense, the defendant was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater."

Renumber the remaining section consecutively.

On page 1, line 1 of the title, after "9.94A.030" strike the remainder of the title and insert "and 9.94A.535; and providing an effective date."

Senator Kline spoke in favor of adoption of the amendment.
Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Pedersen on page 15, line 20 to Senate Bill No. 6025.

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

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6025.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6025 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Liias, Litzow, McAuliffe, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Frockt, Hasegawa, Kohl-Welles, McCoy, Mullet, Nelson and Pedersen

Excused: Senator Baumgartner

SENATE BILL NO. 6025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5020, by Senators Sheldon and Carrell

Modifying indigent defense provisions.

MOTION

On motion of Senator Sheldon, Substitute Senate Bill No. 5020 was substituted for Senate Bill No. 5020 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, line 35, after "(3)" insert "(a) or (b)"

Senator Kline spoke in favor of adoption of the amendment.

Senator Sheldon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, line 35 to Substitute Senate Bill No. 5020.

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

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Sheldon be adopted:

On page 3, line 36, after "accurate," strike everything through "court." on line 38

Senators Hargrove and Sheldon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Sheldon on page 3, line 16 to Substitute Senate Bill No. 5020.

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

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Substitute Senate Bill No. 5020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5020.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5020 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hasegawa, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Absent: Senator Ericksen

Excused: Senator Baumgartner

ENGROSSED SUBSTITUTE SENATE BILL NO. 5020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President welcomed U. S. Senator Patty Murray, former State Senator and Washington's senior U. S. Senator, who was present in the wings of the Senate.

MOTION

At 1:59 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:21 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6516, by Senators Honeyford, Keiser, Ericksen, Braun and Chase

Creating a joint legislative task force to study financing options for water supply, flood control, and storm water projects.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 6516 was substituted for Senate Bill No. 6516 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Conway moved that the following amendment by Senators Conway and McCoy be adopted:

On page 2, on line 25 strike "four members" and insert "six members, three from each of the two largest caucuses"

On page 2, on line 29 strike "four members" and insert "six members, three from each of the two largest caucuses"

Senators Conway and McCoy spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Conway and McCoy on page 2, line 25 to Substitute Senate Bill No. 6516.

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

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6516.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6516 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow,

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McAuliffe, McCoy, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Mullet and Nelson

Absent: Senator Liias

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6424, by Senators Roach, McAuliffe, Litzow, Fain, Bailey, Mullet, Hasegawa and Tom

Establishing a state seal of biliteracy for high school students.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Mullet, McAuliffe, Rolfes and Nelson spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator Liias was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6424.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6424 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

SENATE BILL NO. 6424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6125, by Senators Benton, Sheldon, Braun, Angel, Dammeier, O'Ban, Schoesler, Padden, Becker, Bailey and Honeyford

Concerning eminent domain.

The measure was read the second time.

MOTION

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

On page 1, line 10, after "govern." Insert "This section does not apply to property intended for use as part of a transportation project."

Senators Cleveland, Fraser, Rolfes, Chase and Kline spoke in favor of adoption of the amendment.

Senators Padden, Dansel and Benton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cleveland on page 1, line 10 to Senate Bill No. 6125.

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

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Cleveland, Pedersen, Fraser and Nelson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6125.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6125 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Excused: Senator Baumgartner

SENATE BILL NO. 6125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. This morning we had a resolution honoring the one hundred twenty-fifth anniversary of the State, sesqua-something or other, something I can't pronounce. But we also have another celebration the same that's even a couple months older than our state and that is the Washington State Grange. A little bit of history, they were formed in the upper floor in a building called the Pioneer Store building in La Camus which is now Camus in Clark County and it became the largest grange in the United States. Today we have some people in the balcony that are here for Washington State Grange meetings. I think one of the important things that they are doing is that they seem to very much dedicated to improving the quality of life in Washington and I appreciate that and their hard work. Also, that they have their one hundred twenty-fifth annual State Convention coming

up in Vancouver in June of this year. Thank you Mr. President, I thought we should recognize them.”

INTRODUCTION OF SPECIAL GUESTS

The President welcomed members of the Washington State Grange which, in addition to advocating for the improvement of the standard of living for farmers and other rural residents, fund college scholarships and coordinates a variety of projects and contests, and were present in the gallery. The Grangers were led by Washington State Grange Master (President) Duane J. Hamp, represented a number of local Granges included: Marilyn and Ed Armit, and Terry Abbott, Mossyrock #355, 20th Legislative District; Denise McCartan, Black Lake #861 (Olympia), 22nd Legislative District; Chris Schaefer, St Urban #648 (Winlock), 20th Legislative District; Claire and Kurt Lucke, Swauk-Teanaway #984 (Cle Elum), 13th Legislative District; Loren Mercer, The Agate #275 (Shelton), 35th Legislative District; Christie Vintilo, South Union #860 (Olympia), 35th Legislative District; Larry Helm and Russ Weston, Rome #226 (Bellingham), 40th Legislative District; Hazel Reude and Shannon Nickelsen, Fern Prairie #866 (Camas), 14th and 18th Legislative Districts; and Shavanna Burlingame, Silverlake/Ethel #1500, 20th Legislative District.

SECOND READING

SENATE BILL NO. 6517, by Senators Roach, Chase, Fraser and Rivers

Exempting agency employee driver's license numbers, identicard numbers, and identification numbers from public inspection and copying.

MOTION

On motion of Senator Roach, Substitute Senate Bill No. 6517 was substituted for Senate Bill No. 6517 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, at the beginning of line 2 of the title, after “numbers” strike all material through “identification numbers” and insert “and identicard numbers”

Senator Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 1, line 2 to Substitute Senate Bill No. 6517.

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

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute Senate Bill No. 6517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6517.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6517 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

ENGROSSED SUBSTITUTE SENATE BILL NO. 6517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: “Thank you Mr. President, having checked with the good Senator from the Forty-Seventh and found that we’re going to be here till oh dark thirty in the morning, we’re going to be dreary eyed. We’re going to be tired. So Dr. Kline has prescribed his famous medicine. I want you to know, I want you to know that medicine is organic. And for those for whom that is a dirty word I’m sorry but it organic. It is not foreign medicine. It is made right here in Olympia and it’s guaranteed effective. I just want you to know that that machine over there if you have any need for this medicine anytime soon and the machine makes you a little dubious, it’s a ten dollar special from the Goodwill. And I will be more than happy to help you move it. Thank you.”

PERSONAL PRIVILEGE

Senator Ranker: “I want to clarify for members in the gallery that the good speaker was just speaking about coffee. He’s talking about coffee. Nothing more. Thank you.”

SECOND READING

SENATE BILL NO. 6079, by Senators Hatfield and Honeyford

Extending the dairy inspection program assessment expiration date.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 6079 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6079.

ROLL CALL

THIRTY SIXTH DAY, FEBRUARY 17, 2014

2014 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 6079 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

The measure was read the second time.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Excused: Senator Baumgartner

SENATE BILL NO. 6079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6141.

SECOND READING

ROLL CALL

SENATE BILL NO. 5957, by Senators Honeyford and Mullet

The Secretary called the roll on the final passage of Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Concerning the renewal of parking privileges for persons with disabilities.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

The measure was read the second time.

Voting nay: Senators Chase, Kline and McAuliffe

MOTION

Excused: Senator Baumgartner

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SENATE BILL NO. 6141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Honeyford, Darneille, Mullet, Roach and Hobbs spoke in favor of passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of Senate Bill No. 5957.

At 4:35 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

ROLL CALL

EVENING SESSION

The Secretary called the roll on the final passage of Senate Bill No. 5957 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

The Senate was called to order at 7:03 p.m. by President Owen.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SECOND READING

Excused: Senator Baumgartner

SENATE BILL NO. 5957, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 6064, by Senators Litzow, Fain, Dammeier, Hobbs, Hill, Becker, Tom and Braun

Requiring an analysis of how school districts use school days.

MOTIONS

On motion of Senator Litzow, Substitute Senate Bill No. 6064 was substituted for Senate Bill No. 6064 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Litzow, the rules were suspended, Substitute Senate Bill No. 6064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SECOND READING

SENATE BILL NO. 6141, by Senators Roach, Hasegawa, Fain, Hobbs, Hatfield, Honeyford and Tom

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

Concerning the confidentiality of certain records filed with the utilities and transportation commission or the attorney general.

POINT OF INQUIRY

Senator Roach: "Would Senator Litzow yield to a question?"

The Senator does not yield.

Senator Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6064.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6064 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

SENATE BILL NO. 5112, by Senators Holmquist Newbry, Sheldon, Braun and Hewitt.

Granting scheduling authority for qualified retrospective rating plan employers and groups.

The bill was read on Third Reading.

MOTION

Senator Keiser moved that the rules be suspended and Senate Bill No. 5112 be returned to second reading for the purpose of amendment.

Senator Holmquist Newbry spoke against the motion.
Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the rules be suspended that Senate Bill No. 5112 be returned to second reading for the purpose of amendment.

The motion by Senator Keiser failed by a voice vote.

Senator Holmquist Newbry spoke in favor of passage of the bill.

Senator Conway spoke against passage of the bill.

POINT OF ORDER

Senator Schoesler: "Mr. President, the speaker is impugning the members of the retro program and straying from the intent of the legislation before us."

RULING BY THE PRESIDENT

President Owen: "Senator Schoesler, he has every right to impugn the members of the retro program, just not the members of this body."

Senators Keiser, McCoy, Hasegawa, Nelson, Kline, Lias and Fraser spoke against passage of the bill.

Senators Braun and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5112.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5112 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Erickson, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Nelson, Pedersen, Ranker and Rolfes

Excused: Senator Baumgartner

SENATE BILL NO. 5112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 6114, by Senators Benton and Cleveland

Revising local government treasury practices and procedures.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6114.

ROLL CALL

THIRTY SIXTH DAY, FEBRUARY 17, 2014

2014 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 6114 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

SENATE BILL NO. 6114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Nelson: "For members' information, that was our twentieth bill today. Number twenty. I just want to make sure everyone is aware of that. Thank you."

SECOND READING

SENATE BILL NO. 6180, by Senators Braun, Holmquist Newbry, Padden, Sheldon, Brown, Schoesler, Rivers and Parlette

Consolidating designated forest lands and open space timber lands for ease of administration.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 6180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Liias spoke in favor of passage of the bill.

Senator Rolfes spoke on passage of the bill.

Senator Fraser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6180.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6180 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Dansel, Eide, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Liias, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Conway, Darneille, Fraser, Frockt, Hasegawa, Kline, Kohl-Welles, McAuliffe, McCoy, Nelson, Pedersen and Rolfes

Excused: Senator Baumgartner

SENATE BILL NO. 6180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6514, by Senators Kohl-Welles, Hewitt, Holmquist Newbry, Hatfield, King, Schoesler, Keiser, Tom and Kline

Modifying the definition of qualifying farmers markets for the purposes of serving and sampling beer and wine.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6514.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6514 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dansel, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dammeier, Darneille, Hargrove, Liias, Padden, Parlette and Pearson

Excused: Senator Baumgartner

SENATE BILL NO. 6514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Sheldon, President Pro Tempore assumed the chair.

SECOND READING

SENATE BILL NO. 6248, by Senators Pearson, Benton and O'Ban

Making the unlawful possession of instruments of financial fraud a crime.

The measure was read the second time.

MOTION

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

On page 1, after line 4, insert the following:

"NEW SECTION. Sec. 1. The legislature finds that financial fraud is being committed with more sophisticated devices including electronic devices. The narrow intent of this act is to combat financial fraud only and not to address other uses by electronic or wireless devices."

Renumber the remaining sections consecutively.

Senators Liias and Pearson spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Liias and Kline on page 1, after line 4 to Senate Bill No. 6248.

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

MOTION

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

On page 1, line 2 of the title, after "9A.56.320;" insert "creating a new section;"

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Senate Bill No. 6248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6248.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6248 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

Excused: Senator Baumgartner

ENGROSSED SENATE BILL NO. 6248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6093, by Senators Rolfes, Dammeier, Billig, Kohl-Welles and McAuliffe

Allowing valid portable background check clearance cards issued by the department of early learning to be used by certain educational employees and their contractors for purposes of their background check requirements.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 6093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6093.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6093 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

SENATE BILL NO. 6093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6211, by Senators Fain, Padden, Sheldon, O'Ban, Becker, Dammeier, Brown, Honeyford, Hill and Benton

Concerning the termination of basic food benefits to incarcerated persons.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 6211 was substituted for Senate Bill No. 6211 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 6211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

Senator Darneille spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6211.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6211 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Conway, Dammeier, Dansel, Eide, Ericksen, Fain, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Liias, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Darneille, Fraser, Frockt, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, McAuliffe, McCoy and Nelson

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

THIRTY SIXTH DAY, FEBRUARY 17, 2014

2014 REGULAR SESSION

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

THIRD READING

SENATE BILL NO. 5158, by Senators Braun, Holmquist Newbry, Becker, Bailey, Roach, Sheldon, Dammeier, Schoesler and Honeyford.

Creating a good faith defense for certain minimum wage and overtime compensation complaints.

The bill was read on Third Reading.

Senators Braun, Padden, Holmquist Newbry and Ericksen spoke in favor of passage of the bill.

Senators Nelson, Frockt, Pedersen, Conway, Keiser, Hasegawa, Cleveland, McCoy, Ranker, Chase, Liias and Fraser spoke against passage of the bill.

PARLIAMENTARY INQUIRY

Senator Fain: "I was wondering if Senator Fraser has already spoken on this issue."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "I don't believe that she has. Senator Fraser please continue."

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5158.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5158 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Excused: Senator Baumgartner

SENATE BILL NO. 5158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President resumed the chair.

SECOND READING

SENATE BILL NO. 6279, by Senators Kline, Padden, O'Ban, Pedersen and Tom

Creating effective and timely access to magistrates for purposes of reviewing search warrant applications.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 6279 was substituted for Senate Bill No. 6279 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 6279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6279.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6279 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

Excused: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6242, by Senators King, Rolfes, Litzow, Billig, Fain, Chase and McAuliffe

Concerning waivers from the one hundred eighty-day school year requirement.

MOTION

On motion of Senator King, Substitute Senate Bill No. 6242 was substituted for Senate Bill No. 6242 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, beginning on line 20, after "with" strike "student populations of up to five hundred students" and insert "fewer than five hundred full-time equivalent students on October 1st of the school year in which the request is made"

Senators Rolfes and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rolfes and King on page 2, line 20 to Substitute Senate Bill No. 6242.

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

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 6242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6242.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6242 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Baumgartner

ENGROSSED SUBSTITUTE SENATE BILL NO. 6242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5972, by Senators Pearson, Rolfes, Hargrove, Mullet, Sheldon, Hewitt, Cleveland, Honeyford, Fain, Hill, Braun, Fraser, Litzow, Parlette, Frockt and Kline

Specifying recovery for fire damages to public or private forested lands.

MOTION

On motion of Senator Pearson, Substitute Senate Bill No. 5972 was substituted for Senate Bill No. 5972 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pearson moved that the following striking amendment by Senators Pearson and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 76.04 RCW to read as follows:

(1) The owner of public or private forested lands may bring a civil action in superior court for property damage to public or private forested lands, including real and personal property on those lands, when the damage results from a fire that started on or spread from public or private forested lands.

(2) Liability under this section attaches to the extent that evidence demonstrates that:

(a) An action or inaction by a person relating to the start or spread of the fire from public or private forested lands constituted negligence or a higher degree of fault; and

(b) The action or inaction under (a) of this subsection was a proximate cause of the property damage.

(3) Recoverable damages under this section are limited to:

(a) Either: (i) The difference in the fair market value of the damaged property immediately before and after the fire. For real property, the state-certified general real estate appraiser must identify and analyze all relevant characteristics and uses of the property including cultural, recreational, and environmental characteristics and uses, to the extent such characteristics or uses contribute to the fair market value of the property based on the highest and best use of the property. The state-certified general real estate appraiser shall expressly address the assumptions and conditions used to evaluate such characteristics and uses, consistent with standards of professional appraisal practice adopted under chapter 18.140 RCW; or (ii) the reasonable cost of restoring the damaged property to the general condition it was in immediately before the fire. However, recovery for the cost of restoration may not exceed the difference in the fair market value of the damaged property immediately before and after the fire;

(b) The reasonable expenses incurred to suppress or extinguish the fire unless otherwise provided for in this chapter; and

(c) Any other objectively verifiable monetary loss, that is not duplicative of the recovery specified under (a) or (b) of this subsection including, but not limited to: Out-of-pocket expenses; loss of earnings; loss of use of property; or loss of business or employment opportunities. Such loss must be established by evidence of prefire investments, income, expenses, or contracts specific to the damaged property.

(4) This section provides the exclusive cause of action for property damage to public or private forested lands, including real and personal property on those lands, resulting from a fire that started on or spread from public or private forested lands.

(5) The definitions in this subsection only apply throughout this section relating to the specification of damages for fire damage to public and private forested lands, unless the context clearly requires otherwise, and do not apply to and are not intended as a source for interpretation of other sections of this chapter.

(a) "Fair market value" means the amount that a willing buyer would pay to a willing seller for property in an arms-length transaction if both parties were fully informed about all advantages and disadvantages of the property and neither party is acting under a compulsion to sell, as determined by: (i) For real property, a state-certified general real estate appraiser as defined under RCW 18.140.010; and (ii) for personal property, an appraiser qualified to appraise the property based on training and experience. For real property, the state-certified general real estate appraiser must identify and analyze all relevant characteristics and uses of the property including cultural, recreational, and environmental characteristics and uses, to the extent such characteristics or uses contribute to the fair market value of the property based on the highest and best use of the property. The state-certified general real estate appraiser shall expressly address the assumptions and conditions used to evaluate such characteristics and uses, consistent with standards of professional appraisal practice adopted under chapter 18.140 RCW.

(b) "Forest tree species" means a tree species that is capable of producing logs, fiber, or other wood materials that are suitable for the production of lumber, sheeting, pulp, firewood, or other forest products.

(c) "Owner of public or private forested lands" means any person in actual control of public or private forested lands, whether the control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on the land in any manner.

(d) "Person" includes: An individual; a corporation; a public or private entity or organization; a local, state, or federal government or governmental entity; any business organization, including

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corporations and partnerships; or a group of two or more individuals acting with a common purpose.

Senators Hargrove and Pearson spoke against adoption of the amendment to the striking amendment.

(e) "Public or private forested lands" means any lands used or biologically capable of being used for growing forest tree species regardless of the existing use of the land except when the predominant physical use of the land at the time of the fire is not consistent with the growing, conservation, or preservation of forest tree species. Examples of inconsistent uses include, but are not limited to, buildings, airports, parking lots, mining, solid waste disposal, cropfields, orchards, vineyards, pastures, feedlots, communication sites, and home sites that may include up to ten acres. Public or private forested lands do not include state highways, county roads, railroad rights-of-way, and utility rights-of-way that cross over, under, or through such lands.

MOTION

On motion of Senator Billig, Senator Eide was excused.

Sec. 2. RCW 4.24.040 and 2009 c 549 s 1001 are each amended to read as follows:

The President declared the question before the Senate to be the adoption of the amendment on page 2, line 11 by Senator Kline to the striking amendment to Substitute Senate Bill No. 5972.

The motion by Senator Kline failed and the amendment to the striking amendment was not adopted by voice vote.

Except as provided in section 1 of this act, if any person shall for any lawful purpose kindle a fire upon his or her own land, he or she shall do it at such time and in such manner, and shall take such care of it to prevent it from spreading and doing damage to other persons' property, as a prudent and careful person would do, and if he or she fails so to do he or she shall be liable in an action on the case to any person suffering damage thereby to the full amount of such damage.

Senators Pearson and Liias spoke in favor of adoption of the striking amendment.

Sec. 3. RCW 4.24.060 and 2011 c 336 s 93 are each amended to read as follows:

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Pearson and Hargrove to Substitute Senate Bill No. 5972.

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

The common law right to an action for damages done by fires, is not taken away or diminished by RCW 4.24.040, 4.24.050, and 4.24.060(~~(-but it may be pursued; but)~~). However:

MOTION

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

On page 1, line 2 of the title, after "lands;" strike the remainder of the title and insert "amending RCW 4.24.040 and 4.24.060; adding a new section to chapter 76.04 RCW; and creating new sections."

(1) Any person availing himself or herself of the provisions of RCW 4.24.040, shall be barred of his or her action at common law for the damage so sued for(~~(-and)~~);

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute Senate Bill No. 5972 was advanced to third reading, the second reading considered the third and the bill was passed on final passage.

(2) No action shall be brought at common law for kindling fires in the manner described in RCW 4.24.050(~~(-but)~~). However, if any such fires shall spread and do damage, the person who kindled the (~~(same)~~) fire and any person present and concerned in driving (~~(such)~~) the lumber, by whose act or neglect (~~(such)~~) the fire is suffered to spread and do damage shall be liable in an action on the case for the amount of damages thereby sustained; and

Senators Pearson, Parlette and Ranker spoke in favor of passage of the bill.

Senators Liias and Kline spoke against passage of the bill.

(3) A civil action for property damage to public or private forested lands, including real and personal property on those lands, resulting from a fire that started on or spread from public or private forested lands may be brought only under section 1 of this act.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5972.

ROLL CALL

NEW SECTION. Sec. 4. This act does not: Affect or preclude any action relating to the imposition of criminal or civil penalties as authorized by law; affect or preclude the recovery of fire suppression costs as authorized under chapter 76.04 RCW; affect or preclude an action under RCW 4.24.630 against a person who goes onto the land of another without authorization and wrongfully, intentionally, and unreasonably causes a fire resulting in property damage; affect or preclude an action under chapter 27.44 or 27.53 RCW; or affect the provisions of RCW 76.04.016.

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5972 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

NEW SECTION. Sec. 5. This act applies prospectively only and not retroactively. It applies only to causes of action that arise on or after the effective date of this section."

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

MOTION

Senator Kline moved that the following amendment by Senator Kline to the striking amendment be adopted:

Voting nay: Senators Chase, Darneille, Fraser, Frockt, Hasegawa, Kline, Liias, Litzow, McAuliffe, McCoy, Nelson and Pedersen

On page 2, line 11 of the amendment, after "expenses," strike "or contracts" and insert "contracts, or objectively verifiable monetary value of the prefire use"

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 5972, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Kline, Liias and Frockt spoke in favor of adoption of the amendment to the striking amendment.

PERSONAL PRIVILEGE

Senator Hargrove: "Well thank you. I would like everybody's attention here because tomorrow at lunch is Hargrove hamburger day so I just wanted to make sure that everybody put that on their calendar. We're talking at least three pound patties, twelve pieces of bacon, you know, cheddar cheese, sautéed mushrooms and onions. So, we want to make sure that everybody has enough nourishment in order to make it through the end of cut off. I just wanted to announce that for everybody. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Hobbs: "I just want to let everyone know that we do have a defibrillator on site."

SECOND READING

SENATE BILL NO. 6555, by Senators Litzow, Hill, Tom, Hobbs, Dammeier, Rivers and Fain

Requiring the Washington institute for public policy to conduct systematic reviews of investments in education.

The measure was read the second time.

MOTION

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

On page 2, line 15, after "December 1," strike "2016" and insert 2019"

Senator McAuliffe spoke in favor of adoption of the amendment.

Senator Litzow spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 2, line 15 to Senate Bill No. 6555.

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

MOTION

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

On page 2, beginning on line 27, after "outcomes." strike all material through "education." on line 30

Senators Billig and Rolfes spoke in favor of adoption of the amendment.

Senators Litzow and King spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Billig on page 2, line 27 to Senate Bill No. 6555.

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

MOTION

On motion of Senator Litzow, the rules were suspended, Senate Bill No. 6555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow, Hargrove, Rolfes and Kohl-Welles spoke in favor of passage of the bill.

Senators McAuliffe and Frockt spoke against passage of the bill.

Senator McCoy spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6555.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6555 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Dammeier, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, Mullet, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Cleveland, Conway, Dansel, Darneille, Frockt, Hasegawa, Kline, Liias, McAuliffe, McCoy, Nelson and Padden

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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

SECOND READING

SENATE BILL NO. 6286, by Senators Rivers, Dammeier, Hobbs, Honeyford, Hatfield, Fraser and Roach

Concerning current use valuation for land primarily used for commercial horticultural purposes.

MOTION

On motion of Senator Fain, Substitute Senate Bill No. 6286 was substituted for Senate Bill No. 6286 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ranker moved that the following amendment by Senators Ranker and Rivers be adopted:

On page 5, line 3, after "subsection.", delete everything from "land" through "resale." on line 5, and insert the following: "As used under this subsection (h) "commercial horticultural purposes" does not include the storage, care, or selling of plants purchased from other growers for resale. "Farm and agricultural land" does not include land used primarily to grow plants in containers if more than twenty percent of the land is covered by a permanent impervious surface such as asphalt or concrete.

Senators Ranker and Rivers spoke in favor of adoption of the amendment.

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MOTIONS

The President declared the question before the Senate to be the adoption of the amendment by Senators Ranker and Rivers on page 5, line 3 to Substitute Senate Bill No. 6286.

The motion by Senator Ranker carried and the amendment was adopted by a rising vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute Senate Bill No. 6286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Honeyford: "Would Senator Rivers yield to a question? 'Impervious surface,' does that include a greenhouse that is on top of the land? Is that impervious surface?"

Senator Rivers: "Yes."

Senator Honeyford: "So, these big greenhouse operations will not be able to have a tax incentive?"

Senator Rivers: "It's the underlying pavement that..."

Senator Honeyford: "Is that specified in the bill?"

Senator Rivers: "Yes it is."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6286.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6286 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Benton, Dansel, Ericksen, Honeyford and Liias

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5958, by Senators McAuliffe, Hargrove, Rolfes, Mullet, Hasegawa, Chase, McCoy, Fraser, Kline, Fain, Hill, Keiser, King and Rivers

Concerning accountability in providing opportunities for certain students to participate in transition services.

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5958 was substituted for Senate Bill No. 5958 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Second Substitute Senate Bill No. 5958 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5958.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5958 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SECOND SUBSTITUTE SENATE BILL NO. 5958, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5975, by Senators Conway, Bailey, Braun, Hobbs, Rolfes and McAuliffe

Concerning the veterans innovations program.

MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5975 was substituted for Senate Bill No. 5975 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5975 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5975.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5975 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield,

Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Dansel

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 5975, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5785, by Senate Committee on Transportation (originally sponsored by Senators Ericksen, Rolfes, King, Ranker and Eide).

Modifying requirements for the display and replacement of license plates.

The bill was read on Third Reading.

MOTION

On motion of Senator Ericksen, the rules were suspended and Engrossed Substitute Senate Bill No. 5785 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5785, by Senate Committee on Transportation (originally sponsored by Senators Ericksen, Rolfes, King, Ranker and Eide)

Modifying requirements for the display and replacement of license plates.

The measure was read the second time.

MOTION

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

On page 10, after line 28, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 46.68 RCW to read as follows:

Any additional revenue that is generated as a result of this act, as determined by the transportation revenue forecast council, must be used for the preservation of bridges on state highways.

Sec. 8. RCW 46.68.030 and 2011 c 171 s 85 are each amended to read as follows:

(1) The director shall forward all fees for vehicle registrations under chapters 46.16A and 46.17 RCW, unless otherwise specified by law, to the state treasurer with a proper identifying detailed report. The state treasurer shall credit these moneys to the motor vehicle fund created in RCW 46.68.070.

(2) Proceeds from vehicle license fees and renewal vehicle license fees must be deposited by the state treasurer as follows:

(a) \$20.35 of each initial or renewal vehicle license fee must be deposited in the state patrol highway account in the motor vehicle fund, hereby created.

(i) Except as provided in (a)(ii) of this subsection, vehicle license fees, renewal vehicle license fees, and all other funds in the state patrol highway account must be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations.

(ii) Funds deposited into the state patrol highway account pursuant to section 7 of this act must be used for bridge preservation.

(b) \$2.02 of each initial vehicle license fee and \$0.93 of each renewal vehicle license fee must be deposited each biennium in the Puget Sound ferry operations account.

(c) Any remaining amounts of vehicle license fees and renewal vehicle license fees that are not distributed otherwise under this section must be deposited in the motor vehicle fund.

Sec. 9. RCW 46.68.070 and 1972 ex.s. c 103 s 6 are each amended to read as follows:

There is created in the state treasury a permanent fund to be known as the motor vehicle fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be for the use of the state, and through state agencies, for the use of counties, cities, and towns for proper road, street, and highway purposes, including the purposes of RCW 47.30.030. Additionally, proceeds deposited into the motor vehicle fund pursuant to section 7 of this act must be used for bridge preservation.

Sec. 10. RCW 46.68.170 and 2013 c 306 s 705 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW, and, pursuant to section 7 of this act, for bridge preservation. During the 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account to accomplish the purposes identified in this section.

Sec. 11. RCW 46.68.280 and 2003 c 361 s 601 are each amended to read as follows:

(1)(a) The transportation 2003 account (nickel account) is hereby created in the motor vehicle fund.

(b) Money in the account may be spent only after appropriation.

(c) Except as provided in (d) of this subsection, expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements, moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(d) Proceeds deposited into the account pursuant to section 7 of this act must be used for bridge preservation.

(2) The "nickel account" means the transportation 2003 account.

Sec. 12. RCW 46.68.290 and 2006 c 337 s 5 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act,

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including any principal and interest on bonds authorized for the projects or improvements, and, pursuant to section 7 of this act, for bridge preservation.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the

transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

Sec. 13. RCW 47.60.530 and 2011 1st sp.s. c 16 s 1 are each amended to read as follows:

(1) The Puget Sound ferry operations account is created in the motor vehicle fund.

(2) The following funds must be deposited into the account:

- (a) All moneys directed by law;
- (b) All revenues generated from ferry fares; and
- (c) All revenues generated from commercial advertising, concessions, parking, and leases as allowed under RCW 47.60.140.

(3) Moneys in the account may be spent only after appropriation.

(4) Expenditures from the account may be used only for the maintenance, administration, and operation of the Washington state ferry system, and, pursuant to section 7 of this act, for bridge preservation.

Sec. 14. RCW 47.66.070 and 2000 2nd sp.s. c 4 s 2 are each amended to read as follows:

The multimodal transportation account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for transportation purposes, and, pursuant to section 7 of this act, for bridge preservation."

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

On page 1, line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 46.16A.200, 46.16A.020, 46.17.200, 46.18.130, 46.68.030, 46.68.070, 46.68.170, 46.68.280, 46.68.290, 47.60.530, and 47.66.070; reenacting and amending RCW 46.16A.110 and 46.18.140; adding a new section to chapter 46.68 RCW; and creating a new section.

POINT OF ORDER

Senator Padden: "Mr. President, the underlying bill deals with the display and replacement of license plates and primarily modifies Chapter 46. Whereas the amendment offered by the gentleman from the Twenty-First District not only has a brand new title but goes into Chapter 47 and also deals with the purpose of revenue and where that revenue is going; makes changes, in addition, to State Patrol Highway account; the RV account; transportation partnership account; Puget Sound ferry account. All of these are new items and believe changes the scope and object of the original bill."

Senator Liias spoke against the point of order.

MOTION

On motion of Senator Fain, further consideration of Engrossed Substitute Senate Bill No. 5785 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6458, by Senators Becker, Angel, Dammeier, Brown, Tom, Schoesler, Bailey, Braun, Hill, Baumgartner, Litzow, Parlette and Honeyford

Repealing provisions that establish the office of the insurance commissioner and replacing that office with a Washington state insurance board.

The measure was read the second time.

MOTION

Senator Becker moved that the following striking amendment by Senators Becker, Pedersen and Sheldon be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.02.060 and 2010 c 27 s 1 are each amended to read as follows:

(1) The commissioner has the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code.

(2) The commissioner must execute his or her duties and must enforce the provisions of this code.

(3) The commissioner may:

(a) Make reasonable rules for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation. Rules are not effective prior to their being filed for public inspection in the commissioner's office.

(b) Conduct investigations to determine whether any person has violated any provision of this code.

(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.

(4) When the governor proclaims a state of emergency under RCW 43.06.010(12), the commissioner may issue an order that addresses any or all of the following matters related to insurance policies issued in this state:

(a) Reporting requirements for claims;

(b) Grace periods for payment of insurance premiums and performance of other duties by insureds;

(c) Temporary postponement of cancellations and nonrenewals; and

(d) Medical coverage to ensure access to care.

(5) An order by the commissioner under subsection (4) of this section may remain effective for not more than sixty days unless the commissioner extends the termination date for the order for an additional period of not more than thirty days. The commissioner may extend the order if, in the commissioner's judgment, the circumstances warrant an extension. An order of the commissioner under subsection (4) of this section is not effective after the related state of emergency is terminated by proclamation of the governor under RCW 43.06.210. The order must specify, by line of insurance:

(a) The geographic areas in which the order applies, which must be within but may be less extensive than the geographic area specified in the governor's proclamation of a state of emergency and must be specific according to an appropriate means of delineation, such as the United States postal service zip codes or other appropriate means; and

(b) The date on which the order becomes effective and the date on which the order terminates.

(6) The commissioner may adopt rules that establish general criteria for orders issued under subsection (4) of this section and may adopt emergency rules applicable to a specific proclamation of a state of emergency by the governor.

(7) The rule-making authority set forth in subsection (6) of this section does not limit or affect the rule-making authority otherwise granted to the commissioner by law.

(8) In addition to the requirements of the administrative procedure act established in chapter 34.05 RCW, the commissioner must provide notice of proposed rule making on matters related to health care insurance to the health care committees of the legislature, the health benefit exchange established under chapter 43.71 RCW, the health care authority established under chapter 41.05 RCW, and the governor. If any of these parties have concerns or object to the proposed rule making, the health care committee chairs of the legislature may notify the joint administrative rules review committee established in RCW 34.05.610 and request the application of RCW 34.05.620, 34.05.630, and 34.05.640.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Becker, Pedersen and Sheldon to Senate Bill No. 6458.

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

MOTION

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

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "the office of the insurance commissioner and matters related to health care insurance; amending RCW 48.02.060."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Senate Bill No. 6458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Pedersen and Parlette spoke in favor of passage of the bill.

Senator Hobbs spoke against passage of the bill.

POINT OF INQUIRY

Senator Conway: "Would Senator Becker yield to a question? The question I have here is trying to understand the scope of what we're talking about here in this bill. It seems like notice of proposed rule-making on matters related to health care insurance. That seems to be awfully broad to me in terms of, and I don't know what your intent is here. Is this rule-making dealing with the review of insurance policies? Insurance Commissioner has broad authority here. And I'm just curious, what are we talking about in this particular phrase; 'matters related to health care insurance?'"

Senator Becker: "Senator Conway, I'm not one hundred percent clear of your question but here's the intent. We don't want it to be for life, you know, policies, other type of insurance policies. We're just addressing the health care policies, or rule-making authority."

Senator Conway spoke against passage of the bill.

Senator Rolfes spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6458.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6458 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Frockt, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Lias, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, McCoy, Nelson, Ranker and Rolfes

Excused: Senators Baumgartner and Eide
ENGROSSED SENATE BILL NO. 6458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Padden, the objection raised by Senator Padden earlier in the day to the amendment on page 10, after line 28 by Senator Lias to Engrossed Substitute Senate Bill No. 5785 was withdrawn.

The Senate resumed consideration of Engrossed Substitute Senate Bill no. 5785 which had been deferred earlier in the day.

Senator Lias spoke in favor of adoption of the amendment.
Senators King and Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Lias on page 10, after line 28 to Engrossed Substitute Senate Bill No. 5785.

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

MOTION

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

On page 10, line 30, after "January 1," strike "2014" and insert "2015"

Senator Ericksen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 10, line 30 to Engrossed Substitute Senate Bill No. 5785.

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

MOTION

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

Senators Ericksen, Ranker, Mullet and Benton spoke in favor of passage of the bill.

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

ROLL CALL

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

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson,

Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5785, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5467, by Senators King, Eide, Litzow and Harper

Conforming vehicle owner list furnishment requirements with federal law. Revised for 1st Substitute: Concerning vehicle owner list furnishment requirements.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5467 was substituted for Senate Bill No. 5467 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Rolfes spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5467.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5467 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Ericksen, Fain, Fraser, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, King, Kline, Lias, Litzow, Mullet, O'Ban, Parlette, Pedersen, Ranker, Roach, Schoesler and Tom

Voting nay: Senators Chase, Dansel, Darneille, Frockt, Hargrove, Hasegawa, Honeyford, Keiser, Kohl-Welles, McAuliffe, McCoy, Nelson, Padden, Pearson, Rivers, Rolfes and Sheldon

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 5467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6423, by Senators Bailey, Kohl-Welles, Litzow, McAuliffe, Dammeier, Frockt, Fain, Mullet, Chase and Tom

Changing provisions relating to the opportunity scholarship.

MOTION

On motion of Senator Bailey, Second Substitute Senate Bill No. 6423 was substituted for Senate Bill No. 6423 and the second

substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Frockt be adopted:

On page 1, line 9, after "~~((Three))~~", strike "Five", and insert "Six"

On page 1, line 13, after "~~((Four))~~", strike "Six", and insert "Five"

Senators Kohl-Welles and Bailey spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Frockt on page 1, line 9 to Second Substitute Senate Bill No. 6423.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey, Kohl-Welles and Frockt spoke in favor of passage of the bill.

Senators Hasegawa and Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6423.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6423 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase and Hasegawa

Excused: Senators Baumgartner and Eide

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6126, by Senators O'Ban, Darneille, Becker, Tom, Fraser, Pedersen, Kline, Pearson, Kohl-Welles, Braun and Frockt

Concerning representation of children in dependency matters.

MOTION

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On motion of Senator O'Ban, Second Substitute Senate Bill No. 6126 was substituted for Senate Bill No. 6126 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following striking amendment by Senator O'Ban and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that many children languish in foster care following the termination of the parent and child relationship. These children have legal rights but no longer have a parent or advocate to represent their unique interests to the court. The legislature finds that providing attorneys for children following the termination of the parent and child relationship is fundamental to protecting the child's legal rights and to accelerate permanency.

(2) Although the legislature recognizes that many jurisdictions provide attorneys to children prior to termination of the parent and child relationship, nothing in this act may be construed against the parent's fundamental liberty interest in parenting the child prior to termination of the parent and child relationship as stated in *In re Dependency of K.N.J.*, 171 Wn.2d 568, 574 (2011) and *In re Welfare of Lusier*, 84 Wn.2d 135, 136-37 (1974), unless such a position would jeopardize the child's right to conditions of basic nurture, health, or safety.

Sec. 2. RCW 13.34.100 and 2010 c 180 s 2 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by an independent ((counsel)) attorney in the proceedings. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background information record shall include, but is not limited to, the following information:

- (a) Level of formal education;
- (b) General training related to the guardian ad litem's duties;
- (c) Specific training related to issues potentially faced by children in the dependency system;
- (d) Specific training or education related to child disability or developmental issues;
- (e) Number of years' experience as a guardian ad litem;
- (f) Number of appointments as a guardian ad litem and the county or counties of appointment;
- (g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause;
- (h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;

(i) The results of an examination of state and national criminal identification data. The examination shall consist of a background check as allowed through the Washington state criminal records

privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. The background check shall be done through the Washington state patrol criminal identification section and must include a national check from the federal bureau of investigation based on the submission of fingerprints; and

(j) Criminal history, as defined in RCW 9.94A.030, for the period covering ten years prior to the appointment.

The background information record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program a suitable person appointed by the court to act as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a copy of the background information record. The portion of the background information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through ~~((counsel))~~ an attorney, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6)(a) The court must appoint an attorney for a child in a dependency proceeding six months after granting a petition to terminate the parent and child relationship pursuant to RCW 13.34.180 and when there is no remaining parent with parental rights.

The court must appoint an attorney for a child when there is no remaining parent with parental rights for six months or longer prior to the effective date of this section if the child is not already represented.

The court may appoint one attorney to a group of siblings, unless there is a conflict of interest, or such representation is otherwise inconsistent with the rules of professional conduct.

(b) Legal services provided by an attorney appointed pursuant to (a) of this subsection do not include representation of the child in any appellate proceedings relative to the termination of the parent and child relationship.

(c)(i) Subject to the availability of amounts appropriated for this specific purpose, the state may pay the costs of legal services provided by an attorney appointed pursuant to (a) of this subsection, if the legal services are provided in accordance with the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010. Caseload limits must be calculated pursuant to (c)(ii) of this subsection.

(ii) Counties are encouraged to set caseloads as low as possible and to account for the individual needs of the children in care. Notwithstanding the caseload limits developed and recommended

by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010, when one attorney represents a sibling group, the first child is counted as one case, and each child thereafter is counted as one-half case to determine compliance with the caseload standards pursuant to (c)(i) of this subsection and section 3 of this act.

(iii) The office of civil legal aid is responsible for implementation of (c)(i) and (ii) of this subsection as provided in section 3 of this act.

(7)(a) The court may appoint an attorney to represent the child's position in any dependency action on its own initiative, or upon the request of a parent, the child, a guardian ad litem, a caregiver, or the department.

(b) If the court has not already appointed an attorney for a child, or the child is not represented by a privately retained attorney:

(i) The child's caregiver, or any individual, may refer the child to an attorney for the purposes of filing a motion to request appointment of an attorney at public expense; or

(ii) The child or any individual may retain an attorney for the child for the purposes of filing a motion to request appointment of an attorney at public expense.

(c) Pursuant to this subsection, the department or supervising agency and the child's guardian ad litem shall each notify a child of his or her right to request (~~(counsel)~~) an attorney and shall ask the child whether he or she wishes to have (~~(counsel)~~) an attorney. The department or supervising agency and the child's guardian ad litem shall notify the child and make this inquiry immediately after:

(i) The date of the child's twelfth birthday;

(ii) Assignment of a case involving a child age twelve or older; or

(iii) July 1, 2010, for a child who turned twelve years old before July 1, 2010.

~~((b))~~ (d) The department or supervising agency and the child's guardian ad litem shall repeat the notification and inquiry at least annually and upon the filing of any motion or petition affecting the child's placement, services, or familial relationships.

~~((c))~~ (e) The notification and inquiry is not required if the child has already been appointed (~~(counsel)~~) an attorney.

~~((d))~~ (f) The department or supervising agency shall note in the child's individual service and safety plan, and the guardian ad litem shall note in his or her report to the court, that the child was notified of the right to request (~~(counsel)~~) an attorney and indicate the child's position regarding appointment of (~~(counsel)~~) an attorney.

~~((e))~~ (g) At the first regularly scheduled hearing after:

(i) The date of the child's twelfth birthday;

(ii) The date that a dependency petition is filed pursuant to this chapter on a child age twelve or older; or

(iii) July 1, 2010, for a child who turned twelve years old before July 1, 2010;

the court shall inquire whether the child has received notice of his or her right to request (~~(legal counsel)~~) an attorney from the department or supervising agency and the child's guardian ad litem. The court shall make an additional inquiry at the first regularly scheduled hearing after the child's fifteenth birthday. No inquiry is necessary if the child has already been appointed (~~(counsel)~~) an attorney.

((f) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7)) (8) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to this section shall be deemed a guardian ad

litem ((to represent the best interests of the minor in proceedings before the court)).

~~((9))~~ (9) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends. The program shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The court shall immediately appoint the person recommended by the program.

~~((9))~~ (10) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

NEW SECTION. Sec. 3. A new section is added to chapter 2.53 RCW to read as follows:

(1) Money appropriated by the legislature for legal services provided by an attorney appointed pursuant to RCW 13.34.100 must be administered by the office of civil legal aid established under RCW 2.53.020.

(2) The office of civil legal aid may enter into contracts with the counties to disburse state funds for an attorney appointed pursuant to RCW 13.34.100. The office of civil legal aid may also require a county to use attorneys under contract with the office for the provision of legal services under RCW 13.34.100 to remain within appropriated amounts.

(3) Prior to distributing state funds under subsection (2) of this section, the office of civil legal aid must verify that attorneys providing legal representation to children under RCW 13.34.100 meet the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010. Caseload limits described in this subsection must be determined as provided in RCW 13.34.100(6)(c)(ii).

NEW SECTION. Sec. 4. This act takes effect July 1, 2014."

Senator O'Ban spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator O'Ban and others to Second Substitute Senate Bill No. 6126.

The motion by Senator O'Ban carried and the striking amendment was adopted by voice vote.

MOTION

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

On page 1, line 2 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 13.34.100; adding a new section to chapter 2.53 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

THIRTY SIXTH DAY, FEBRUARY 17, 2014

2014 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6126.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6126 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6272, by Senators Hewitt, Conway, Holmquist Newbry, King, Fain, Hobbs, Hasegawa, Cleveland, Rolfes, Hill, Rivers, Dammeier, Keiser, Kohl-Welles and Angel

Concerning manufacturer and new motor vehicle dealer franchise agreements.

MOTION

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 6272 was substituted for Senate Bill No. 6272 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Holmquist Newbry moved that the following striking amendment by Senator Holmquist Newbry and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.70.045 and 1997 c 432 s 2 are each amended to read as follows:

The director may deny a license under this chapter when the application is a subterfuge that conceals the real person in interest whose license has been denied, suspended, or revoked for cause under this chapter and the terms have not been fulfilled or a civil penalty has not been paid, ~~((¶))~~ the director finds that the application was not filed in good faith, or the issuance of a new license or subagency would cause a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, to be in violation of chapter 46.96 RCW. This section does not preclude the department from taking an action against a current licensee.

Sec. 2. RCW 46.96.020 and 2003 c 21 s 1 are each amended to read as follows:

In addition to the definitions contained in RCW 46.70.011, which are incorporated by reference into this chapter, the definitions set forth in this section apply only for the purposes of this chapter.

(1) A "new motor vehicle" is a vehicle that has not been titled by a state and ownership of which may be transferred on a manufacturer's statement of origin (MSO).

(2) "New motor vehicle dealer" means a motor vehicle dealer engaged in the business of buying, selling, exchanging, or otherwise dealing in new motor vehicles or new and used motor vehicles at an established place of business, under a franchise, sales and service agreement, or contract with the manufacturer of the new motor vehicles. However, ~~((the term))~~ "new motor vehicle dealer" does not include a miscellaneous vehicle dealer as defined in RCW 46.70.011~~((3))~~ (17)(c) or a motorcycle dealer as defined in chapter 46.94 RCW.

(3) "Franchise" means one or more agreements, whether oral or written, between a manufacturer and a new motor vehicle dealer, under which the new motor vehicle dealer is authorized to sell, service, and repair new motor vehicles, parts, and accessories under a common name, trade name, trademark, or service mark of the manufacturer.

"Franchise" includes an oral or written contract and includes a dealer agreement, either expressed or implied, between a manufacturer and a new motor vehicle dealer that purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motor vehicles manufactured, distributed, or imported by the manufacturer; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the manufacturer; and (c) the dealer's business relies on the manufacturer for a continued supply of motor vehicles, parts, and accessories.

(4) "Good faith" means honesty in fact and fair dealing in the trade as defined and interpreted in RCW 62A.2-103.

(5) "Designated successor" means:

(a) The spouse, biological or adopted child, stepchild, grandchild, parent, brother, or sister of the owner of a new motor vehicle dealership who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealership under the terms of the owner's will or similar document, and if there is no such will or similar document, then under applicable intestate laws;

(b) A qualified person experienced in the business of a new motor vehicle dealer who has been nominated by the owner of a new motor vehicle dealership as the successor in a written, notarized, and witnessed instrument submitted to the manufacturer; or

(c) In the case of an incapacitated owner of a new motor vehicle dealership, the person who has been appointed by a court as the legal representative of the incapacitated owner's property.

(6) "Owner" means a person holding an ownership interest in the business entity operating as a new motor vehicle dealer and who is the designated dealer in the new motor vehicle franchise agreement.

(7) "Person" means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

(8) "Completed vehicle" means a vehicle that requires no further manufacturing operations to perform its intended function.

(9) "Dealer management computer system" means a computer hardware and software system that is owned or leased by a new motor vehicle dealer, including the dealer's use of internet applications, software, or hardware, whether located at an existing dealership facility or provided at a remote location, that provides access to customer records and transactions by a motor vehicle

dealer located in this state, and that allows the new motor vehicle dealer timely information in order to sell vehicles, parts, or services through the existing dealership facility.

(10) "Dealer management computer system vendor" means a seller or reseller of dealer management computer systems, to the extent that the seller or reseller is engaged in such activities.

(11) "Final-stage manufacturer" means a person who purchases an incomplete vehicle from a licensed motor vehicle dealer and performs such manufacturing operations that the incomplete vehicle becomes a completed vehicle.

(12) "Incomplete vehicle" means an assemblage consisting of, at a minimum, chassis (including the frame) structure, power train, steering system, suspension system, and braking system, in the state that those systems are to be part of the completed vehicle, but requires further manufacturing operations to become a completed vehicle.

(13) "Security breach" means an incident of unauthorized access to and acquisition of records or data containing new motor vehicle dealer or dealer customer information where unauthorized use of the dealer's customer or dealer information has occurred or is reasonably likely to occur or that creates a material risk of harm to the dealer or dealer's customer. Any incident of unauthorized access to and acquisition of records or data containing dealer or dealer customer information, or any incident of disclosure of dealer customer information to one or more third parties that has not been specifically authorized by the dealer or dealer's customer, constitutes a security breach.

Sec. 3. RCW 46.96.060 and 1989 c 415 s 6 are each amended to read as follows:

(1) Notwithstanding the terms of a franchise or the terms of a waiver, and except as otherwise provided in RCW 46.96.070(2) (a) through (d), good cause exists for termination, cancellation, or nonrenewal when there is a failure by the new motor vehicle dealer to comply with a provision of the franchise that is both reasonable and of material significance to the franchise relationship, if the new motor vehicle dealer was notified of the failure within one hundred eighty days after the manufacturer first acquired knowledge of the failure and the new motor vehicle dealer did not correct the failure after being requested to do so.

If, however, the failure of the new motor vehicle dealer relates to the performance of the new motor vehicle dealer in sales, service, or level of customer satisfaction, good cause is the failure of the new motor vehicle dealer to comply with reasonable performance standards determined by the manufacturer in accordance with uniformly applied criteria, and:

(a) The new motor vehicle dealer was advised, in writing, by the manufacturer of the failure;

(b) The notice under this subsection stated that notice was provided of a failure of performance under this section;

(c) The manufacturer provided the new motor vehicle dealer with specific, reasonable goals or reasonable performance standards with which the dealer must comply, together with a suggested timetable or program for attaining those goals or standards, and the new motor vehicle dealer was given a reasonable opportunity, for a period not less than one hundred eighty days, to comply with the goals or standards; and

(d) The new motor vehicle dealer did not substantially comply with the manufacturer's performance standards during that period and the failure to demonstrate substantial compliance was not due to market or economic factors within the new motor vehicle dealer's relevant market area that were beyond the control of the dealer.

(2) If the new motor vehicle dealer claims insufficient allocation, a manufacturer does not have good cause for termination, cancellation, or nonrenewal, unless:

(a) The manufacturer or distributor allocated sufficient inventory in the new motor vehicle dealer's primary allocation, both

in quantity and product mix, for the dealers' assigned market area. The inventory must have been delivered in a manner that allowed the dealer to reasonably meet the manufacturer's performance standards; and

(b) The manufacturer provides to the new motor vehicle dealer, upon the dealers' request, documentation sufficient to develop a market analysis. This documentation must include, but is not limited to, the allocation of inventory to the dealer and other dealers in the same zone during the period established by the manufacturer, and must not be shared by the dealer with any party not involved in preparing a market analysis or otherwise engaged in the termination proceeding.

(3) The manufacturer has the burden of proof of establishing good cause and good faith for the termination, cancellation, or nonrenewal of the franchise under this section.

Sec. 4. RCW 46.96.080 and 2009 c 12 s 1 are each amended to read as follows:

(1) Upon the termination, cancellation, or nonrenewal of a franchise, the manufacturer shall pay the new motor vehicle dealer, at a minimum:

(a) Dealer cost plus any charges by the manufacturer for distribution, delivery, and taxes, less all allowances paid or credited to the dealer by the manufacturer, of unused, undamaged, and unsold new motor vehicles in the new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make in the ordinary course of business within the previous twelve months;

(b) Dealer cost for all unused, undamaged, and unsold supplies, parts, and accessories in original packaging, except that in the case of sheet metal, a comparable substitute for original packaging may be used, if the supply, part, or accessory was acquired from the manufacturer or from another new motor vehicle dealer ceasing operations as a part of the new motor vehicle dealer's initial inventory as long as the supplies, parts, and accessories appear in the manufacturer's current parts catalog, list, or current offering;

(c) Dealer cost for all unused, undamaged, and unsold inventory, whether vehicles, parts, or accessories, the purchase of which was required by the manufacturer;

(d) The fair market value of each undamaged sign owned by the new motor vehicle dealer that bears a common name, trade name, or trademark of the manufacturer, if acquisition of the sign was recommended or required by the manufacturer and the sign is in good and usable condition less reasonable wear and tear, and has not been depreciated by the dealer more than fifty percent of the value of the sign;

(e) The fair market value of all equipment, furnishings, and special tools owned or leased by the new motor vehicle dealer that were acquired from the manufacturer or sources approved by the manufacturer and that were recommended or required by the manufacturer and are in good and usable condition, less reasonable wear and tear. However, if the equipment, furnishings, or tools are leased by the new motor vehicle dealer, the manufacturer shall pay the new motor vehicle dealer such amounts that are required by the lessor to terminate the lease under the terms of the lease agreement; and

(f) The cost of transporting, handling, packing, and loading of new motor vehicles, supplies, parts, accessories, signs, special tools, equipment, and furnishings purchased from the manufacturer or manufacturer-approved vendor.

To the extent the franchise agreement provides for payment or reimbursement to the new motor vehicle dealer in excess of that specified in this section, the provisions of the franchise agreement shall control.

(2)(a) For the nonrenewal or termination of a franchise that is implemented as a result of the sale of assets or stock of the motor vehicle dealer, the party purchasing the assets or stock of the motor

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vehicle dealer may negotiate for the purchase or other transfer of some or all unused, undamaged, and unsold new motor vehicles in the selling new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make in the ordinary course of business within the previous twelve months.

(b) For the nonrenewal or termination of a franchise that is implemented as a result of the sale of assets or stock of the motor vehicle dealer, this section does not prohibit a manufacturer from negotiating with the purchasing party for the purchase or other transfer of some or all unused, undamaged, and unsold new motor vehicles in the selling new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make in the ordinary course of business within the previous twelve months.

(c) A manufacturer's obligation under (a) of this subsection extends only to vehicles not purchased or otherwise transferred to the party purchasing the assets or stock of the motor vehicle dealer.

(3) The manufacturer shall pay the new motor vehicle dealer the sums specified in subsection (1) of this section (a) within ninety days after the termination, cancellation, or nonrenewal of the franchise, if the new motor vehicle dealer has clear title to the property or can provide clear title to the property upon payment by the manufacturer and is in a position to convey that title to the manufacturer, or (b) on the date of delivery of the assets to the manufacturer, whichever is earlier.

(4) In the case of motor homes, this section applies only to manufacturer-initiated termination, cancellation, or nonrenewal of a franchise.

Sec. 5. RCW 46.96.090 and 2010 c 178 s 3 are each amended to read as follows:

(1) In the event of a termination, cancellation, or nonrenewal under this chapter, except for termination, cancellation, or nonrenewal under RCW 46.96.070(2) or a voluntary termination, cancellation, or nonrenewal initiated by the dealer, the manufacturer shall, at the request and option of the new motor vehicle dealer, also pay to the new motor vehicle dealer the dealer costs for any relocation, substantial alteration, or remodeling of a dealer's facilities required by a manufacturer for the granting of a franchise or the continuance or renewal of a franchise agreement completed within three years of the termination, cancellation, or nonrenewal and:

(a) A sum equivalent to rent for the unexpired term of the lease or one year, whichever is less, or such longer term as provided in the franchise, if the new motor vehicle dealer is leasing the new motor vehicle dealership facilities from a lessor other than the manufacturer; or

(b) A sum equivalent to the reasonable rental value of the new motor vehicle dealership facilities for one year or until the facilities are leased or sold, whichever is less, if the new motor vehicle dealer owns the new motor vehicle dealership facilities.

(2) The rental payment required under subsection (1) of this section is only required to the extent that the facilities were used for activities under the franchise and only to the extent the facilities were not leased for unrelated purposes. If the rental payment under subsection (1) of this section is made, the manufacturer is entitled to possession and use of the new motor vehicle dealership facilities for the period rent is paid.

Sec. 6. RCW 46.96.105 and 2010 c 178 s 4 are each amended to read as follows:

(1) Each manufacturer shall specify in its franchise agreement, or in a separate written agreement, with each of its dealers licensed in this state, the dealer's obligation to perform warranty work or service on the manufacturer's products. Each manufacturer shall provide each of its dealers with a schedule of compensation to be

paid to the dealer for any warranty work or service, including parts, labor, and diagnostic work, required of the dealer by the manufacturer in connection with the manufacturer's products. The schedule of compensation must not be less than the rates charged by the dealer for similar service to retail customers for nonwarranty service and repairs, and must not be less than the schedule of compensation for an existing dealer as of June 10, 2010.

(a) The rates charged by the dealer for nonwarranty service or work for parts means the price paid by the dealer for those parts, including all shipping and other charges, increased by the franchisee's average percentage markup. A dealer must establish and declare the dealer's average percentage markup by submitting to the manufacturer one hundred sequential customer-paid service repair orders or ninety days of customer-paid service repair orders, whichever is less, covering repairs made no more than one hundred eighty days before the submission. A change in a dealer's established average percentage markup takes effect thirty days following the submission. A manufacturer may not require a dealer to establish average percentage markup by another methodology. A manufacturer may not require information that the dealer believes is unduly burdensome or time consuming to provide, including, but not limited to, part-by-part or transaction-by-transaction calculations. In calculating the retail rate customarily charged by the dealer for parts and labor, the following work must not be included in the calculation:

(i) Repairs for manufacturer or distributor special events, specials, or promotional discounts for retail customer repairs;

(ii) Parts sold at wholesale or at reduced or specially negotiated rates for insurance repairs;

(iii) Routine maintenance not covered under warranty, such as fluids, filters, and belts not provided in the course of repairs;

(iv) Nuts, bolts, fasteners, and similar items that do not have an individual part number;

(v) Tires;

(vi) Batteries and light bulbs; and

(vii) Vehicle reconditioning.

(b) A manufacturer shall compensate a dealer for labor and diagnostic work at the rates charged by the dealer to its retail customers for such work and for any documentation work required by the manufacturer to authorize or verify the work including, but not limited to, photographs, paperwork, and electronic data entry. However, a manufacturer is not required to compensate a dealer more than once for the same documentation work. If a manufacturer can demonstrate that the rates unreasonably exceed those of all other franchised motor vehicle dealers in the same relevant market area offering the same or a competitive motor vehicle line, the manufacturer is not required to honor the rate increase proposed by the dealer. If the manufacturer is not required to honor the rate increase proposed by the dealer, the dealer is entitled to resubmit a new proposed rate for labor and diagnostic work.

(c) A dealer may not be granted an increase in the average percentage markup or labor and diagnostic work rate more than ~~(twice)~~ once in one calendar year.

(2) All claims for warranty work for parts and labor made by dealers under this section ~~(shall)~~ must be submitted to the manufacturer within ~~((one year))~~ ninety days of the date the work was performed. All claims submitted must be paid by the manufacturer within thirty days following receipt, provided the claim has been approved by the manufacturer. The manufacturer has the right to audit claims for warranty work and to charge the dealer for any unsubstantiated, incorrect, or false claims for a period of ~~((one year))~~ nine months following payment. However, the manufacturer may audit and charge the dealer for any fraudulent

claims during any period for which an action for fraud may be commenced under applicable state law.

(3) All claims submitted by dealers on the forms and in the manner specified by the manufacturer shall be either approved or disapproved within thirty days following their receipt. The manufacturer shall notify the dealer in writing of any disapproved claim, and shall set forth the reasons why the claim was not approved. Any claim not specifically disapproved in writing within thirty days following receipt is approved, and the manufacturer is required to pay that claim within thirty days of receipt of the claim.

(4) A manufacturer may not otherwise recover all or any portion of its costs for compensating its dealers licensed in this state for warranty parts and service either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition.

Sec. 7. RCW 46.96.185 and 2010 c 178 s 6 are each amended to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, shall not:

(a) Discriminate between new motor vehicle dealers by selling or offering to sell a like vehicle to one dealer at a lower actual price than the actual price offered to another dealer for the same model similarly equipped;

(b) Discriminate between new motor vehicle dealers by selling or offering to sell parts or accessories to one dealer at a lower actual price than the actual price offered to another dealer;

(c) Discriminate between new motor vehicle dealers by using a promotion plan, marketing plan, or other similar device that results in a lower actual price on vehicles, parts, or accessories being charged to one dealer over another dealer;

(d) Discriminate between new motor vehicle dealers by adopting a method, or changing an existing method, for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its dealers that is not fair, reasonable, and equitable. Upon the request of a dealer, a manufacturer, distributor, factory branch, or factory representative shall disclose in writing to the dealer the method by which new motor vehicles, parts, and accessories are allocated, scheduled, or delivered to its dealers handling the same line or make of vehicles;

(e) Discriminate against a new motor vehicle dealer by preventing, offsetting, or otherwise impairing the dealer's right to request a documentary service fee on affinity or similar program purchases. This prohibition applies to, but is not limited to, any promotion plan, marketing plan, manufacturer or dealer employee or employee friends or family purchase programs, or similar plans or programs;

(f) Give preferential treatment to some new motor vehicle dealers over others by refusing or failing to deliver, in reasonable quantities and within a reasonable time after receipt of an order, to a dealer holding a franchise for a line or make of motor vehicles sold or distributed by the manufacturer, distributor, factory branch, or factory representative, a new vehicle, parts, or accessories, if the vehicle, parts, or accessories are being delivered to other dealers, or require a dealer to purchase unreasonable advertising displays or other materials, or unreasonably require a dealer to remodel or renovate existing facilities as a prerequisite to receiving a model or series of vehicles;

(g) Compete with a new motor vehicle dealer of any make or line by acting in the capacity of a new motor vehicle dealer, or by owning, operating, or controlling, whether directly or indirectly, a motor vehicle dealership in this state. It is not, however, a violation of this subsection for:

(i) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership for a temporary period, not to exceed two years, during the transition from one owner of the dealership to another where the dealership was previously owned by a franchised dealer and is currently for sale to any qualified independent person at a fair and reasonable price. The temporary operation may be extended for one twelve-month period on petition of the temporary operator to the department. The matter will be handled as an adjudicative proceeding under chapter 34.05 RCW. A dealer who is a franchisee of the petitioning manufacturer or distributor may intervene and participate in a proceeding under this subsection (1)(g)(i). The temporary operator has the burden of proof to show justification for the extension and a good faith effort to sell the dealership to an independent person at a fair and reasonable price;

(ii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship for the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been underrepresented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, and where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. Nothing in this subsection (1)(g)(ii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with (a) through (f) of this subsection;

(iii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. The number of dealerships operated under this subsection (1)(g)(iii) may not exceed four percent rounded up to the nearest whole number of a manufacturer's total of new motor vehicle dealer franchises in this state. Nothing in this subsection (1)(g)(iii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with (a) through (f) of this subsection;

(iv) A truck manufacturer to own, operate, or control a new motor vehicle dealership that sells only trucks of that manufacturer's line make with a gross vehicle weight rating of 12,500 pounds or more, and the truck manufacturer has been continuously engaged in the retail sale of the trucks at least since January 1, 1993; (~~(e)~~)

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(v) A manufacturer to own, operate, or control a new motor vehicle dealership trading exclusively in a single line make of the manufacturer if (A) the manufacturer does not own, directly or indirectly, in the aggregate, in excess of forty-five percent of the total ownership interest in the dealership, (B) at the time the manufacturer first acquires ownership or assumes operation or control of any such dealership, the distance between any dealership thus owned, operated, or controlled and the nearest new motor vehicle dealership trading in the same line make of vehicle and in which the manufacturer has no ownership or control is not less than fifteen miles and complies with the applicable provisions in the relevant market area sections of this chapter, (C) all of the manufacturer's franchise agreements confer rights on the dealer of that line make to develop and operate within a defined geographic territory or area, as many dealership facilities as the dealer and the manufacturer agree are appropriate, and (D) as of January 1, 2000, the manufacturer had no more than four new motor vehicle dealers of that manufacturer's line make in this state, and at least half of those dealers owned and operated two or more dealership facilities in the geographic territory or area covered by their franchise agreements with the manufacturer;

(vi) A final-stage manufacturer to own, operate, or control a new motor vehicle dealership; or

(vii) A manufacturer that held a vehicle dealer license in this state on January 1, 2014, to own, operate, or control a new motor vehicle dealership that sells new vehicles that are only of that manufacturer's makes or lines and that are not sold new by a licensed independent franchise dealer, or to own, operate, or control or contract with companies that provide finance, leasing, or service for vehicles that are of that manufacturer's makes or lines;

(h) Compete with a new motor vehicle dealer by owning, operating, or controlling, whether directly or indirectly, a service facility in this state for the repair or maintenance of motor vehicles under the manufacturer's new car warranty and extended warranty. Nothing in this subsection (1)(h), however, prohibits a manufacturer, distributor, factory branch, or factory representative from owning or operating a service facility for the purpose of providing or performing maintenance, repair, or service work on motor vehicles that are owned by the manufacturer, distributor, factory branch, or factory representative;

(i) Use confidential or proprietary information obtained from a new motor vehicle dealer to unfairly compete with the dealer. For purposes of this subsection (1)(i), "confidential or proprietary information" means trade secrets as defined in RCW 19.108.010, business plans, marketing plans or strategies, customer lists, contracts, sales data, revenues, or other financial information;

(j)(i) Terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer based upon any of the following events, which do not constitute good cause for termination, cancellation, or nonrenewal under RCW 46.96.060: (A) The fact that the new motor vehicle dealer owns, has an investment in, participates in the management of, or holds a franchise agreement for the sale or service of another make or line of new motor vehicles; (B) the fact that the new motor vehicle dealer has established another make or line of new motor vehicles or service in the same dealership facilities as those of the manufacturer or distributor; (C) that the new motor vehicle dealer has or intends to relocate the manufacturer or distributor's make or line of new motor vehicles or service to an existing dealership facility that is within the relevant market area, as defined in RCW 46.96.140, of the make or line to be relocated, except that, in any nonemergency circumstance, the dealer must give the manufacturer or distributor at least sixty days' notice of his or her intent to relocate and the relocation must comply with RCW 46.96.140 and 46.96.150 for any same make or line facility; or (D) the failure of a franchisee to change the location of the dealership or

to make substantial alterations to the use or number of franchises on the dealership premises or facilities.

(ii) Notwithstanding the limitations of this section, a manufacturer may, for separate consideration, enter into a written contract with a dealer to exclusively sell and service a single make or line of new motor vehicles at a specific facility for a defined period of time. The penalty for breach of the contract must not exceed the amount of consideration paid by the manufacturer plus a reasonable rate of interest;

(k) Coerce or attempt to coerce a motor vehicle dealer to refrain from, or prohibit or attempt to prohibit a new motor vehicle dealer from acquiring, owning, having an investment in, participating in the management of, or holding a franchise agreement for the sale or service of another make or line of new motor vehicles or related products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, if the prohibition against acquiring, owning, investing, managing, or holding a franchise for such additional make or line of vehicles or products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, is not supported by reasonable business considerations. The burden of proving that reasonable business considerations support or justify the prohibition against the additional make or line of new motor vehicles or products or nonexclusive facilities is on the manufacturer;

(l) Require, by contract or otherwise, a new motor vehicle dealer to make a material alteration, expansion, or addition to any dealership facility, unless the required alteration, expansion, or addition is uniformly required of other similarly situated new motor vehicle dealers of the same make or line of vehicles and is reasonable in light of all existing circumstances, including economic conditions. In any proceeding in which a required facility alteration, expansion, or addition is an issue, the manufacturer or distributor has the burden of proof. Except for a program or any renewal or modification of a program that is in effect with one or more new motor vehicle dealers in this state on the effective date of this section, a manufacturer shall not require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, standard, or otherwise to change the location of the dealership or construct, replace, renovate, or make any substantial changes, alterations, or remodeling to a new motor vehicle dealer's sales or service facilities, except as necessary to comply with health or safety laws or to comply with technology requirements without which a dealer would be unable to service a vehicle the dealer has elected to sell, before the tenth anniversary of the date of issuance of the certificate of occupancy or the manufacturer's approval, whichever is later, from:

(i) The date construction of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative; or

(ii) The date a prior change, alteration, or remodel of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative;

(m) Prevent or attempt to prevent by contract or otherwise any new motor vehicle dealer from changing the executive management of a new motor vehicle dealer unless the manufacturer or distributor, having the burden of proof, can show that a proposed change of executive management will result in executive management by a person or persons who are not of good moral character or who do not meet reasonable, preexisting, and equitably applied standards of the manufacturer or distributor. If a manufacturer or distributor rejects a proposed change in the executive management, the manufacturer or distributor shall give written notice of its reasons to

the dealer within sixty days after receiving written notice from the dealer of the proposed change and all related information reasonably requested by the manufacturer or distributor, or the change in executive management must be considered approved; ~~((o))~~

(n) Condition the sale, transfer, relocation, or renewal of a franchise agreement or condition manufacturer, distributor, factory branch, or factory representative sales, services, or parts incentives upon the manufacturer obtaining site control, including rights to purchase or lease the dealer's facility, or an agreement to make improvements or substantial renovations to a facility. For purposes of this section, a substantial renovation has a gross cost to the dealer in excess of five thousand dollars;

(o) Fail to provide to a new motor vehicle dealer purchasing or leasing building materials or other facility improvements the right to purchase or lease franchisor image elements of like kind and quality from an alternative vendor selected by the dealer if the goods or services are to be supplied by a vendor selected, identified, or designated by the manufacturer or distributor. If the vendor selected by the manufacturer or distributor is the only available vendor of like kind and quality materials, the new motor vehicle dealer must be given the opportunity to purchase the franchisor image elements at a price substantially similar to the capitalized lease costs of the elements. This subsection (1)(o) must not be construed to allow a new motor vehicle dealer or vendor to gain additional intellectual property rights they are not otherwise entitled to or to impair or eliminate the intellectual property rights of the manufacturer or distributor or to permit a new motor vehicle dealer to erect or maintain signs that do not conform to the reasonable intellectual property usage guidelines of the manufacturer or distributor;

(p) Take any adverse action against a new motor vehicle dealer including, but not limited to, charge backs or reducing vehicle allocations, for sales and service performance within a designated area of primary responsibility unless that area is reasonable in light of proximity to relevant census tracts to the dealership and competing dealerships, highways and road networks, state borders, any natural or man-made barriers, demographics, including economic factors, and buyer behavior information; or

(q) Require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, facility guide, standard, or otherwise to order or accept delivery of any service or repair appliances, equipment, parts, or accessories, or any other commodity not required by law, which the dealer has not voluntarily ordered or which the dealer does not have the right to return unused for a full refund within ninety days or a longer period as mutually agreed upon by the dealer and manufacturer.

(2) Subsection (1)(a), (b), and (c) of this section do not apply to sales to a motor vehicle dealer: (a) For resale to a federal, state, or local government agency; (b) where the vehicles will be sold or donated for use in a program of driver's education; (c) where the sale is made under a manufacturer's bona fide promotional program offering sales incentives or rebates; (d) where the sale of parts or accessories is under a manufacturer's bona fide quantity discount program; or (e) where the sale is made under a manufacturer's bona fide fleet vehicle discount program. For purposes of this subsection, "fleet" means a group of fifteen or more new motor vehicles purchased or leased by a dealer at one time under a single purchase or lease agreement for use as part of a fleet, and where the dealer has been assigned a fleet identifier code by the department of licensing.

(3) The following definitions apply to this section:

(a) "Actual price" means the price to be paid by the dealer less any incentive paid by the manufacturer, distributor, factory branch, or factory representative, whether paid to the dealer or the ultimate purchaser of the vehicle.

(b) "Control" or "controlling" means (i) the possession of, title to, or control of ten percent or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary, or (ii) the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise, except as expressly provided under the franchise agreement.

(c) "Motor vehicles" does not include trucks that are 14,001 pounds gross vehicle weight and above or recreational vehicles as defined in RCW 43.22.335.

(d) "Operate" means to manage a dealership, whether directly or indirectly.

(e) "Own" or "ownership" means to hold the beneficial ownership of one percent or more of any class of equity interest in a dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(4) A violation of this section is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW. A person aggrieved by an alleged violation of this section may petition the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 46.96 RCW to read as follows:

(1) Notwithstanding the terms or conditions of any consent, authorization, release, novation, franchise, or other contract or agreement, whenever any manufacturer, factory branch, distributor, distributor branch, dealer management computer system vendor, or any third party acting on behalf of or through, or approved, referred, endorsed, authorized, certified, granted preferred status, or recommended by, any manufacturer, factory branch, distributor, distributor branch, or dealer management computer system vendor, requires that a new motor vehicle dealer provide any other new motor vehicle dealer, consumer, or customer data or information through direct access to the dealer's management computer system, the new motor vehicle dealer is not required to provide, and may not be required to consent to provide in any written agreement, such direct access to its management computer system.

However, the new motor vehicle dealer may provide any other new motor vehicle dealer, consumer, or customer data or information specified by the requesting party by timely obtaining and pushing or otherwise furnishing the requested data to the requesting party in a widely accepted file format, such as comma delimited, provided that when a new motor vehicle dealer would otherwise be required to provide direct access to its management computer system under the terms of a consent, authorization, release, novation, franchise, or other contract or agreement, a new motor vehicle dealer that elects to provide data or information through other means may be charged a reasonable initial set-up fee and reasonable processing fee based on the actual incremental costs incurred by the party requesting the data for establishing and implementing the process for the dealer. Any term or provision contained in any consent, authorization, release, novation, franchise, or other contract or agreement that is inconsistent with this subsection is voidable at the option of the new motor vehicle dealer.

(2) Notwithstanding the terms or conditions of any consent, authorization, release, novation, franchise, or other contract or agreement, every manufacturer, factory branch, distributor, distributor branch, or any third party acting on behalf of or through any manufacturer, factory branch, distributor, or distributor branch, having electronic access to consumer or customer data or other information in a computer system utilized by a new motor vehicle dealer, or who has otherwise been provided consumer or customer

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data or information by the dealer, shall fully indemnify and hold harmless the dealer from whom it has acquired the consumer or customer data or other information from all damages, costs, and expenses incurred by the dealer including, but not limited to, judgments, settlements, fines, penalties, litigation costs, defense costs, court costs, costs related to the disclosure of security breaches, and attorneys' fees arising out of complaints, claims, security breaches, civil or administrative actions, and, to the fullest extent allowable under the law, governmental investigations and prosecutions to the extent caused by the manufacturer, factory branch, distributor, distributor branch, or third party acting on behalf of the manufacturer, factory branch, distributor, or distributor branch's access, storage, maintenance, use, sharing, disclosure, or retention of the dealer's consumer or customer data or other information, or maintenance or services provided to any computer system utilized by the dealer by the manufacturer, factory branch, distributor, distributor branch, or third party acting on behalf of or through the manufacturer, factory branch, distributor, or distributor branch.

(3) Notwithstanding the terms or conditions of any consent, authorization, release, novation, franchise, or other contract or agreement, a dealer management computer system vendor or any third party acting on behalf of or through any dealer management computer system vendor, having electronic access to consumer or customer data or other information in a computer system utilized by a new motor vehicle dealer, or who has otherwise been provided consumer or customer data or information by the dealer, shall fully indemnify and hold harmless the dealer from whom it has acquired the consumer or customer data or other information from all damages, costs, and expenses incurred by the dealer including, but not limited to, judgments, settlements, fines, penalties, litigation costs, defense costs, court costs, costs related to the disclosure of security breaches, and attorneys' fees arising out of complaints, claims, security breaches, civil or administrative actions, and, to the fullest extent allowable under the law, governmental investigations and prosecutions to the extent caused by the dealer management computer system vendor or any third party acting on behalf of the dealer management computer system vendor's access, storage, maintenance, use, sharing, disclosure, or retention of the dealer's consumer or customer data or other information, or maintenance or services provided to any computer system utilized by the dealer, by the dealer management computer system vendor or third party acting on behalf of or through the dealer management computer system vendor.

NEW SECTION. Sec. 9. This act applies to all franchises and contracts between manufacturers and new motor vehicle dealers amended, renewed, or entered into after the effective date of this section. For purposes of chapter 46.96 RCW, an agreement between a manufacturer and new motor vehicle dealer entered into after the effective date of this section, addressing any issues governed by chapter 46.96 RCW, is considered an amendment to an existing franchise."

Senator Holmquist Newbry spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Holmquist Newbry and others to Substitute Senate Bill No. 6272.

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

MOTION

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

On page 1, line 2 of the title, after "agreements;" strike the remainder of the title and insert "amending RCW 46.70.045, 46.96.020, 46.96.060, 46.96.080, 46.96.090, 46.96.105, and 46.96.185; adding a new section to chapter 46.96 RCW; and creating a new section."

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed Substitute Senate Bill No. 6272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker, Conway and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6272.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6272 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:37 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Tuesday, February 18, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTY SEVENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, February 18, 2014

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Baumgartner and Eide.

The Sergeant at Arms Color Guard consisting of Eagle Scouts, Kyler McConaghy, Troop 4063, of Oak Harbor and Andrew Moss of Lake Stevens representing the Mount Baker Council, Boy Scouts of America, presented the Colors.

Specialist Thomas O'Ban, United States Army Reserve, son of Senator Steve O'Ban, performed an acapella version of "The Star Spangled Banner."

Pastor Bill Knepper of Mount View Baptist Church, Centralia offered the prayer.

REMARKS BY THE PRESIDENT

President Owen: "Specialist O'Ban, that was an absolute excellent rendition of the 'Star Spangled Banner'. Thank you very much."

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 17, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1960,
 SUBSTITUTE HOUSE BILL NO. 2146,
 SUBSTITUTE HOUSE BILL NO. 2178,
 HOUSE BILL NO. 2208,
 HOUSE BILL NO. 2225,
 SUBSTITUTE HOUSE BILL NO. 2229,
 SECOND SUBSTITUTE HOUSE BILL NO. 2251,
 SUBSTITUTE HOUSE BILL NO. 2363,
 HOUSE BILL NO. 2386,
 HOUSE BILL NO. 2426,
 ENGROSSED HOUSE BILL NO. 2442,
 SUBSTITUTE HOUSE BILL NO. 2454,
 SECOND SUBSTITUTE HOUSE BILL NO. 2457,
 HOUSE BILL NO. 2482,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2493,
 HOUSE BILL NO. 2527,
 SUBSTITUTE HOUSE BILL NO. 2624,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2639,

SUBSTITUTE HOUSE BILL NO. 2698,
 ENGROSSED HOUSE BILL NO. 2789,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 17, 2014

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1118,
 SUBSTITUTE HOUSE BILL NO. 1156,
 SUBSTITUTE HOUSE BILL NO. 1402,
 SECOND SUBSTITUTE HOUSE BILL NO. 1773,
 SUBSTITUTE HOUSE BILL NO. 2205,
 HOUSE BILL NO. 2253,
 SUBSTITUTE HOUSE BILL NO. 2318,
 HOUSE BILL NO. 2440,
 HOUSE BILL NO. 2446,
 SUBSTITUTE HOUSE BILL NO. 2461,
 HOUSE BILL NO. 2534,
 HOUSE BILL NO. 2646,
 HOUSE BILL NO. 2647,
 SUBSTITUTE HOUSE BILL NO. 2675,
 SUBSTITUTE HOUSE BILL NO. 2705,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 17, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1171,
 SUBSTITUTE HOUSE BILL NO. 1742,
 SUBSTITUTE HOUSE BILL NO. 1841,
 SUBSTITUTE HOUSE BILL NO. 2150,
 HOUSE BILL NO. 2169,
 HOUSE BILL NO. 2302,
 SUBSTITUTE HOUSE BILL NO. 2420,
 SUBSTITUTE HOUSE BILL NO. 2567,
 HOUSE BILL NO. 2585,
 HOUSE BILL NO. 2598,
 HOUSE BILL NO. 2642,
 SUBSTITUTE HOUSE BILL NO. 2691,
 HOUSE BILL NO. 2744,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 17, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1005,
 ENGROSSED HOUSE BILL NO. 1013,

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SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,
 SECOND SUBSTITUTE HOUSE BILL NO. 1888,
 SUBSTITUTE HOUSE BILL NO. 2171,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376,
 HOUSE BILL NO. 2405,
 SUBSTITUTE HOUSE BILL NO. 2430,
 HOUSE BILL NO. 2438,
 SUBSTITUTE HOUSE BILL NO. 2481,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556,
 ENGROSSED HOUSE BILL NO. 2617,
 SECOND SUBSTITUTE HOUSE BILL NO. 2627,
 SUBSTITUTE HOUSE BILL NO. 2706,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2711,
 ENGROSSED HOUSE BILL NO. 2752,
 and the same are herewith transmitted.

AN ACT Relating to the agricultural labor skills and safety grant program; adding a new section to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

2SHB 1170 by House Committee on Finance (originally sponsored by Representatives Morrell, Cody, Seaquist, Morris, Green, Ormsby, Freeman, Jinkins, Blake, Moeller, Upthegrove, Ryu, Liias, Pollet, Fey, Haigh, Bergquist, S. Hunt and Santos)

AN ACT Relating to modifying the income thresholds for the exemption and deferral property tax relief programs for senior citizens and persons retired because of physical disability; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 17, 2014

ESHB 1287 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Appleton, Dahlquist, Hurst, McCoy, Ryu, Santos and Pollet)

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643,
 SUBSTITUTE HOUSE BILL NO. 2125,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2155,
 SECOND SUBSTITUTE HOUSE BILL NO. 2163,
 SUBSTITUTE HOUSE BILL NO. 2196,
 SUBSTITUTE HOUSE BILL NO. 2197,
 HOUSE BILL NO. 2231,
 HOUSE BILL NO. 2294,
 SUBSTITUTE HOUSE BILL NO. 2309,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2315,
 SUBSTITUTE HOUSE BILL NO. 2339,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2353,
 SUBSTITUTE HOUSE BILL NO. 2371,
 HOUSE BILL NO. 2436,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2439,
 HOUSE BILL NO. 2530,
 SUBSTITUTE HOUSE BILL NO. 2552,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2594,
 ENGROSSED HOUSE BILL NO. 2618,
 HOUSE BILL NO. 2674,
 HOUSE BILL NO. 2741,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2759,
 HOUSE BILL NO. 2777,
 and the same are herewith transmitted.

AN ACT Relating to subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe; amending RCW 82.29A.010, 82.29A.020, 82.29A.050, 84.36.010, 84.36.451, and 84.40.230; adding a new section to chapter 82.29A RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 52.30 RCW; adding a new section to chapter 43.136 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1635 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Cody, Jinkins, Ryu and Pollet)

AN ACT Relating to disproportionate share hospital adjustments; and amending RCW 74.09.730.

Referred to Committee on Ways & Means.

2SHB 1651 by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Kagi, Walsh, Freeman, Roberts, Farrell, Zeiger, Goodman, Pollet, Sawyer, Appleton, Bergquist, S. Hunt, Moscoso, Jinkins, Ryu and Morrell)

AN ACT Relating to access to juvenile records; amending RCW 13.50.010, 13.50.050, 13.40.127, 13.40.190, and 13.50.100; adding new sections to chapter 13.50 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1072 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Sells, Ormsby, Reykdal, Freeman, Fagan and Morrell)

HB 2130 by Representatives MacEwen, Orwall, Morrell, Seaquist, Haler, Appleton, Ross, Stanford, Green, Van De Wege, Ormsby and Freeman

AN ACT Relating to the veterans innovations program; amending RCW 43.60A.160, 43.60A.175, and 43.60A.185;

and repealing RCW 43.60A.165, 43.60A.170, 43.131.405, and 43.131.406.

Referred to Committee on Governmental Operations.

SHB 2153 by House Committee on Health Care & Wellness (originally sponsored by Representatives Habib, Tarleton, Ross, Green, Morrell, Springer, Tharinger, Jinkins, Goodman, Van De Wege, Clibborn, Fey and Riccelli)

AN ACT Relating to the treatment of eosinophilic gastrointestinal associated disorders; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SHB 2175 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Morrell and Stanford)

AN ACT Relating to removing barriers to economic development in the telecommunications industry; and amending RCW 80.36.375 and 35.21.860.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 2177 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Morrell, Blake and Fey)

AN ACT Relating to the expansion of natural gas infrastructure in rural or underserved areas; adding new sections to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

E2SHB 2192 by House Committee on Appropriations (originally sponsored by Representatives Smith, Hansen, Haler, Buys, Hayes, Parker, Short, Seaquist, Pike, Scott, Zeiger, Hargrove, Manweller, Holy, Magendanz, Vick and Wilcox)

AN ACT Relating to promoting economic development through enhancing transparency and predictability of state agency permitting and review processes; amending RCW 43.17.385; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

ESHB 2298 by House Committee on Local Government (originally sponsored by Representatives Pike, Takko, Vick, Harris, Blake, Rodne and Farrell)

AN ACT Relating to changing the definition of capital projects to include technology infrastructure; and amending RCW 82.46.010.

Referred to Committee on Governmental Operations.

HB 2334 by Representatives Riccelli, Sells, Moscoso, Seaquist, S. Hunt, Green, Appleton, Ryu, Reykdal, Bergquist, Takko, Goodman, Pollet and Ormsby

AN ACT Relating to simplifying and enforcing employee status under employment laws to ensure fairness to employers and employees and address the underground economy; amending RCW 39.12.010, 39.12.050, 49.46.010, 50.04.100, 50.04.298, 50.12.070, 50.12.072, 50.24.070, 50.04.100, 51.08.070, and 51.08.180; reenacting and amending RCW 49.48.082; adding a new section to chapter 39.12 RCW; adding new sections to chapter 49.52 RCW; adding a new section to chapter 49.48 RCW; adding a new section to chapter 49.46 RCW; adding new sections to chapter 50.04 RCW; adding a new section to chapter 51.12 RCW; adding a new chapter to Title 49 RCW; creating new sections; repealing RCW 39.12.100, 50.04.140, 50.04.145, 51.08.181, and 51.08.195; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2359 by Representatives Kochmar, Fagan, Vick, Hurst, Kirby, Morrell, Orwall, Dahlquist, Tarleton and Freeman

AN ACT Relating to exempting collectible vehicles from emission test requirements; amending RCW 46.16A.060; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SHB 2365 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Bergquist, Dahlquist, Santos, Stonier, Haigh, Ryu, Reykdal, Fey, Orwall, Gregerson, Freeman and Pollet)

AN ACT Relating to paraeducator development; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28B.50 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SHB 2373 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Parker, Lytton, Stonier, Dahlquist, Seaquist, Zeiger, Santos, Farrell, Pettigrew, Kagi, Bergquist, Walsh, Pollet, Fey, Ryu, Roberts, Cody, Gregerson, Orwall, Haler, S. Hunt, Tarleton, Freeman, Walkinshaw, Muri and Habib)

AN ACT Relating to improving educational outcomes for homeless students; amending RCW 28A.300.540 and 28A.175.010; adding a new section to chapter 28A.320 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SHB 2378 by House Committee on Appropriations (originally sponsored by Representatives Harris, Rodne, Green, Ryu, Morrell and Roberts)

AN ACT Relating to practice settings for certified chemical dependency professionals and trainees; and amending RCW 18.205.040.

Referred to Committee on Health Care.

HB 2404 by Representatives Vick, Riccelli, Bergquist, Manweller, Hayes and Orcutt

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AN ACT Relating to electric personal assistive mobility devices; and amending RCW 46.04.1695.

HB 2553 by Representatives Pettigrew, Springer, Lytton, Zeiger, Roberts, Gregerson and Pollet

Referred to Committee on Transportation.

AN ACT Relating to supporting family and community engagement in persistently lowest-achieving schools; adding a new section to chapter 28A.657 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2474 by House Committee on Appropriations (originally sponsored by Representatives Springer, Harris, Sullivan, Haler, Takko, Johnson, Fagan, Tharinger, Walsh, Pettigrew, Goodman, Clibborn, Tarleton, Manweller, Kagi, Moeller, Appleton, Jinkins, Habib, Bergquist, Morrell, Cody, Magendanz, Santos, Pollet and Freeman)

EHB 2582 by Representatives Hargrove, Kagi and Walsh

AN ACT Relating to creating the save toward a retirement today state retirement savings plan; amending RCW 43.33A.070; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 41.50 RCW; creating a new section; providing a contingent effective date; and providing a contingent expiration date.

AN ACT Relating to filing a petition seeking termination of parental rights; and reenacting and amending RCW 13.34.138.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 2610 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Fey, Kagi, Freeman, Fitzgibbon, Sawyer, Senn, Bergquist, Walkinshaw, Lytton, Ryu, Farrell, Jinkins, Robinson, Roberts, Gregerson, Santos and Pollet)

2SHB 2486 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Roberts, Fey, Springer, Freeman, Pollet and Santos)

AN ACT Relating to identifying characteristics of the homeless youth population; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

AN ACT Relating to inmate postsecondary education degree programs to reduce recidivism; and amending RCW 72.09.460 and 72.09.465.

Referred to Committee on Human Services & Corrections.

SHB 2613 by House Committee on Higher Education (originally sponsored by Representatives Gregerson, Zeiger, Seaquist, Haler, Morrell, Pollet and Jinkins)

ESHB 2512 by House Committee on Business & Financial Services (originally sponsored by Representative Kirby)

AN ACT Relating to creating efficiencies for institutions of higher education; and amending RCW 28B.15.102, 42.16.010, 44.28.816, and 43.88.110.

Referred to Committee on Ways & Means.

AN ACT Relating to cosmetology, hair design, barbering, esthetics, and manicuring; amending RCW 18.16.030, 18.16.050, 18.16.060, 18.16.130, 18.16.170, 18.16.175, 18.16.180, 18.16.190, 18.16.200, 18.16.290, and 18.16.900; and reenacting and amending RCW 18.16.020.

Referred to Committee on Commerce & Labor.

ESHB 2626 by House Committee on Higher Education (originally sponsored by Representatives Seaquist, Haler, Reykdal, Gregerson, Pollet and Moscoso)

HB 2515 by Representatives Christian, S. Hunt, Kretz and Bergquist

AN ACT Relating to establishing statewide educational attainment goals; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

AN ACT Relating to treatment of population enumeration data, including exempting from public inspection and copying; adding a new section to chapter 42.56 RCW; and adding a new section to chapter 43.41 RCW.

Referred to Committee on Governmental Operations.

EHB 2684 by Representatives Walkinshaw, Zeiger and Young

ESHB 2535 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Freeman, Goodman, Walsh, Kochmar, S. Hunt, Wylie, Stonier, Haler, Scott, Sawyer, Kagi, Green and Haigh)

AN ACT Relating to time period and monetary limits on ferry vessel and terminal work by state forces; and amending RCW 47.28.030.

Referred to Committee on Transportation.

AN ACT Relating to review of licensing and employment decisions by the children's administration; amending RCW 74.13.700; and adding a new section to chapter 74.15 RCW.

2SHB 2694 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Hansen, Magendanz, Zeiger, Walsh, Hargrove, Ormsby, Haler, Tharinger and Freeman)

Referred to Committee on Human Services & Corrections.

AN ACT Relating to an informational program to increase applications from high-achieving low-income high school students to selective institutions of higher education; adding a new section to chapter 28B.77 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2699 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kagi, Walsh, Senn, Zeiger, Roberts, Klippert, Pettigrew, Sawyer, Jinkins, Farrell, Smith, Fey, Goodman and Ormsby)

AN ACT Relating to providing caregivers authority to allow children placed in their care to participate in normal childhood activities based on a reasonable and prudent parent standard; reenacting and amending RCW 74.15.030; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Human Services & Corrections.

SHB 2725 by House Committee on Appropriations (originally sponsored by Representatives Cody, Morrell, Jinkins, Harris, Rodne, Bergquist, Robinson and Walsh)

AN ACT Relating to court review of detention decisions under the involuntary treatment act; amending RCW 71.05.150; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 2743 by House Committee on Appropriations (originally sponsored by Representatives S. Hunt, Green, Appleton, Sullivan, Reykdal, Hudgins, Bergquist, Jinkins, Sawyer, Sells, Ormsby, Riccelli, Fitzgibbon, Robinson, Fey, Roberts, Pollet and Freeman)

AN ACT Relating to protecting taxpayers by providing for accountability and transparency in government contracting; amending RCW 39.26.180, 43.19.008, and 39.26.200; adding a new section to chapter 39.26 RCW; and creating new sections.

Referred to Committee on Governmental Operations.

ESHB 2746 by House Committee on Appropriations (originally sponsored by Representatives Green, Morrell, Tharinger, Fitzgibbon, Senn, Tarleton, Robinson, Kagi, Roberts, Ortiz-Self, Jinkins, Walsh, Habib, Bergquist, Dahlquist, Moscoso, Goodman, Riccelli, Pollet, Ormsby and Freeman)

AN ACT Relating to refinancing of medicaid personal care services for individuals with developmental disabilities and individuals with long-term care needs through the community first choice option; and creating new sections.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

REMARKS BY THE PRESIDENT

President Owen: "As the President stated earlier, every year we have the privilege of having outstanding Scouts from across the state join us. And in that they present the annual report to the state recognizing the thousands of hours of volunteerism that they participate in projects. Making that report this year is, from the Chief Seattle Council, is Ryan Barr from Troop 171 in Seattle."

REMARK BY MR. RYAN BARR

Ryan Barr: "Good morning. My name is Ryan Barr and I'm an Eagle Scout with Boy Scout Troop 171 in Seattle Washington. I and nineteen other Eagle Scouts are here today representing the six Boy Scout Councils in our state. Collectively, we are here today to present the annual report to the State of Washington. This past year nearly sixty-three thousand young people in Washington State participated in Scouting programs with the mentorship of more than twenty thousand adults volunteers. Of these Scouts, twenty-six thousand seven hundred nineteen attended camp. A record of one thousand three hundred forty-nine achieved the pinnacle of scouting by earning the rank of Eagle in our state last year. The Boy Scouts of America was founded on the premise, to be a good citizen you must do for others. Since its inception, the Scouts and volunteers have committed to serving others at all times with enthusiasm and conviction. Over the years Scouts have also worked diligently to protecting the environment and learn the value of 'leave no trace.' Through these and many other efforts the Boy Scouts of American have established a tradition of service. In 2013 Washington State Scouts and volunteers donated more than three hundred twenty-seven hours of community service to our state. This volunteer time is valued nearly at 7.4 million dollars. By continuing to recruit quality leadership and finding youths from all backgrounds and circumstances to join and offering a fun and exciting program we seek to help ordinary young people become extraordinary adults. On behalf of the Boy Scout Councils in Washington State I would like to present Lieutenant Governor Brad Owen the copy of the 2014 report."

REMARKS BY THE PRESIDENT

President Owen: "As the President said, as demonstrated by the three hundred twenty-seven thousand hours of community service that you are a great asset to the state of Washington. Researches has demonstrated that when young people have something positive to contribute to and be involved in that they're less likely to get into negative behavior. The President would strongly urge all the Scouts that are here today to be mentors to other young people as you are examples to them and they will follow your lead. So, the President would like to recognize all of these outstanding Washington citizens that are with us today. So, if all the Scouts in the gallery would please stand and be recognized the President would appreciate it very much."

MOTION

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

MOTION

Senator Padden moved adoption of the following resolution:

SENATE RESOLUTION 8686

By Senators O'Ban, Pedersen, Angel, King, Baumgartner, Tom, Bailey, Honeyford, Parlette, Dansel, Becker, Braun, Hill, Hewitt,

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Ericksen, Sheldon, Hasegawa, Keiser, Kohl-Welles, Cleveland, Liias, Rolfes, Hatfield, Hobbs, McCoy, Hargrove, Darneille, Rivers, Dammeier, Kline, Conway, McAuliffe, Frockt, Billig, Chase, Fraser, Eide, Nelson, Padden, and Roach

WHEREAS, For his acts of heroism and selflessness, Captain William Swenson was awarded the Congressional Medal of Honor in 2013; and

WHEREAS, During his military service, William Swenson served as an adviser with the Afghan Border Police Mentor Team in support of the 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, and the 10th Mountain Division; and

WHEREAS, On September 8, 2009, Captain Swenson and others were engaged by anti-Afghan forces in the Ganjgal Valley within 100 meters of Ganjgal Village, forcing Captain Swenson to simultaneously return fire while directing troops where to go to provide cover fire for soldiers pinned down by the insurgents' initial volley; and

WHEREAS, Captain Swenson called for immediate suppression on preplanned targets and for smoke to cover the withdrawal of the lead element, but due to the close proximity of insurgent fighters and the unavailability of smoke, multiple indirect fire missions were unsuccessful in deterring the enemy's advance; and

WHEREAS, Enemy soldiers began moving to flank the forces pinned down behind terraces and in trenches, where Captain Swenson discovered his partner advisor and noncommissioned officer-in-charge, Sgt. 1st Class Kenneth Westbrook, who was hit in the face and chest and lay exposed in an open area; and

WHEREAS, Captain Swenson returned accurate fire and repelled the enemy, despite coming under direct fire that killed two adjacent soldiers and wounded another, and immediately began rendering first aid; and

WHEREAS, As the anti-Afghan forces began firing and calling for Swenson and his group to surrender, Swenson halted first aid just long enough to throw a grenade, eliminating the immediate threat to their position and forcing the enemy back, an act of resistance that inspired the pinned troops to rally, and their subsequent response disrupted the enemy attack and pushed them back beyond hand grenade range; and

WHEREAS, Captain Swenson helped carry his wounded partner, Westbrook, with rocket-propelled grenades striking close-by, across 200 meters of terraced open ground where they successfully loaded Westbrook into a waiting MedEvac helicopter which took him to the support hospital at Forward Operating Base Wright; and

WHEREAS, Swenson and others then manned unarmored vehicles and reentered the kill zone two times to evacuate wounded and bring them to the casualty collection point, while Swenson communicated via radio with the air support pilot attempting to determine the location of missing soldiers; and

WHEREAS, When it became clear that a third return to the combat zone with the unarmored vehicle would be impossible, Captain Swenson gathered all available combat power to lead a return to the kill zone using a small convoy of Humvees and armored trucks, an armored ABP truck, and two ANA vehicles; and

WHEREAS, Despite accurate rocket-propelled grenade and machine gun fire, Captain Swenson and others succeeded in rescuing and recovering several wounded and dead, but were forced by the volume of fire to drive past several marked positions deeper into the ambush; and

WHEREAS, Having finally verified the location of the last missing soldiers, Captain Swenson and others drove up through the kill zone one final time, successfully finding their comrades in a deep trench that had been impossible to see from ground angles

during previous trips and recovered the bodies of their fallen comrades while providing covering fire; and

WHEREAS, Captain William Swenson, graduate of United States Army Ranger and Airborne School, received his commission as an Infantry Officer in 2002, and served courageously and with valor while stationed three times in Iraq and twice in Afghanistan; and

WHEREAS, For his bravery, Captain Swenson received numerous revered honors and awards including the Bronze Star Medal, the Purple Heart, and the Combat Infantry Badge; and

WHEREAS, He dutifully served as a mentor to members of the Afghan National Security Forces and was deservedly promoted to the esteemed position of Army captain; and

WHEREAS, Captain Swenson fought nobly and gallantly to protect and serve his country, fellow military men and women, and the Afghan and Iraqi people; and

WHEREAS, Captain Swenson always went above the call of duty, remained in control, and protected his fellow soldiers; and

WHEREAS, Captain Swenson eventually retired from military duty in 2011, settling in Seattle, Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate humbly honor United States Army Captain William Swenson, who fought nobly and gallantly to protect his country and fellow soldiers and earned the distinguished Congressional Medal of Honor, for his bravery and sacrifice, and give due recognition for his courage, selflessness, and devotion to the United States of America; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to United States Army Captain William Swenson.

Senators O'Ban, Hobbs and Angel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8686.

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

REMARKS BY THE PRESIDENT

President Owen: "The President had the great honor of introducing a lot of people in his career of many, many years. This has to be one of the most outstanding and moving moments that I've had to be able to present to you Medal of Honor recipient, Captain William Swensen."

REMARKS BY CAPTAIN WILLIAM SWENSON

Captain William Swenson: "Lieutenant Governor, Senator O'Ban, members of the Senate. First off, thank you very much for having me out here today. Washington State, as I continually have to remind some East Coasters, is Washington State. This is my home. This is where my heart is. This is what I fight for. You take care of it. And now I sit in a room with people who share a very similar trait to my own. I'm beginning to like to hear myself talk. In all seriousness, my battle ended several years ago but my responsibilities do carry on, my responsibilities to carry on the memories of my fallen colleagues, to carry on the responsibility of reminding the American people that we still have service members down range and to remind the American people that we have veterans who are home but their battles continue. You sitting in this body have a responsibility as well to those veterans and those service members that reside in Washington State. And I ask you to always remember that as you sit here in this room that some of our members have come home and still need continued

help. So, I'll do my part to remind Washington State and the American people of what their responsibility is to our veterans and our service members but I ask you to continue doing the same. So, again, thank you for having me here today. Thank you for giving me the chance to talk. This is really a privilege. Thank you."

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ericksen moved that Debbie J Ahl, Gubernatorial Appointment No. 9241, be confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

Senator Ericksen spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Eide was excused.

MOTION

On motion of Senator Rivers, Senator Sheldon was excused.

APPOINTMENT OF DEBBIE J AHL

The President declared the question before the Senate to be the confirmation of Debbie J Ahl, Gubernatorial Appointment No. 9241, as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of Debbie J Ahl, Gubernatorial Appointment No. 9241, as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Baumgartner

Excused: Senator Eide

Debbie J Ahl, Gubernatorial Appointment No. 9241, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

MOTION

On motion of Senator Fain, Senator Baumgartner was excused.

MOTION

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

SECOND READING

SENATE BILL NO. 6077, by Senators Benton and Sheldon

Modifying the use of storm water control facility rate charges.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6077 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators McCoy, Lias, Fraser and Hasegawa spoke against passage of the bill.

Senator Pedersen spoke on final passage of the bill.

MOTION

On motion of Senator Nelson, Senator Chase was excused.

POINT OF INQUIRY

Senator Padden: "Would the gentleman from the Seventeenth District yield to a question? Senator, does this legislation, 6077, remove money that's supposed to go to fight the storm water problem?"

Senator Benton: "Thank you for your question Senator Padden. Absolutely not. The previous speaker is mistaken and maybe the bill report is incorrect but perhaps there's not a clear understanding of how these funds work. All clean water fees pay into the clean water system, whether they're from commercial, residential or DOT, are paid into what is called an enterprise fund. State law protects all of that money and it can only be used for clean water activities. This money is no different. It doesn't do anything about this money. There's a state statute that was put into effect when these laws were passed many years ago that wanted to make sure that this money was used, that the state paid, was only used for state owned facilities. There is no longer a need for that and that we're built out and all these facilities feed into the same storm water system. So, setting money aside that can only be used for DOT storm water facility is not necessary and it ties the hands of local government. So, the money is not being diverted to anything else. It is still going to be used for storm water. So, it is inaccurate to portray this bill as a bill that stops this money from being used from storm water. That is not the case. I know that's hard to believe based on the sponsor of the bill but the fact of the matter is this is a great bill that helps local governments do a better job managing their storm water facilities and not one dime, not one dime is removed from the intended purpose of the money and that is to manage storm water runoff. Thank you Mr. President."

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the

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maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 18, 2014.”

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through February 18, 2014 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6077.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6077 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, King, O’Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Hargrove, Hasegawa, Hill, Keiser, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Pedersen and Rolfes

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6194, by Senators Dansel, Sheldon, Schoesler, Rivers, King, Benton, Brown, Braun, Angel, Padden, Bailey, Becker, Honeyford, Roach, Dammeier, Baumgartner, Holmquist Newbry and Hatfield

Providing a process for county legislative authorities to withdraw from voluntary planning under the growth management act.

The measure was read the second time.

MOTION

Senator Hasegawa moved that the following amendment by Senators Dansel and Hasegawa be adopted:

On page 6, after line 20, insert the following:

(d)(i) Any county that adopts a resolution of removal under RCW 36.70A.040(2)(b) that is not in compliance with the planning requirements of RCW 36.70A.060, RCW 36.70A.170, RCW 36.70A.172, RCW 36.70A.060(1), RCW 36.70A.070, RCW 36.70A.040(4), and RCW 36.70A.070(5) at the time the resolution is adopted shall have until June 30, 2017 to obtain approval from the department of commerce of critical areas ordinances, development regulations, and comprehensive plans under RCW 36.70A.060, RCW 36.70A.170, RCW 36.70A.172, RCW 36.70A.060(1), RCW 36.70A.070, RCW 36.70A.040(4), and RCW 36.70A.070(5).

(ii) Counties described in subsection (d)(i) above that do not receive approval by the department of commerce by June 30, 2017 shall return to the planning requirements of RCW 36.70A.040.

(iii) Approval decisions by the department of commerce under this subsection may be appealed to the growth management hearings board.

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

Senators Hasegawa, Dansel and Sheldon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Dansel and Hasegawa on page 6, after line 20 to Senate Bill No. 6194.

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

MOTION

On motion of Senator Dansel, the rules were suspended, Engrossed Senate Bill No. 6194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6194.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6194 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O’Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 6194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:05 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:45 a.m. by President Owen.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed representatives of the Washington State Alzheimer’s Association who were seated in the gallery.

PARLIAMENTARY INQUIRY

Senator Rolfes: “Mr. President, we have not seen an order of consideration yet. Will one be sent out to floor members?”

REPLY BY THE PRESIDENT

President Owen: “You’re working off the one that was handed out earlier.”

SECOND READING

SENATE BILL NO. 6150, by Senators Bailey, Hobbs, Angel, Benton, Conway, O'Ban, Roach and McAuliffe

Concerning Medal of Honor special license plates.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6150 was substituted for Senate Bill No. 6150 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6150.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6150 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5956, by Senators Hatfield, Sheldon and Braun

Concerning short-barreled rifles.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5956 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5956.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5956 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa,

Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 5956, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

SENATE BILL NO. 5514, by Senators Roach and Benton.

Concerning utility rates and charges for vacant mobile home lots in manufactured housing communities.

The bill was read on Third Reading.

MOTION

On motion of Senator Roach, the rules were suspended and Senate Bill No. 5514 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5514, by Senators Roach and Benton

Concerning utility rates and charges for vacant mobile home lots in manufactured housing communities.

The measure was read the second time.

MOTION

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

On page 1, beginning on line 13, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 3, line 20, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 4, line 33, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 6, line 22, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 8, line 20, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 10, line 10, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 11, line 29, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 12, line 35, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 13, beginning on line 31, after "charged", strike "to a mobile home", and insert "for any vacant".

Senators Roach and Hasegawa spoke in favor of adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senator Roach and others on page 1, line 13 to Senate Bill No. 5514.

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

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Fraser spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senator Holmquist Newbry was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5514.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5514 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Angel, Frockt and Nelson

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 5514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6328, by Senators Roach and Kline

Concerning deferred compensation plans.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6328.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6328 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8015, by Senators O'Ban, Rolfes, Ericksen, Ranker, Sheldon, Benton, Baumgartner, Schoesler, Braun, Fain, Parlette, Holmquist Newbry, Chase, Kohl-Welles, Frockt and Kline

Requesting Congress implement certain increased safety measures for tank rail cars.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Joint Memorial No. 8015 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators O'Ban and McCoy spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8015.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8015 and the memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SENATE JOINT MEMORIAL NO. 8015, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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

MOTION

At 12:19 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:57 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6284, by Senators Hill and Frockt

Regarding expenditures from the public health supplemental account.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Senate Bill No. 6284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6284.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6284 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senators Benton, Hobbs, Kline and McAuliffe

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Ranker: "Thank you Mr. President. I can recognize from the absentees on this last vote that many people, like I, might have had a Hargrove hamburger and maybe even a potato. So, we got potatoes on the second floor on the third floor. We've got Hargrove hamburgers on the second floor. So, I just wanted to point out that, for those of you that drop in cardiac arrest I've got a life pack defibrillator here from the carb overload. So, we're prepared and ready for you so take care."

Senator Sheldon, the President Pro Tempore assumed the chair.

SECOND READING

SENATE BILL NO. 6283, by Senators Becker, Bailey and Keiser

Clarifying the practice of a phlebotomist.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 6283 was substituted for Senate Bill No. 6283 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 6283 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Billig, Senators Hobbs and Kline were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6283.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6283 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6060, by Senators Angel, Bailey, Schoesler and Roach

Concerning certain public water systems.

MOTIONS

On motion of Senator Angel, Substitute Senate Bill No. 6060 was substituted for Senate Bill No. 6060 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 6060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and McCoy spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6060.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6060 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6122, by Senators O'Ban, Conway, Dammeier, Darneille, Angel, Litzow and McAuliffe

Concerning long-term planning for developmental disabilities services.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 6122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6122.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6122 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6011, by Senators Padden, Pearson, Hewitt, Brown and O'Ban

Increasing penalties for random assaults.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Kline spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6011.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6011 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Frockt, Kline, Lias, McCoy, Mullet and Pedersen

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6445, by Senators Roach and Kline

Amending the definition of uniformed personnel for the purposes of public employees' collective bargaining.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6445.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6445 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser,

King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5334, by Senator Hewitt

Concerning public facilities' grants and loans.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5334 was substituted for Senate Bill No. 5334 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Hatfield spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5334.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5334 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 5334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6017, by Senators Kohl-Welles, O'Ban, Darneille, Padden, Kline, Keiser, Dammeier and Fraser

Modifying seizure and forfeiture provisions. Revised for 1st Substitute: Concerning the use of proceeds from seizure and forfeiture activities from sexual exploitation of children and promoting prostitution.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6017 was substituted for Senate Bill No. 6017 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6017.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6017 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5872, by Senator Hill

Relating to state government. Revised for 1st Substitute: Creating a state agency innovation and efficiency grant program.

MOTIONS

On motion of Senator Hill, Substitute Senate Bill No. 5872 was substituted for Senate Bill No. 5872 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 5872 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Hargrove spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5872.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5872 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

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SUBSTITUTE SENATE BILL NO. 5872, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6418, by Senators Litzow, Fain, Dammeier, Angel, Tom, Bailey, Becker and Mullet

Creating flexibility for the educator retooling conditional scholarship program.

MOTIONS

On motion of Senator Litzow, Substitute Senate Bill No. 6418 was substituted for Senate Bill No. 6418 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Litzow, the rules were suspended, Substitute Senate Bill No. 6418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Litzow spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6418.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6418 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6549, by Senators Hobbs, Hatfield and Pearson

Creating demonstration projects for preserving agricultural land and public infrastructure in flood plains.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.23 RCW to read as follows:

(1) The legislature intends that the state conservation commission and the departments of ecology, agriculture, fish and wildlife, and natural resources work together cooperatively, efficiently, and productively to facilitate the expeditious construction of two demonstration projects. The legislature expects that the joint and contemporaneous participation of all these state agencies will expedite the permitting of these demonstration projects. The legislature further intends that the collaborative process that the stakeholder group creates, including local stakeholders among others, will be used as a model for river management throughout the state.

(2) The legislature finds that the excessive accumulation of sediment and gravel in certain rivers of the state poses a threat to farmland and to the recovery or enhancement of certain fish populations. The legislature also finds that the failure to manage sediment and gravel accumulation has contributed to erosion and resulted in the loss of productive farmland and mature treed riparian zones that cool the waters, flooding in residential areas, loss of recreational access to rivers, and loss of public infrastructure.

(3) The state conservation commission and the departments of agriculture, natural resources, fish and wildlife, and ecology must jointly identify and implement two demonstration projects that test the effectiveness and costs of river management by using various sediment management strategies and techniques as applied to accomplish the following goals:

- (a) Protection of agricultural lands;
- (b) Restoration or enhancement of fish runs; and
- (c) Protection of public infrastructure and recreational access.

(4)(a) The state conservation commission must convene a stakeholder group consisting of the departments of agriculture, natural resources, fish and wildlife, and ecology, local and statewide agricultural organizations, tribes, land conservation organizations, and local governments with interest and experience in the use of sediment management techniques to provide for flood control. The stakeholder group must develop and implement two demonstration projects, one located in Whatcom county and one located in Grays Harbor county.

(b) In developing and implementing these demonstration projects, the departments must examine sediment management conducted in the Fraser river, British Columbia, Canada and include any potentially applicable practices in the demonstration projects.

(c) The departments must: (i) Examine and find whether and how the Fraser river experience applies to the goals of this act; and (ii) set benchmarks and a timetable for progress toward achievement of the goals of this act.

(d) Any gravel resources removed as a result of these pilot projects must be: (i) Used at the departments' discretion in projects related to fish programs in the local area of the project or by property owners adjacent to the project; (ii) made available to a local tribe for its use; or (iii) sold and the proceeds applied to funding the demonstration projects.

(5) At a minimum, the pilot projects must include the following sediment management strategies and techniques:

- (a) At all times of sediment or gravel removal, a person must be on hand to observe that the practices follow established pilot project protocols and protect fish life;
- (b) Gravel or sediment may not be removed at times when fish runs are known to be in the river; and
- (c) Reasonable steps must be taken to reduce turbidity resulting from gravel and sediment removal activities.

(6) The departments must consider other sediment management strategies and techniques including, but not limited to, the following:

(a) Reducing turbidity caused by year-round stream bank erosion that is caused by accumulation of excess sediment and gravel that changes the river course;

(b) Providing deeper, cooler holes for fish life;

(c) Providing deeper river channels for fish passage;

(d) Ensuring that any management activities leave sufficient gravel and sediment for fish spawning and rearing;

(e) Providing stable river banks that will allow for long-term growth of riparian enhancement efforts, such as planting shade trees and hedgerows;

(f) Protecting existing mature treed riparian zones that cool the waters;

(g) Removing excess sediment and gravel that causes diversion of water and erosion of river banks and farmland;

(h) Restoring previously existing bank contours that protect the land from erosion caused by more intense and more frequent flooding; and

(i) Developing management practices that reduce the amount of gravel, sediment, and woody debris deposited into farm fields.

(7) The departments must report to the legislative committees with oversight of agriculture, water, rural economic development, ecology, fish and wildlife, and natural resources by December 31, 2014, on: (a) Their examination and findings of the applicability of the Fraser river experience to the goals of this act; (b) their progress toward setting benchmarks and meeting the stakeholder group's timetable; (c) any decisions made in implementing the projects; and (d) agency recommendations for funding of the projects from federal grants, federal loans, state grants and loans, and private donations, or if other funding sources are not available or complete, submitting the two projects for consideration in the biennial capital budget request to the governor and the legislature. The departments must report annually thereafter by December 31st of each year.

(8) The stakeholder group must be staffed jointly by the departments. Costs of the stakeholder group, including staffing, must be borne jointly by the departments."

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

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Hobbs and others to Senate Bill No. 6549.

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

MOTION

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

On page 1, line 2 of the title, after "plains;" strike the remainder of the title and insert "and adding a new section to chapter 43.23 RCW."

MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Senate Bill No. 6549 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6549.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6549 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 6549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6453, by Senators Dammeier and Keiser

Concerning each area agency on aging's oversight of timekeeping with regard to case management services. Revised for 1st Substitute: Concerning verification of hours worked through electronic timekeeping by area agencies on aging and home care agencies.

MOTIONS

On motion of Senator Dammeier, Substitute Senate Bill No. 6453 was substituted for Senate Bill No. 6453 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dammeier, the rules were suspended, Substitute Senate Bill No. 6453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6453.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6453 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President resumed the chair.

SECOND READING

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SENATE BILL NO. 6553, by Senators Kline, Hobbs, Hatfield and Fain

Concerning the distribution of real property sale proceeds.

The measure was read the second time.

MOTION

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

On page 2, line 31, after "property" insert ",as determined by the court"

On page 3, after line 13, insert the following:

"Sec. 2 RCW 61.24.080 and 1998 c 295 s 10 are each amended to read as follows:

The trustee shall apply the proceeds of the sale as follows:

(1) To the expense of sale, including a reasonable charge by the trustee and by his or her attorney: PROVIDED, That the aggregate of the charges by the trustee and his or her attorney, for their services in the sale, shall not exceed the amount which would, by the superior court of the county in which the trustee's sale occurred, have been deemed a reasonable attorney fee, had the trust deed been foreclosed as a mortgage in a noncontested action in that court;

(2) To the obligation secured by the deed of trust; and

(3) The surplus, if any, less the clerk's filing fee, shall be deposited, together with written notice of the amount of the surplus, a copy of the notice of trustee's sale, and an affidavit of mailing as provided in this subsection, with the clerk of the superior court of the county in which the sale took place. The trustee shall mail copies of the notice of the surplus, the notice of trustee's sale, and the affidavit of mailing to each party to whom the notice of trustee's sale was sent pursuant to RCW 61.24.040(1). The clerk shall index such funds under the name of the grantor as set out in the recorded notice. Upon compliance with this subsection, the trustee shall be discharged from all further responsibilities for the surplus. Interests in, or liens or claims of liens against the property eliminated by sale under this section shall attach to the surplus in the order of priority that it had attached to the property, as determined by the court. A party seeking disbursement of the surplus funds shall file a motion requesting disbursement in the superior court for the county in which the surplus funds are deposited. Notice of the motion shall be personally served upon, or mailed in the manner specified in RCW 61.24.040(1)(b), to all parties to whom the trustee mailed notice of the surplus, and any other party who has entered an appearance in the proceeding, not less than twenty days prior to the hearing of the motion. The clerk shall not disburse such surplus except upon order of the superior court of such county.

Senators Kline and Angel spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, line 31 to Senate Bill No. 6553.

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

MOTION

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

On page 1, line 2 of the title, after "6.21.110" insert "and 61.24.080"

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 6553 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6553.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6553 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 6553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6237, by Senators Honeyford, Hewitt, Kohl-Welles, Hatfield and Hobbs

Addressing license issuance fees imposed on spirits retail licensees. Revised for 1st Substitute: Concerning license issuance fees imposed on former contract liquor stores.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 6237 was substituted for Senate Bill No. 6237 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 3, line 4, after "serve" insert "or the applicant is an independent small grocer or general store as identified by the liquor control board"

On page 1, beginning on line 1 of the title, after "Relating to" strike "license issuance fees imposed on former contract liquor stores" and insert "spirits retail licensees"

Senator Rolfes spoke in favor of adoption of the amendment. Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 3, line 4 to Substitute Senate Bill No. 6237.

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

MOTION

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

On page 4, after line 8 insert the following:

"(iv) This subsection 4(b) applies only to former contract liquor store managers and does not apply to their successors."

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

Senator Hasegawa spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 4, after line 8 to Substitute Senate Bill No. 6237.

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

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6237.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6237 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Becker, Benton, Brown, Conway, Dammeier, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Nelson, O'Ban, Parlette, Pearson, Rivers, Ranker, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Bailey, Billig, Braun, Chase, Cleveland, Dansel, Darneille, Ericksen, Hargrove, Holmquist Newbry, Kline, Liias, McCoy, Mullet, Padden, Pedersen and Roach

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6273, by Senators Hobbs, Benton and Mullet

Revising provisions governing money transmitters.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 6273 was substituted for Senate Bill No. 6273 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 6273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6273.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6273 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6041, by Senators Hargrove, Pearson, Rolfes, Hewitt and Sheldon

Regarding fish and wildlife law enforcement.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6041 was substituted for Senate Bill No. 6041 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Liias and Pearson be adopted:

Beginning on page 12, line 11, strike all of sections 5 and 6 and insert the following:

"**Sec. 5.** RCW 77.15.120 and 2000 c 107 s 236 are each amended to read as follows:

(1) A person is guilty of unlawful taking of endangered fish or wildlife in the second degree if:

(a) The person hunts for, fishes for, possesses, maliciously harasses, or kills fish or wildlife, or ((maliciously)) possesses or intentionally destroys the nests or eggs of fish or wildlife ((and));

(b) The fish or wildlife is designated by the commission as endangered((:)); and

(c) The taking of the fish or wildlife or the destruction of the nests or eggs has not been authorized by rule of the commission.

(2) A person is guilty of unlawful taking of endangered fish or wildlife in the first degree if the person has been:

(a) Convicted under subsection (1) of this section or convicted of any crime under this title involving the ~~((killing, possessing, harassing, or harming))~~ taking, possessing, or malicious harassment of endangered fish or wildlife; and

(b) Within five years of the date of the prior conviction the person commits the act described by subsection (1) of this section.

(3)(a) Unlawful taking of endangered fish or wildlife in the second degree is a gross misdemeanor.

(b) Unlawful taking of endangered fish or wildlife in the first degree is a class C felony. The department shall revoke any licenses or tags used in connection with the crime and order the

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person's privileges to hunt, fish, trap, or obtain licenses under this title to be suspended for two years.

Sec. 6. RCW 77.15.130 and 2012 c 176 s 14 are each amended to read as follows:

(1) A person is guilty of unlawful taking of protected fish or wildlife if:

(a) The person hunts for, fishes for, maliciously takes, harasses, or possesses~~((or maliciously kills protected))~~ fish or wildlife, or the person possesses or maliciously destroys the eggs or nests of ~~((protected))~~ fish or wildlife designated by the commission as protected, other than species designated as threatened or sensitive, and the taking has not been authorized by rule of the commission; ~~((or))~~

(b) The person violates any rule of the commission regarding the taking, ~~((harming, harassment))~~ harassing, possession, or transport of protected fish or wildlife; or

(c)(i) The person hunts for, fishes for, intentionally takes, harasses, or possesses fish or wildlife, or the person possesses or intentionally destroys the nests or eggs of fish or wildlife designated by the commission as threatened or sensitive; and

(ii) The taking of the fish or wildlife, or the destruction of the nests or eggs, has not been authorized by rule of the commission.

(2) Unlawful taking of protected fish or wildlife is a misdemeanor.

(3) In addition to the penalties set forth in subsection (2) of this section, if a person is convicted of violating this section and the violation results in the death of protected wildlife listed in this subsection, the court shall require payment of the following amounts for each animal ~~((killed))~~ taken or possessed. This is a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425:

- (a) Ferruginous hawk, two thousand dollars;
- (b) Common loon, two thousand dollars;
- (c) Bald eagle, two thousand dollars;
- (d) Golden eagle, two thousand dollars; and
- (e) Peregrine falcon, two thousand dollars.

(4) If two or more persons are convicted under subsection (1) of this section, and subsection (3) of this section is applicable, the criminal wildlife penalty assessment must be imposed against the persons jointly and ~~((separately))~~ severally.

(5)(a) The criminal wildlife penalty assessment under subsection (3) of this section must be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect.

(b) This subsection may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(6) A defaulted criminal wildlife penalty assessment authorized under subsection (3) of this section may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

(7) The department shall revoke the hunting license and suspend the hunting privileges of a person assessed a criminal wildlife penalty assessment under this section until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

(8) The criminal wildlife penalty assessments provided in subsection (3) of this section must be doubled in the following instances:

(a) When a person commits a violation that requires payment of a criminal wildlife penalty assessment within five years of a prior gross misdemeanor or felony conviction under this title; or

(b) When the trier of fact determines that the person ~~((killed))~~ took or possessed the protected wildlife in question with the intent of bartering, selling, or otherwise deriving economic profit from the wildlife or wildlife parts."

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Lias and Pearson on page 12, line 11 to Substitute Senate Bill No. 6041.

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

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6041.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6041 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6558, by Senators O'Ban and Darneille

Concerning intensive home and community-based mental health services for medicaid-eligible children.

MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 6558 was substituted for Senate Bill No. 6558 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 6558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6558.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6558 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6333, by Senators Schoesler and Hargrove

Concerning tax statute clarifications, simplifications, and technical corrections.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 6333 was substituted for Senate Bill No. 6333 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 6333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon, President Pro Tempore assumed the chair.

Senator Schoesler spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6333.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6333 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5889, by Senators Nelson, Schlicher, Fain, Hatfield, Hewitt, Fraser and Kohl-Welles

Modifying snowmobile parking permit and license fees. Revised for 1st Substitute: Modifying snowmobile license fees.

MOTION

On motion of Senator Nelson, Substitute Senate Bill No. 5889 was substituted for Senate Bill No. 5889 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Nelson moved that the following striking amendment by Senators Parlette and Nelson be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.17.350 and 2013 2nd sp.s. c 23 s 19 are each amended to read as follows:

(1) Before accepting an application for a vehicle registration, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following vehicle license fee by vehicle type:

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030

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(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	\$ 15.00	\$ 15.00	RCW 46.68.035
(l) Snowmobile	\$ (30.00) <u>40.00</u>	\$ (30.00) <u>40.00</u>	RCW 46.68.350
(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030
(r) Wheeled all-terrain vehicle, on-road use	\$12.00	\$12.00	RCW 46.09.540
(s) Wheeled all-terrain vehicle, off-road use	\$18.00	\$18.00	RCW 46.09.510

(2) The vehicle license fee required in subsection (1) of this section is in addition to the filing fee required under RCW 46.17.005, and any other fee or tax required by law.

Sec. 2. RCW 46.17.350 and 2013 2nd sp.s. c 23 s 19 are each amended to read as follows:

(1) Before accepting an application for a vehicle registration, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following vehicle license fee by vehicle type:

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	\$ 15.00	\$ 15.00	RCW 46.68.035
(l) Snowmobile	\$ (30.00) <u>50.00</u>	\$ (30.00) <u>50.00</u>	RCW 46.68.350
(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030

(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030
(r) Wheeled all-terrain vehicle, on-road use	\$12.00	\$12.00	RCW 46.09.540
(s) Wheeled all-terrain vehicle, off-road use	\$18.00	\$18.00	RCW 46.09.510

(2) The vehicle license fee required in subsection (1) of this section is in addition to the filing fee required under RCW 46.17.005, and any other fee or tax required by law.

NEW SECTION, Sec. 3. Section 1 of this act applies to snowmobile registrations that are due on or after October 1, 2014. Section 1 of this act expires October 1, 2015.

NEW SECTION, Sec. 4. Section 2 of this act applies to snowmobile registrations that are due on or after October 1, 2015. Section 2 of this act takes effect October 1, 2015."

Senators Nelson and Parlette spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Parlette and Nelson to Substitute Senate Bill No. 5889.

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

MOTION

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

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 46.17.350 and 46.17.350; creating new sections; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5889 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nelson, Parlette and Angel spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5889.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5889 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pedersen, Ranker, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Benton, Dansel, Ericksen, Hewitt, Holmquist Newbry, Padden, Pearson, Rivers and Roach

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President resumed the chair.

SECOND READING

SENATE BILL NO. 6226, by Senators Holmquist Newbry, King, Conway, Hewitt and Kohl-Welles

Concerning sales by craft and general licensed distilleries of spirits for off-premise consumption and spirits samples for on-premise consumption.

MOTIONS

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 6226 was substituted for Senate Bill No. 6226 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute Senate Bill No. 6226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

Senator Darneille spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6226.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6226 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dansel, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dammeier, Darneille, Hargrove, O'Ban, Padden and Pearson

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6010, by Senator Padden

Establishing penalties for altered or shaved keys.

The measure was read the second time.

MOTION

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Senator Kline moved that the following striking amendment by Senators Kline, Pedersen and Darneille be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9A.52.060 and 2011 c 336 s 371 are each amended to read as follows:

(1) Every person who shall make or mend or cause to be made or mended, or have in his or her possession, any engine, machine, tool, false key, pick lock, bit, nippers, up to ten altered or shaved keys, or implement adapted, designed, or commonly used for the commission of burglary under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools.

(2) Making or having burglar tools is a gross misdemeanor.

Sec. 2. RCW 9A.56.063 and 2007 c 199 s 18 are each amended to read as follows:

(1) Any person who makes or mends, or causes to be made or mended, uses, or has in his or her possession any motor vehicle theft tool, that is adapted, designed, or commonly used for the commission of motor vehicle related theft, under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of motor vehicle theft, or knowing that the same is intended to be so used, is guilty of making or having motor vehicle theft tools.

(2) For the purpose of this section, motor vehicle theft tool includes, but is not limited to, the following: Slim jim, false master key, master purpose key, up to ten altered or shaved keys, trial or jiggle key, slide hammer, lock puller, picklock, bit, nipper, any other implement shown by facts and circumstances that is intended to be used in the commission of a motor vehicle related theft, or knowing that the same is intended to be so used.

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

(a) "False master" or "master key" is any key or other device made or altered to fit locks or ignitions of multiple vehicles, or vehicles other than that for which the key was originally manufactured.

(b) "Altered or shaved key" is any key so altered, by cutting, filing, or other means, to fit multiple vehicles or vehicles other than the vehicles for which the key was originally manufactured.

(c) "Trial keys" or "jiggle keys" are keys or sets designed or altered to manipulate a vehicle locking mechanism other than the lock for which the key was originally manufactured.

(4) Making or having motor vehicle theft tools is a gross misdemeanor."

On page 1, line 1 of the title, after "keys;" strike the remainder of the title and insert "amending RCW 9A.52.060 and 9A.56.063; and prescribing penalties."

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

Senator Padden spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline, Pedersen and Darneille to Senate Bill No. 6010.

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

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6010 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6010.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6010 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, McAuliffe, McCoy, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Cleveland, Frockt, Hasegawa, Hatfield, Kline, Kohl-Welles, Liias, Mullet, Nelson, Pedersen and Ranker

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Hargrove was excused.

SECOND READING

SENATE BILL NO. 6338, by Senators Dammeier, Darneille, Angel, Keiser, Honeyford and Tom

Giving preferences to housing trust fund projects that involve collaboration between local school districts and housing authorities to help children of low-income families succeed in school.

The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, Senate Bill No. 6338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier, Darneille and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6338.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6338 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe,

McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6501, by Senators Ericksen and Darneille

Concerning used oil recycling.

The measure was read the second time.

MOTION

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

On page 4, beginning on line 1, after "chapter" strike all material through "section." on line 14 and insert "43.21A RCW to read as follows:

(1) Cities and counties may submit a petition for relief to the department for reimbursement of extraordinary costs associated with managing unforeseen consequences of used oil contaminated with polychlorinated biphenyl and compliance with United States environmental protection agency enforcement orders and enforcement-related agreements.

(2) The department, in consultation with city and county moderate risk waste coordinators, the United States environmental protection agency, and other stakeholders must: Use updated best management practices guidelines for the collection and management of used oil for prioritizing and processing the petitions; ensure best management practices for preventing and managing polychlorinated biphenyl contamination, as required under RCW 70.95I.030, are met; and determine if costs for disposal or compliance are extraordinary. Prioritization of the petitions must be based on, but not limited to, such factors as disposal costs, costs to meet United States environmental protection agency enforcement orders or enforcement related agreements, and whether the costs are extraordinary and could not be reasonably accommodated and anticipated in accordance with the best management practices for oil contaminated with polychlorinated biphenyl in the normal budget process.

(3) Before January 1st of each year, the department must develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that are recommended for funding by the legislature, if funded, costs must be reimbursed from the model toxics control accounts."

Senators Ericksen and Darneille spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ericksen and Darneille on page 4, line 1 to Senate Bill No. 6501.

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

MOTION

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

On page 1, line 2 of the title, after "chapter" strike "70.95I" and insert "43.21A"

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Senate Bill No. 6501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6501.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6501 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator McCoy

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 6501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6388, by Senator Padden

Concerning pass-through wholesale food distributors.

MOTION

On motion of Senator Padden, Substitute Senate Bill No. 6388 was substituted for Senate Bill No. 6388 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the availability of affordable, fresh, and nourishing foods is essential for individuals to maintain a healthy lifestyle. The legislature also finds that new methods of purchasing and delivering fresh, nourishing foods are emerging and lowering the costs of these foods. The legislature further finds that the new business models for purchasing and delivering fresh, nourishing foods are being inappropriately classified as food service establishments. Therefore, it is the intent of the legislature to establish a pass-through food distributor license for businesses that sell and collect payment only through a web site for prepackaged foods obtained from a food processor either licensed or inspected, or both, by a state or federal regulatory agency and that deliver the food directly to consumers without any interim storage.

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NEW SECTION. Sec. 2. A new section is added to chapter 69.04 RCW to read as follows:

(1) The department shall issue a license to operate as a pass-through wholesale food distributor to any entity that:

(a) Submits a completed application on forms approved by the department;

(b) Provides the department with a list of all leased, rented, or owned vehicles used by the applicant's business to deliver food;

(c) Maintains food temperature logs or uses a device to monitor the temperature of the packages in real time for all food while in transport; and

(d) Submits all the appropriate fees to the department.

(2) By rule, the department shall develop an annual license and renewal fee to defray the costs of administering the licensing and inspection program created by this section. All moneys received by the department under the provisions of this section must be paid into the food processing inspection account within the agricultural local fund and must be used solely to carry out the provisions of this section.

(3) A licensed pass-through wholesale food distributor shall protect food from contamination while in transport. Food must be transported under conditions that protect food against physical, chemical, and microbial contamination, as well as against deterioration of the food and its container. This includes, but is not limited to, the separation of raw materials in such a fashion that they avoid cross-contamination of other food products, particularly ready-to-eat food. For example, during the transport of raw fish and seafood, meat, poultry, and other food which inherently contains pathogenic and spoilage microorganisms, as well as soil and other foreign material, must not come into direct contact with other food in the same container or in any other cross-contaminating circumstance.

(4) In the event of a food recall or when required by the department, a federal, state, or local health authority in response to a food borne illness outbreak, a licensed pass-through food distributor shall use its client listserv to notify customers of the recall and any other relevant information.

(5) The department shall:

(a) Conduct inspections of vehicles used by the entity, storage, food handling areas, refrigeration equipment, and product packaging used by the entity;

(b) Audits of temperature logs and other food handling records as appropriate;

(c) Investigate any complaints against a licensed pass-through wholesale food distributor for the failure to maintain food safety; and

(d) Adopt rules, in consultation with the department of health and local health jurisdictions, necessary to administer and enforce the program consistent with federal regulations.

(6) For the purposes of this section:

(a) "Department" means the department of agriculture.

(b) "Pass-through food distributor" means an entity that receives prepackaged food from a food processor either licensed or inspected, or both, by a state or federal regulatory agency or department and that delivers the food directly to consumers who only placed and paid for an order on the entity's web site, without opening the packaging and without dividing it into smaller packages and no interim storage by the pass-through food distributor, and is delivered, by means of vehicles that are equipped with either refrigeration or freezer units, or both, and that meet the requirements of rules authorized by this chapter. "Pass-through food distributor" includes an entity that, prior to delivery to the consumer, temporarily stores the prepackaged food in a food storage facility either licensed or inspected, or both, by a state or federal regulatory agency or department.

(7) Pass-through food distributors that have a license from the department under section 2 of this act are exempt from the permitting requirements of food service rules adopted by the state board of health and any local health jurisdiction."

Senators Padden and Conway spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Padden and Conway to Substitute Senate Bill No. 6388.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "pass-through food distributors; adding a new section to chapter 69.04 RCW; and creating a new section."

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute Senate Bill No. 6388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6388.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6388 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6052, by Senators Honeyford, Hargrove, Schoesler, Sheldon, Brown, Rivers, Pearson and Angel

Concerning habitat and recreation land acquisitions.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 6052 was substituted for Senate Bill No. 6052 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.25.260 and 2012 c 128 s 1 are each amended to read as follows:

(1) The habitat and recreation lands coordinating group is established. The group must include representatives from the office, the state parks and recreation commission, the department of natural resources, and the department of fish and wildlife. The members of the group must have subject matter expertise with the issues presented in this section. Representatives from appropriate stakeholder organizations and local government must also be considered for participation on the group, but may only be appointed or invited by the director.

(2) To ensure timely completion of the duties assigned to the group, the director shall submit yearly progress reports to the office of financial management and the appropriate committees of the senate and house of representatives.

(3) The group must:

(a) Review agency land acquisition and disposal plans and policies to help ensure statewide coordination of habitat and recreation land acquisitions and disposals;

(b) ~~(Produce)~~ Provide an interagency, statewide biennial forecast report of habitat and recreation land acquisition and disposal plans to the office of financial management and the appropriate committees of the senate and house of representatives by November 1st of each even-numbered year. At a minimum, the forecast report must include:

(i) The anticipated costs of purchasing each proposed property to be acquired and the sources of funding for the acquisition;

(ii) The number of acres planned for each acquisition;

(iii) The purposes and intended uses of each property to be acquired;

(iv) A set of detailed and measurable goals for each acquisition;

(v) A plan to track whether each acquisition is meeting the identified goals; and

(vi) The plan for operation and maintenance of each acquisition, including:

(A) The ongoing and one-time projects associated with operation and maintenance of each property;

(B) The anticipated and range of potential operating and capital costs, including payment in lieu of taxes, associated with the operation and maintenance of each property; and

(C) The anticipated funding sources for the operating and capital costs;

(c) Establish procedures for publishing the biennial forecast of acquisition and disposal plans on web sites or other centralized, easily accessible formats;

(d) Develop and convene ~~((an annual))~~ a biennial forum for agencies to coordinate their near-term acquisition and disposal plans;

(e) Develop a recommended method for interagency geographic information system-based documentation of habitat and recreation lands in cooperation with other state agencies using geographic information systems;

(f) Develop recommendations for standardization of acquisition and disposal recordkeeping, including identifying a preferred process for centralizing acquisition data;

(g) Develop an approach for monitoring the success of acquisitions. At a minimum, the approach must include providing a biennial monitoring report to the office of financial management and the appropriate committees of the senate and house of representatives by July 1st of each odd-numbered year. The report

must include recent acquisition projects and must include:

(i) The purchase cost and sources of funding;

(ii) The number of acres acquired;

(iii) The actual and anticipated operations and maintenance expenditures and fund sources of those expenditures;

(iv) The actual costs associated with the payment in lieu of taxes on the real property; and

(v) The actual use of the property and the results of the postacquisition monitoring;

(h) By July 1, 2025, and every ten years thereafter, summarize the previous ten years of postacquisition monitoring and identify: Properties that are meeting detailed and measurable goals identified upon acquisition; properties that are not meeting the goals identified, but are likely to do so in the foreseeable future; and properties that are not meeting the goals identified and are not likely to do so in the foreseeable future. For each property that is not meeting the goals identified, the report must describe any progress made towards the goals, the reasons the goals have not been achieved, and the estimated time frame for meeting the goals;

(i) Identify and commence a dialogue with key state and federal partners to develop an inventory of potential public lands for transfer into habitat and recreation land management status; and

~~((#))~~ (j) Review existing and proposed habitat conservation plans on a regular basis to foster statewide coordination and save costs.

(4) If prioritization among the various requirements of subsection (3) of this section is necessary due to the availability of resources, the group shall prioritize implementation of subsection (3)(a) through (d) and (g) of this section.

(5) The group shall revisit the planning requirements of relevant grant programs administered by the office to determine whether coordination of state agency habitat and recreation land acquisition and disposal could be improved by modifying those requirements.

(6) The group must develop options for centralizing coordination of habitat and recreation land acquisition made with funds from federal grants. The advantages and drawbacks of the following options, at a minimum, must be developed:

(a) Requiring that agencies provide early communication on the status of federal grant applications to the office, the office of financial management, or directly to the legislature;

(b) Establishing a centralized pass-through agency for federal funds, where individual agencies would be the primary applicants.

~~((7))~~ This section expires July 31, 2017. Prior to January 1, 2017, the group shall make a formal recommendation to the board and the appropriate committees of the legislature as to whether the existence of the habitat and recreation lands coordinating group should be continued beyond July 31, 2017, and if so, whether any modifications to its enabling statute should be pursued.)

Sec. 2. RCW 43.88.030 and 2006 c 334 s 43 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The biennial budget document or documents shall also describe performance indicators that demonstrate measurable progress towards priority results. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting

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schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

- (a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;
- (b) The undesignated fund balance or deficit, by fund;
- (c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;
- (d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;
- (e) Tabulations showing expenditures classified by fund, function, and agency;
- (f) The expenditures that include nonbudgeted, nonappropriated accounts outside the state treasury;
- (g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and
- (h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

- (a) Interest, amortization and redemption charges on the state debt;
- (b) Payments of all reliefs, judgments, and claims;
- (c) Other statutory expenditures;
- (d) Expenditures incident to the operation for each agency;
- (e) Revenues derived from agency operations;
- (f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) The governor's operating budget document or documents shall reflect the statewide priorities as required by RCW 43.88.090.

(4) The governor's operating budget document or documents shall identify activities that are not addressing the statewide priorities.

(5) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or ((wildlife)) habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, ((shall)) must identify:

(i) The projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions ((shall)) **must** include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document ((shall)) **must** identify the source of funds from which the operation and maintenance costs are proposed to be funded; and

(ii) For applicable land acquisitions, the anticipated biennial costs for payments of amounts in lieu of real property taxes authorized under RCW 77.12.203, 79.70.130, 79.71.130, 79.155.140, or 79A.15.120. The document must also identify a proposed fund source to pay these costs;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects; and

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (5), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative evaluation and accountability program committee, and office of financial management.

(6) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

NEW SECTION. Sec. 3. A new section is added to chapter 44.04 RCW to read as follows:

The appropriate committees of the senate and house of representatives may consider the biennial and decadal state lands acquisition monitoring reports required under RCW 79A.25.260 and, at the committee's discretion, make recommendations to the applicable legislative chamber. The legislature may direct land disposals through legislative enactment.

NEW SECTION. Sec. 4. A new section is added to chapter 77.12 RCW to read as follows:

(1) Prior to acquiring or developing real property, the department must review the proposed acquisition or development project with the city or county with jurisdiction. The department must endeavor to do so as soon as is practicable in the acquisition or development planning process.

(2) The department's review of a proposed project application with the city or county with jurisdiction under RCW 79A.15.110, if applicable, fulfills the requirements of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 43.30 RCW under the subchapter heading "part 5 powers and duties--general" to read as follows:

(1) Prior to acquiring or developing real property that is currently or to be managed as a natural area preserve under chapter 79.70 RCW, natural resources conservation area under chapter 79.71 RCW, community forest trust under chapter 79.155 RCW, or for other habitat or recreation purposes, the department must review the proposed acquisition or development project with the city or county with jurisdiction. The department must endeavor to do so as

soon as is practicable in the acquisition or development planning process.

(2) The department's review of a proposed project application with the city or county with jurisdiction under RCW 79A.15.110, if applicable, fulfills the requirements of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 79A.05 RCW to read as follows:

(1) Prior to acquiring or developing real property, the commission must review the proposed acquisition or development project with the city or county with jurisdiction. The commission must endeavor to do so as soon as is practicable in the acquisition or development planning process.

(2) The commission's review of a proposed project application with the city or county with jurisdiction under RCW 79A.15.110, if applicable, fulfills the requirements of this section."

Senators Honeyford and Liias spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Honeyford and others to Substitute Senate Bill No. 6052.

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

MOTION

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

On page 1, line 1 of the title, after "acquisitions;" strike the remainder of the title and insert "amending RCW 79A.25.260 and 43.88.030; adding a new section to chapter 44.04 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.30 RCW; and adding a new section to chapter 79A.05 RCW."

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 6052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6052.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6052 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Liias, Litzow, McAuliffe, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Frockt, Hasegawa, Kline, Kohl-Welles, McCoy and Pedersen

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SECOND READING

SENATE BILL NO. 5731, by Senators Keiser, Conway, Fain and Kline

Allowing beer and/or wine specialty shop licensees to sell craft distillery products. Revised for 1st Substitute: Allowing beer and/or wine specialty shop licensees to sell products made by distillers that produce sixty thousand gallons or less of spirits per year.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5731 was substituted for Senate Bill No. 5731 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Sheldon be adopted:

On page 4, after line 4, strike all of section 2

Senators Keiser and Sheldon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Sheldon on page 4, after line 4 to Substitute Senate Bill No. 5731.

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

MOTION

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

On page 1, line 4 of the title, after "66.24.371;" strike the remainder of the title and insert "and prescribing penalties."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5731.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5731 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Darneille, Hargrove, Padden and Pearson

Excused: Senators Baumgartner and Eide
ENGROSSED SUBSTITUTE SENATE BILL NO. 5731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5964, by Senators Fain, Rivers, Braun, Hasegawa, Rolfes, Conway, Frockt, Tom, Keiser, Mullet and Hill

Concerning training public officials and employees regarding public records, records management, and open public meetings requirements.

The measure was read the second time.

MOTION

On motion of Senator Fain, Substitute Senate Bill No. 5964 was not substituted for Senate Bill No. 5964 and the substitute bill was not adopted.

MOTION

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

On page 2, after line 23, strike all of section 3, and insert the following:

NEW SECTION. Sec. 3. A new section is added to chapter 42.56 RCW to read as follows:

(1) Each local elected official and statewide elected official, and each person appointed to fill a vacancy in a local or statewide office, must complete a training course regarding the provisions of this chapter, and also chapter 40.14 RCW for records retention.

(2) Officials required to complete training under this section may complete their training before assuming office but must:

(a) Complete training no later than ninety days after the date the official either:

(i) Takes the oath of office, if the official is required to take an oath of office to assume his or her duties as a public official; or

(ii) Otherwise assumes his or her duties as a public official; and

(b) Complete refresher training at intervals of no more than four years for as long as he or she holds the office.

(3) Training must be consistent with the attorney general's model rules for compliance with the public records act.

(4) Training may be completed remotely with technology including but not limited to internet-based training.

Senator Fain spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fain and Roach on page 2, after line 23 to Senate Bill No. 5964.

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

MOTION

On motion of Senator Fain, the rules were suspended, Engrossed Senate Bill No. 5964 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5964.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5964 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dansel and Padden

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 5964, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6008, by Senators Chase, Roach, Rivers, Hatfield, Hasegawa, Keiser and Benton

Modifying water-sewer district provisions.

MOTION

On motion of Senator Chase, Substitute Senate Bill No. 6008 was substituted for Senate Bill No. 6008 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, line 7, after "town" insert "located in a county with a population greater than one million five hundred thousand"

On page 1, line 14, after "town" insert "located in a county with a population greater than one million five hundred thousand"

On page 2, line 4, after "town" insert "located in a county with a population greater than one million five hundred thousand"

On page 2, line 36, after "town" insert "located in a county with a population greater than one million five hundred thousand"

On page 3, line 25, after "towns" insert "located in a county with a population greater than one million five hundred thousand"

WITHDRAWAL OF AMENDMENT

On motion of Senator Liias, the amendment by Senator Liias on page 1, line 7 to Substitute Senate Bill No. 6008 was withdrawn.

MOTION

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

On page 1, line 7, after "town" insert "that is wholly or at least eighty percent located in a county with a population greater than one million five hundred thousand"

On page 1, line 14, after "town" insert "that is wholly or at least eighty percent located in a county with a population greater than one million five hundred thousand"

On page 2, line 4, after "town" insert "that is wholly or at least eighty percent located in a county with a population greater than one million five hundred thousand"

On page 2, line 36, after "town" insert "that is wholly or at least eighty percent located in a county with a population greater than one million five hundred thousand"

On page 3, line 25, after "towns" insert "that is wholly or at least eighty percent located in a county with a population greater than one million five hundred thousand"

Senators Liias and Chase spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Liias on page 1, line 7 to Substitute Senate Bill No. 6008.

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

MOTION

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

On page 2, after line 33, strike all of section 2

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

On page 1, line 2 of the title, after "adding" strike "new sections" and insert "a new section"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Chase spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, after line 23 to Substitute Senate Bill No. 6008.

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

MOTION

On motion of Senator Chase, the rules were suspended, Engrossed Substitute Senate Bill No. 6008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Chase spoke in favor of passage of the bill.

Senator Mullet spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6008.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6008 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Benton, Braun, Brown, Chase, Conway, Dammeier, Darneille, Ericksen, Fain, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, Nelson, O'Ban, Padden, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Angel, Billig, Cleveland, Dansel, Fraser, Frockt, Honeyford, McCoy, Mullet and Pearson

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6008, having received the constitutional majority, was declared passed.

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

SECOND READING

SENATE BILL NO. 6464, by Senators O'Ban, Parlette and Becker

Concerning health insurance coverage options for the citizens of Washington state.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 6464 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.
 Senator Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6464.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6464 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dangel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Mullet, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Nelson, Pedersen, Ranker and Rolfes

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6265, by Senators Frockt, Rivers, Conway, Becker, Kohl-Welles, Bailey, Cleveland, Ranker, Keiser and Tom

Concerning state and local agencies that obtain patient health care information.

MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 6265 was substituted for Senate Bill No. 6265 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Dammeier moved that the following amendment by Senators Dammeier, Keiser and Rivers be adopted:

On page 2, after line 13, insert the following:
 "Sec. 2. RCW 43.71.075 and 2012 c 87 s 25 are each amended to read as follows:

(1) A person or entity functioning as a navigator consistent with the requirements of section 1311(i) of P.L. 111-148 of 2010, as amended, shall not be considered soliciting or negotiating insurance as stated under chapter 48.17 RCW.

(2)(a) A person or entity functioning as a navigator may only request health care information that is relevant to the specific assessment and recommendation of health plan options. Any health care information received by a navigator may not be disclosed to any third party that is not part of the enrollment process and must be destroyed after enrollment has been completed.

(b) If a person's health care information is received and disclosed to a third party in violation of (a) of this subsection, the navigator must notify the person of the breach. The exchange must develop a policy to establish a reasonable notification period and what information must be included in the notice. This policy and information on the exchange's confidentiality policies must be made available on the exchange's web site.

(3) For the purposes of this section, "health care information" has the meaning provided in RCW 70.02.010."

Renumber the remaining section consecutively.

Senators Dammeier and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Dammeier, Keiser and Rivers on page 2, after line 13 to Substitute Senate Bill No. 6265.

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

MOTION

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

On page 1, line 2 of the title, after "70.02.290" insert "and 43.71.075"

MOTION

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

On page 2, after line 13, insert the following:

"Sec. 2. RCW 43.70.052 and 2012 c 98 s 1 are each amended to read as follows:

(1) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, the department shall continue to require hospitals to submit hospital financial and patient discharge information, which shall be collected, maintained, analyzed, and disseminated by the department. The department shall, if deemed cost-effective and efficient, contract with a private entity for any or all parts of data collection. Data elements shall be reported in conformance with a uniform reporting system established by the department. This includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial and employee compensation information reasonably necessary to fulfill the purposes of this section. Data elements relating to use of hospital services by patients shall be the same as those currently compiled by hospitals through inpatient discharge abstracts. The department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(2) In identifying financial reporting requirements, the department may require both annual reports and condensed quarterly reports from hospitals, so as to achieve both accuracy and

timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of hospitals.

(3)(a) Beginning with compensation information for 2012, unless a hospital is operated on a for-profit basis, the department shall require a hospital licensed under chapter 70.41 RCW to annually submit employee compensation information. To satisfy employee compensation reporting requirements to the department, a hospital shall submit information as directed in (a)(i) or (ii) of this subsection. A hospital may determine whether to report under (a)(i) or (ii) of this subsection for purposes of reporting.

(i) Within one hundred thirty-five days following the end of each hospital's fiscal year, a nonprofit hospital shall file the appropriate schedule of the federal internal revenue service form 990 that identifies the employee compensation information with the department. If the lead administrator responsible for the hospital or the lead administrator's compensation is not identified on the schedule of form 990 that identifies the employee compensation information, the hospital shall also submit the compensation information for the lead administrator as directed by the department's form required in (b) of this subsection.

(ii) Within one hundred thirty-five days following the end of each hospital's calendar year, a hospital shall submit the names and compensation of the five highest compensated employees of the hospital who do not have any direct patient responsibilities. Compensation information shall be reported on a calendar year basis for the calendar year immediately preceding the reporting date. If those five highest compensated employees do not include the lead administrator for the hospital, compensation information for the lead administrator shall also be submitted. Compensation information shall include base compensation, bonus and incentive compensation, other payments that qualify as reportable compensation, retirement and other deferred compensation, and nontaxable benefits.

(b) To satisfy the reporting requirements of this subsection (3), the department shall create a form and make it available no later than August 1, 2012. To the greatest extent possible, the form shall follow the format and reporting requirements of the portion of the internal revenue service form 990 schedule relating to compensation information. If the internal revenue service substantially revises its schedule, the department shall update its form.

(4) The health care data collected, maintained, and studied by the department shall only be available for retrieval in original or processed form to public and private requestors pursuant to subsection (7) of this section and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(5) The department shall, in consultation and collaboration with the federally recognized tribes, urban or other Indian health service organizations, and the federal area Indian health service, design, develop, and maintain an American Indian-specific health data, statistics information system. ~~((The department rules regarding confidentiality shall apply to safeguard the information from inappropriate use or release.))~~

(6) All persons subject to the data collection requirements of this section shall comply with departmental requirements established by rule in the acquisition of data.

(7) The department must maintain the confidentiality of patient discharge data it collects under subsection (1) of this section. Patient discharge data that includes direct and indirect identifiers is not subject to public inspection and the department may only release such data as allowed for in this section. Any agency that receives

patient discharge data under (a) or (b) of this subsection must also maintain the confidentiality of the data and may not release the data except as consistent with subsection (8)(b) of this section. The department may release the data as follows:

(a) Data that includes direct and indirect patient identifiers, as specifically defined in rule, may be released to:

(i) Federal, state, and local government agencies upon receipt of a signed data use agreement with the department; and

(ii) Researchers with approval of the Washington state institutional review board upon receipt of a signed confidentiality agreement with the department.

(b) Data that does not contain direct patient identifiers but may contain indirect patient identifiers may be released to agencies, researchers, and other persons upon receipt of a signed data use agreement with the department.

(c) Data that does not contain direct or indirect patient identifiers may be released on request.

(8) Recipients of data under subsection (7)(a) and (b) of this section must agree in a written data use agreement, at a minimum, to:

(a) Take steps to protect direct and indirect patient identifying information as described in the data use agreement; and

(b) Not re-disclose the data except as authorized in their data use agreement consistent with the purpose of the agreement.

(9) Recipients of data under subsection (7)(b) and (c) of this section must not attempt to determine the identity of persons whose information is included in the data set or use the data in any manner that identifies individuals or their families.

(10) For the purposes of this section:

(a) "Direct patient identifier" means information that identifies a patient; and

(b) "Indirect patient identifier" means information that may identify a patient when combined with other information.

(11) The department must adopt rules necessary to carry out its responsibilities under this section. The department must consider national standards when adopting rules."

Remember the remaining section consecutively.

Senators Frockt and Becker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt and others on page 2, after line 13 to Substitute Senate Bill No. 6265.

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

MOTION

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

On page 1, line 2 of the title, after "70.02.290" insert "and 43.70.052"

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 6265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6265.

ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6265 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, pursuant to Rule 18, Senate Bill No. 5246, clarifying the teacher and principal evaluation process with the intent of strengthening the process was named a special order to be considered at 4:59 p.m.

SECOND READING

SENATE BILL NO. 5173, by Senators Hasegawa, Kline, Frockt and Chase

Excusing work and school absences for a reason of faith or conscience. Revised for 1st Substitute: Respecting holidays of faith and conscience.

MOTIONS

On motion of Senator Hasegawa, Substitute Senate Bill No. 5173 was substituted for Senate Bill No. 5173 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 5173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5173.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5173 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 5173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Kline was excused.

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5123, by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Hatfield, Hobbs, Parlette and Conway).

Establishing a farm internship program.

The bill was read on Third Reading.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5123.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5123 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner, Eide and Kline

SUBSTITUTE SENATE BILL NO. 5123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 6028, by Senator Baumgartner

Declaring electricity from a generation facility powered by the combustion of solid waste in a municipally owned energy recovery facility to be an eligible renewable resource for the purposes of chapter 19.285 RCW, the energy independence act.

MOTION

On motion of Senator Ericksen, Substitute Senate Bill No. 6028 was substituted for Senate Bill No. 6028 and the substitute bill was placed on the second reading and read the second time.

SPECIAL ORDER OF BUSINESS

The hour fixed for consideration of the special order of business having arrived, the President called the Senate to order. Further consideration of Substitute Senate Bill No. 6028 was deferred and the Senate immediately considered Senate Bill No. 5246 as a special order.

SECOND READING

SENATE BILL NO. 5246, by Senators Litzow, Tom, Hobbs, Delvin, Padden, Schoesler and Smith

Clarifying the teacher and principal evaluation process with the intent of strengthening the process.

MOTION

On motion of Senator Litzow, Substitute Senate Bill No. 5246 was substituted for Senate Bill No. 5246 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Litzow moved that the following striking amendment by Senator Litzow be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.405.100 and 2012 c 35 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, the superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.

(b) Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

(2)(a) Pursuant to the implementation schedule established in subsection (7)(c) of this section, every board of directors shall, in accordance with procedures provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative criteria and a four-level rating system for all certificated classroom teachers.

(b) The minimum criteria shall include: (i) Centering instruction on high expectations for student achievement; (ii) demonstrating effective teaching practices; (iii) recognizing individual student learning needs and developing strategies to address those needs; (iv) providing clear and intentional focus on subject matter content and curriculum; (v) fostering and managing a safe, positive learning environment; (vi) using multiple student data elements to modify instruction and improve student learning; (vii) communicating and collaborating with parents and the school community; and (viii) exhibiting collaborative and collegial

practices focused on improving instructional practice and student learning. Student growth data, as determined under (f) of this subsection, must be a substantial factor in evaluating the summative performance of certificated classroom teachers for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the certificated classroom teacher must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The summative performance ratings shall be as follows: Level 1 -unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 -distinguished. A classroom teacher shall receive one of the four summative performance ratings for each of the minimum criteria in (b) of this subsection and one of the four summative performance ratings for the evaluation as a whole, which shall be the comprehensive summative evaluation performance rating. By December 1, 2012, the superintendent of public instruction must adopt rules prescribing a common method for calculating the comprehensive summative evaluation performance rating for each of the preferred instructional frameworks, including for a focused evaluation under subsection (12) of this section, giving appropriate weight to the indicators evaluated under each criteria and maximizing rater agreement among the frameworks.

(d) By December 1, 2012, the superintendent of public instruction shall adopt rules that provide descriptors for each of the summative performance ratings, based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be made following consultation with a group broadly reflective of the parties represented in subsection (7)(a) of this section.

(e) By September 1, 2012, the superintendent of public instruction shall identify up to three preferred instructional frameworks that support the revised evaluation system. The instructional frameworks shall be research-based and establish definitions or rubrics for each of the four summative performance ratings for each evaluation criteria. Each school district must adopt one of the preferred instructional frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred instructional framework that may be proposed by a school district.

(f)(i) Student growth data that is relevant to the teacher and subject matter must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. However, for teachers who teach reading or language arts or mathematics in a grade in which the federally mandated statewide student assessments are administered, one of the multiple measures of student growth must be the student results on the relevant assessments. The office of the superintendent of public instruction shall provide to each school district the relevant state-level assessment information necessary to determine student growth for the purpose of teacher evaluations.

(ii) Student growth data elements may include the teacher's performance as a member of a grade-level, subject matter, or other instructional team within a school when the use of this data is relevant and appropriate.

(iii) Any rules adopted by the office of the superintendent of public instruction regarding student growth goals set by a teacher and principal must assume that students achieve one year of student growth in a given academic year. The goal may be less than one full year of student growth when there are unavoidable circumstances on an individual student basis.

(iv) Student growth data elements may also include the teacher's performance as a member of the overall instructional team of a school when use of this data is relevant and appropriate. As used in

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this subsection (2), "student growth" means the change in student achievement between two points in time.

(g) Student input may also be included in the evaluation process.

(3)(a) Except as provided in subsection (11) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. An employee in the third year of provisional status as defined in RCW 28A.405.220 shall be observed at least three times in the performance of his or her duties and the total observation time for the school year shall not be less than ninety minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(b) As used in this subsection and subsection (4) of this section, "employees" means classroom teachers and certificated support personnel except where otherwise specified.

(4)(a) At any time after October 15th, an employee whose work is not judged satisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. For classroom teachers who have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the following comprehensive summative evaluation performance ratings based on the evaluation criteria in subsection (2)(b) of this section mean a classroom teacher's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the classroom teacher is a continuing contract employee under RCW 28A.405.210 with more than five years of teaching experience and if the level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(b) During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established. Days may be added if deemed necessary to complete a program for improvement and evaluate the probationer's performance, as long as the probationary period is concluded before May 15th of the same school year. The probationary period may be extended into the following school year if the probationer has five or more years of teaching experience and has a comprehensive summative evaluation performance rating as of May 15th of less than level 2. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to

supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency. Should the evaluator not authorize such additional evaluator, the probationer may request that an additional certificated employee evaluator become part of the probationary process and this request must be implemented by including an additional experienced evaluator assigned by the educational service district in which the school district is located and selected from a list of evaluation specialists compiled by the educational service district. Such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. If a procedural error occurs in the implementation of a program for improvement, the error does not invalidate the probationer's plan for improvement or evaluation activities unless the error materially affects the effectiveness of the plan or the ability to evaluate the probationer's performance. The probationer must be removed from probation if he or she has demonstrated improvement to the satisfaction of the evaluator in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her program for improvement. A classroom teacher who has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section must be removed from probation if he or she has demonstrated improvement that results in a new comprehensive summative evaluation performance rating of level 2 or above for a provisional employee or a continuing contract employee with five or fewer years of experience, or of level 3 or above for a continuing contract employee with more than five years of experience. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer constitutes grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

(c) When a continuing contract employee with five or more years of experience receives a comprehensive summative evaluation performance rating below level 2 for two consecutive years, the school district shall, within ten days of the completion of the second comprehensive summative (~~(comprehensive [comprehensive summative])~~) evaluation or May 15th, whichever occurs first, implement the employee notification of discharge as provided in RCW 28A.405.300.

(d) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and program for improvement, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. In the case of a classroom teacher who has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the teacher may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year immediately following the completion of a probationary period that does not result in the required comprehensive summative evaluation performance ratings specified in (b) of this subsection. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

(5) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators.

Except as provided in subsection (6) of this section, such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

(6)(a) Pursuant to the implementation schedule established by subsection (7)(b) of this section, every board of directors shall establish revised evaluative criteria and a four-level rating system for principals.

(b) The minimum criteria shall include: (i) Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; (ii) demonstrating commitment to closing the achievement gap; (iii) providing for school safety; (iv) leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; (v) assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals; (vi) monitoring, assisting, and evaluating effective instruction and assessment practices; (vii) managing both staff and fiscal resources to support student achievement and legal responsibilities; and (viii) partnering with the school community to promote student learning. Student growth data, as determined under (f) of this subsection, must be a substantial factor in evaluating the summative performance of the principal for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the principal must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The summative performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A principal shall receive one of the four summative performance ratings for each of the minimum criteria in (b) of this subsection and one of the four summative performance ratings for the evaluation as a whole, which shall be the comprehensive summative evaluation performance rating.

(d) By December 1, 2012, the superintendent of public instruction shall adopt rules that provide descriptors for each of the summative performance ratings, based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be made following consultation with a group broadly reflective of the parties represented in subsection (7)(a) of this section.

(e) By September 1, 2012, the superintendent of public instruction shall identify up to three preferred leadership frameworks that support the revised evaluation system. The leadership frameworks shall be research-based and establish definitions or rubrics for each of the four performance ratings for each evaluation criteria. Each school district shall adopt one of the preferred leadership frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred leadership framework that may be proposed by a school district.

(f)(i) Student growth data that is relevant to the principal must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. However, for principals assigned to a school in which reading or language arts or mathematics are taught in at least one of the grades in which the federally mandated statewide assessments are administered, one of the multiple measures of student growth must be the student results

on the relevant assessments. The office of the superintendent of public instruction shall provide to each school district the relevant state-level assessment information necessary to determine student growth for the purpose of principal evaluations.

(ii) As used in this subsection (6), "student growth" means the change in student achievement between two points in time.

(g) Input from building staff may also be included in the evaluation process.

(h) For principals who have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the following comprehensive summative evaluation performance ratings mean a principal's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the principal has more than five years of experience in the principal role and if the level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(7)(a) The superintendent of public instruction, in collaboration with state associations representing teachers, principals, administrators, school board members, and parents, to be known as the steering committee, shall create models for implementing the evaluation system criteria, student growth tools, professional development programs, and evaluator training for certificated classroom teachers and principals. Human resources specialists, professional development experts, and assessment experts must also be consulted. Due to the diversity of teaching assignments and the many developmental levels of students, classroom teachers and principals must be prominently represented in this work. The models must be available for use in the 2011-12 school year.

(b) A new certificated classroom teacher evaluation system that implements the provisions of subsection (2) of this section and a new principal evaluation system that implements the provisions of subsection (6) of this section shall be phased-in beginning with the 2010-11 school year by districts identified in (d) of this subsection and implemented in all school districts beginning with the 2013-14 school year.

(c) Each school district board of directors shall adopt a schedule for implementation of the revised evaluation systems that transitions a portion of classroom teachers and principals in the district to the revised evaluation systems each year beginning no later than the 2013-14 school year, until all classroom teachers and principals are being evaluated under the revised evaluation systems no later than the 2015-16 school year. A school district is not precluded from completing the transition of all classroom teachers and principals to the revised evaluation systems before the 2015-16 school year. The schedule adopted under this subsection (7)(c) must provide that the following employees are transitioned to the revised evaluation systems beginning in the 2013-14 school year:

(i) Classroom teachers who are provisional employees under RCW 28A.405.220;

(ii) Classroom teachers who are on probation under subsection (4) of this section;

(iii) Principals in the first three consecutive school years of employment as a principal;

(iv) Principals whose work is not judged satisfactory in their most recent evaluation; and

(v) Principals previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district.

(d) A set of school districts shall be selected by the superintendent of public instruction to participate in a collaborative process resulting in the development and piloting of new certificated classroom teacher and principal evaluation systems during the

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2010-11 and 2011-12 school years. These school districts must be selected based on: (i) The agreement of the local associations representing classroom teachers and principals to collaborate with the district in this developmental work and (ii) the agreement to participate in the full range of development and implementation activities, including: Development of rubrics for the evaluation criteria and ratings in subsections (2) and (6) of this section; identification of or development of appropriate multiple measures of student growth in subsections (2) and (6) of this section; development of appropriate evaluation system forms; participation in professional development for principals and classroom teachers regarding the content of the new evaluation system; participation in evaluator training; and participation in activities to evaluate the effectiveness of the new systems and support programs. The school districts must submit to the office of the superintendent of public instruction data that is used in evaluations and all district-collected student achievement, aptitude, and growth data regardless of whether the data is used in evaluations. If the data is not available electronically, the district may submit it in nonelectronic form. The superintendent of public instruction must analyze the districts' use of student data in evaluations, including examining the extent that student data is not used or is underutilized. The superintendent of public instruction must also consult with participating districts and stakeholders, recommend appropriate changes, and address statewide implementation issues. The superintendent of public instruction shall report evaluation system implementation status, evaluation data, and recommendations to appropriate committees of the legislature and governor by July 1, 2011, and at the conclusion of the development phase by July 1, 2012. In the July 1, 2011, report, the superintendent shall include recommendations for whether a single statewide evaluation model should be adopted, whether modified versions developed by school districts should be subject to state approval, and what the criteria would be for determining if a school district's evaluation model meets or exceeds a statewide model. The report shall also identify challenges posed by requiring a state approval process.

(e)(i) The steering committee in (a) of this subsection ~~((7)(a) of this section))~~ and the pilot school districts in (d) of this subsection ~~((7)(d) of this section))~~ shall continue to examine implementation issues and refine tools for the new certificated classroom teacher evaluation system in subsection (2) of this section and the new principal evaluation system in subsection (6) of this section during the 2013-14 through 2015-16 implementation phase.

(ii) Particular attention shall be given to the following issues:

(A) Developing a report for the legislature and governor, due by December 1, 2013, of best practices and recommendations regarding how teacher and principal evaluations and other appropriate elements shall inform school district human resource and personnel practices. The legislature and governor are provided the opportunity to review the report and recommendations during the 2014 legislative session;

(B) Taking the new teacher and principal evaluation systems to scale and the use of best practices for statewide implementation;

(C) Providing guidance regarding the use of student growth data to assure it is used responsibly and with integrity;

(D) Refining evaluation system management tools, professional development programs, and evaluator training programs with an emphasis on developing rater reliability;

(E) Reviewing emerging research regarding teacher and principal evaluation systems and the development and implementation of evaluation systems in other states;

(F) Reviewing the impact that variable demographic characteristics of students and schools have on the objectivity, reliability, validity, and availability of student growth data; and

(G) Developing recommendations regarding how teacher evaluations could inform state policies regarding the criteria for a teacher to obtain continuing contract status under RCW 28A.405.210. In developing these recommendations the experiences of school districts and teachers during the evaluation transition phase must be considered. Recommendations must be reported by July 1, 2016, to the legislature and the governor.

(iii) To support the tasks in (e)(ii) of this subsection, the superintendent of public instruction may contract with an independent research organization with expertise in educator evaluations and knowledge of the revised evaluation systems being implemented under this section.

(iv) The superintendent of public instruction shall monitor the statewide implementation of revised teacher and principal evaluation systems using data reported under RCW 28A.150.230 as well as periodic input from focus groups of administrators, principals, and teachers.

(v) The superintendent of public instruction shall submit reports detailing findings, emergent issues or trends, recommendations from the steering committee, and pilot school districts, and other recommendations, to enhance implementation and continuous improvement of the revised evaluation systems to appropriate committees of the legislature and the governor beginning July 1, 2013, and each July 1st thereafter for each year of the school district implementation transition period concluding with a report on December 1, 2016.

(8)(a) Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers and principals must be used as one of multiple factors in making human resource and personnel decisions. Human resource decisions include, but are not limited to: Staff assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal, and superintendent; and reduction in force. Nothing in this section limits the ability to collectively bargain how the multiple factors shall be used in making human resource or personnel decisions, with the exception that evaluation results must be a factor.

(b) The office of the superintendent of public instruction must report to the legislature and the governor regarding the school district implementation of the provisions of (a) of this subsection by December 1, 2017.

(9) Each certificated classroom teacher and certificated support personnel shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

(10) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated classroom teachers and certificated support personnel or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300.

(11) After a certificated classroom teacher or certificated support personnel has four years of satisfactory evaluations under subsection (1) of this section, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) or (2) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) or (2) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations

being prepared. A locally bargained short-form evaluation emphasizing professional growth must provide that the professional growth activity conducted by the certificated classroom teacher be specifically linked to one or more of the certificated classroom teacher evaluation criteria. However, the evaluation process set forth in subsection (1) or (2) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) or (2) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) or (2) of this section may be used as a basis for determining that an employee's work is not satisfactory under subsection (1) or (2) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise. The provisions of this subsection apply to certificated classroom teachers only until the teacher has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section.

(12) All certificated classroom teachers and principals who have been transitioned to the revised evaluation systems pursuant to the district implementation schedule adopted under subsection (7)(c) of this section must receive annual performance evaluations as provided in this subsection:

(a) All classroom teachers and principals shall receive a comprehensive summative evaluation at least once every four years. A comprehensive summative evaluation assesses all eight evaluation criteria and all criteria contribute to the comprehensive summative evaluation performance rating.

(b) The following categories of classroom teachers and principals shall receive an annual comprehensive summative evaluation:

(i) Classroom teachers who are provisional employees under RCW 28A.405.220;

(ii) Principals in the first three consecutive school years of employment as a principal;

(iii) Principals previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district; and

(iv) Any classroom teacher or principal who received a comprehensive summative evaluation performance rating of level 1 or level 2 in the previous school year.

(c)(i) In the years when a comprehensive summative evaluation is not required, classroom teachers and principals who received a comprehensive summative evaluation performance rating of level 3 or above in the previous school year are required to complete a focused evaluation. A focused evaluation includes an assessment of one of the eight criteria selected for a performance rating plus professional growth activities specifically linked to the selected criteria.

(ii) The selected criteria must be approved by the teacher's or principal's evaluator and may have been identified in a previous comprehensive summative evaluation as benefiting from additional attention. A group of teachers may focus on the same evaluation criteria and share professional growth activities. A group of principals may focus on the same evaluation criteria and share professional growth activities.

(iii) The evaluator must assign a comprehensive summative evaluation performance rating for the focused evaluation using the methodology adopted by the superintendent of public instruction for the instructional or leadership framework being used.

(iv) A teacher or principal may be transferred from a focused evaluation to a comprehensive summative evaluation at the request

of the teacher or principal, or at the direction of the teacher's or principal's evaluator.

(v) Due to the importance of instructional leadership and assuring rater agreement among evaluators, particularly those evaluating teacher performance, school districts are encouraged to conduct comprehensive summative evaluations of principal performance on an annual basis.

(vi) A classroom teacher or principal may apply the focused evaluation professional growth activities toward the professional growth plan for professional certificate renewal as required by the professional educator standards board.

(13) Each school district is encouraged to acknowledge and recognize classroom teachers and principals who have attained level 4 -distinguished performance ratings."

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

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes to the striking amendment be adopted:

On page 3, line 14 of the amendment, after "However," insert "subject to the requirements of (f)(iv) of this subsection."

On page 3, after line 36 of the amendment, insert the following:

"(v) The federally mandated statewide assessments shall only be used as one of the multiple measures of student growth once the office of the superintendent of public instruction has determined that the relevant assessment meets professionally accepted standards for being a valid and reliable tool for measuring student growth."

On page 8, line 28 of the amendment, after "However," insert "subject to the requirements of (f)(iii) of this subsection,"

On page 8, after line 38 of the amendment, insert the following:

"(ii) The federally mandated statewide assessments shall only be used as one of the multiple measures of student growth once the office of the superintendent of public instruction has determined that the relevant assessment meets professionally accepted standards for being a valid and reliable tool for measuring student growth."

WITHDRAWAL OF AMENDMENT

On motion of Senator Rolfes, the amendment by Senator Rolfes on page 3, line 14 to the striking amendment to Substitute Senate Bill No. 5246 was withdrawn.

MOTION

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Litzow to Substitute Senate Bill No. 5246.

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

MOTION

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

On page 1, line 2 of the title, after "process;" strike the remainder of the title and insert "and amending RCW 28A.405.100."

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Substitute Senate Bill No. 5246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senators Litzow, Dammeier, Tom, Hill and Rivers spoke in favor of passage of the bill.

Senators McAuliffe, Rolfes, McCoy and Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5246.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5246 and the bill passed the Senate by the following vote: Yeas, 19; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Braun, Dammeier, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Mullet, O'Ban, Parlette, Rivers, Schoesler, Sheldon and Tom

Voting nay: Senators Benton, Billig, Brown, Chase, Cleveland, Conway, Dansel, Darneille, Ericksen, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Nelson, Padden, Pearson, Pedersen, Ranker, Roach and Rolfes

Excused: Senators Baumgartner and Eide
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5246, having failed to receive the constitutional majority, was declared lost.

The Senate resumed consideration of Substitute Senate Bill No. 6028.

MOTION

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 6028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator McCoy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6028.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6028 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Dansel, Ericksen, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, King, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler and Sheldon

Voting nay: Senators Chase, Conway, Darneille, Fain, Fraser, Frockt, Hasegawa, Hill, Keiser, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker, Rolfes and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 17, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1224,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2149,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2347,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2414,
 ENGROSSED HOUSE BILL NO. 2447,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2463,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2524,
 HOUSE BILL NO. 2573,
 SECOND SUBSTITUTE HOUSE BILL NO. 2643,
 ENGROSSED HOUSE BILL NO. 2733,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 5:40 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, February 19, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 19, 2014

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 18, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484,

SECOND SUBSTITUTE HOUSE BILL NO. 1709,

ENGROSSED HOUSE BILL NO. 2108,

SECOND SUBSTITUTE HOUSE BILL NO. 2166,

HOUSE BILL NO. 2219,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2235,

SUBSTITUTE HOUSE BILL NO. 2244,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2383,

HOUSE BILL NO. 2479,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2536,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

2540,

HOUSE BILL NO. 2555,

ENGROSSED HOUSE BILL NO. 2636,

SUBSTITUTE HOUSE BILL NO. 2665,

SUBSTITUTE HOUSE BILL NO. 2719,

HOUSE BILL NO. 2776,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 18, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2201,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2341,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

2377,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2569,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6569 by Senators Hill, Hargrove, Ranker, Tom and Litzow

AN ACT Relating to clarifying laws relating to tobacco substitutes; amending RCW 26.28.080, 70.155.010, and 82.26.190; reenacting and amending RCW 82.26.010; adding a new section to chapter 82.26 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6570 by Senators Becker, Keiser, Hargrove, Braun, Hill and Ranker

AN ACT Relating to adjusting timelines regarding the hospital safety net assessment; and amending RCW 74.60.030, 74.60.120, and 74.60.130.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E3SHB 1005 by House Committee on Appropriations (originally sponsored by Representatives Moeller, Wylie, Reykdal, Appleton, Ryu, Morrell, McCoy, Seaquist, Moscoso, Hudgins, Ormsby and Pollet)

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

Referred to Committee on Governmental Operations.

EHB 1013 by Representatives Appleton, Seaquist, Ryu and Hansen

AN ACT Relating to authorizing regular meetings of county legislative authorities to be held at alternate locations within the county; and amending RCW 36.32.080.

Referred to Committee on Governmental Operations.

2ESHB 1117 by House Committee on Judiciary (originally sponsored by Representatives Hansen, Rodne and Pedersen)

AN ACT Relating to the transfer of real property by deed taking effect at the grantor's death; amending RCW 11.07.010, 11.11.010, 11.18.200, 11.86.011, 11.94.050, 82.45.010, 82.45.197, 82.45.150, and 84.33.140; reenacting and amending RCW 11.02.005 and 84.34.108; adding a new chapter to Title 64 RCW; and providing a contingent effective date.

Referred to Committee on Law & Justice.

HB 1118 by Representatives Fitzgibbon, Nealey, Goodman, Rodne, Pedersen, Hansen and Ryu

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AN ACT Relating to revising the uniform interstate family support act; amending RCW 26.21A.010, 26.21A.015, 26.21A.020, 26.21A.100, 26.21A.110, 26.21A.115, 26.21A.125, 26.21A.130, 26.21A.135, 26.21A.140, 26.21A.150, 26.21A.200, 26.21A.215, 26.21A.220, 26.21A.225, 26.21A.230, 26.21A.235, 26.21A.245, 26.21A.250, 26.21A.260, 26.21A.275, 26.21A.280, 26.21A.285, 26.21A.290, 26.21A.350, 26.21A.415, 26.21A.420, 26.21A.430, 26.21A.500, 26.21A.505, 26.21A.510, 26.21A.515, 26.21A.520, 26.21A.525, 26.21A.530, 26.21A.535, 26.21A.540, 26.21A.545, 26.21A.550, and 26.21A.570; adding new sections to chapter 26.21A RCW; repealing RCW 26.21A.105, 26.21A.145, and 26.21A.600; and providing a contingent effective date.

Referred to Committee on Law & Justice.

SHB 1156 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Orcutt)

AN ACT Relating to consolidating designated forest lands and open space timber lands for ease of administration; amending RCW 84.33.035, 84.33.130, 84.33.140, 84.33.145, 84.34.030, 84.34.041, 84.34.070, 84.34.330, 84.34.340, and 84.34.370; and adding a new section to chapter 84.34 RCW.

Referred to Committee on Natural Resources & Parks.

SHB 1171 by House Committee on Public Safety (originally sponsored by Representatives Hurst, Dahlquist, Haler and Parker)

AN ACT Relating to pretrial release programs; amending RCW 10.21.030; and adding a new section to chapter 10.21 RCW.

Referred to Committee on Law & Justice.

EHB 1224 by Representatives Kretz, Takko and Short

AN ACT Relating to providing a process for county legislative authorities to withdraw from voluntary planning under the growth management act; and amending RCW 36.70A.040, 36.70A.070, 36.70A.110, 36.70A.115, 36.70A.120, 36.70A.140, 36.70A.150, 36.70A.160, 36.70A.200, 36.70A.210, 36.70A.350, 36.70A.360, 36.70A.370, 36.70A.410, 36.70A.430, 36.70A.520, 36.70A.530, and 36.70A.540.

Referred to Committee on Governmental Operations.

SHB 1402 by House Committee on Business & Financial Services (originally sponsored by Representatives Stanford and Morrell)

AN ACT Relating to adopting the insurer state of entry model act; amending RCW 48.05.090; adding new sections to chapter 48.35 RCW; repealing RCW 48.35.010, 48.35.020, 48.35.030, 48.35.040, 48.35.050, 48.35.060, 48.35.070, 48.35.080, 48.35.090, 48.35.100, 48.35.110, 48.35.120, 48.35.130, 48.35.140, 48.35.150, 48.35.160, 48.35.170, 48.35.180, 48.35.190, and 48.35.200; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 1643 by House Committee on Technology & Economic Development (originally sponsored by Representatives Fey, Short, Upthegrove, Nealey, Pollet, Lias, Ormsby, Ryu and Moscoso)

AN ACT Relating to energy conservation under the energy independence act; and amending RCW 19.285.040.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1742 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Wylie, Ryu, Hunter, S. Hunt and Moscoso)

AN ACT Relating to allowing sales of growers of wine; and amending RCW 66.24.170.

Referred to Committee on Commerce & Labor.

2SHB 1773 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Rodne, Cody, Green, Ryu, Lias, Farrell and Santos)

AN ACT Relating to the practice of midwifery; amending RCW 18.50.010, 18.50.065, and 18.50.102; and adding a new section to chapter 18.50 RCW.

Referred to Committee on Health Care.

ESHB 1820 by House Committee on Appropriations (originally sponsored by Representatives Bergquist, Fitzgibbon and Hurst)

AN ACT Relating to determining average salary for the pension purposes of state and local government employees as certified by their employer; amending RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, 41.40.010, and 43.43.120; adding a new section to chapter 41.50 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1841 by House Committee on Capital Budget (originally sponsored by Representatives Stonier, Warnick, Dunshee, Morrell, Ryu and Freeman)

AN ACT Relating to electronic competitive bidding for state public works contracting; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Governmental Operations.

2SHB 1888 by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Shea, Hurst, Condotta, Holy, Taylor and Overstreet)

AN ACT Relating to industrial hemp; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Agriculture, Water & Rural Economic Development.

E2SHB 1960 by House Committee on Finance (originally sponsored by Representative Seaquist)

AN ACT Relating to establishing benefit assessment charges for metropolitan park districts; and adding a new chapter to Title 84 RCW.

Referred to Committee on Governmental Operations.

SHB 2125 by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Schmick, Cody and Buys)

AN ACT Relating to removing the requirements that all fines collected be credited to the Washington horse racing commission class C purse fund account; and amending RCW 67.16.270.

Referred to Committee on Commerce & Labor.

SHB 2146 by House Committee on Labor & Workforce Development (originally sponsored by Representative Condotta)

AN ACT Relating to department of labor and industries appeal bonds; and amending RCW 18.27.250, 19.28.131, 19.28.381, 19.28.490, and 70.87.170.

Referred to Committee on Commerce & Labor.

E2SHB 2149 by House Committee on Appropriations (originally sponsored by Representatives Cody, Carlyle, Johnson, Jinkins, Morrell and Santos)

AN ACT Relating to medical marijuana; amending RCW 69.51A.005, 69.51A.010, 69.51A.020, 69.51A.025, 69.51A.030, 69.51A.040, 69.51A.055, 69.51A.060, 69.51A.100, 69.51A.110, 69.51A.120, and 69.51A.900; adding new sections to chapter 69.51A RCW; adding new sections to chapter 69.50 RCW; repealing RCW 69.51A.070, 69.51A.200, 69.51A.043, 69.51A.045, 69.51A.047, 69.51A.090, 69.51A.085, and 69.51A.140; and providing an effective date.

Referred to Committee on Health Care.

SHB 2150 by House Committee on Judiciary (originally sponsored by Representative Blake)

AN ACT Relating to encouraging recreational access to private property; and amending RCW 4.24.210.

Referred to Committee on Natural Resources & Parks.

ESHB 2155 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Dahlquist, Hurst, S. Hunt, Morrell and Moscoso)

AN ACT Relating to preventing theft of alcoholic spirits from licensed retailers; amending RCW 66.08.030 and 66.08.050; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce & Labor.

2SHB 2163 by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Harris, Haler and Morrell)

AN ACT Relating to dextromethorphan; adding a new chapter to Title 69 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care.

HB 2169 by Representatives Goodman, Rodne, Morrell and Jinkins

AN ACT Relating to international commercial arbitration; and adding a new chapter to Title 7 RCW.

Referred to Committee on Law & Justice.

SHB 2171 by House Committee on Judiciary (originally sponsored by Representatives Orwall, Johnson, Tarleton, Ross, Nealey, Hayes, Sullivan, Farrell, Kirby, Hansen, Chandler, Green, Shea, Moscoso, Parker, Smith, Magendanz, Klippert, Rodne, Pollet, Seaquist, Appleton, Carlyle, Stanford, Buys, Morrell, Goodman, Lias, Haigh, Short, Fagan, Bergquist, Fey, Riccelli and Ryu)

AN ACT Relating to strengthening economic protections for veterans and military personnel; amending RCW 38.42.010, 38.42.020, and 73.16.070; adding new sections to chapter 38.42 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 2178 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris and Morrell)

AN ACT Relating to unmanned aircraft; adding a new chapter to Title 14 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 2196 by House Committee on Judiciary (originally sponsored by Representative Jinkins)

AN ACT Relating to the courts' consultation of the judicial information system before granting orders; and adding a new section to chapter 2.28 RCW.

Referred to Committee on Law & Justice.

SHB 2197 by House Committee on Judiciary (originally sponsored by Representative Jinkins)

AN ACT Relating to objection to relocation in child custody cases; and amending RCW 26.09.260 and 26.09.270.

Referred to Committee on Law & Justice.

SHB 2205 by House Committee on Public Safety (originally sponsored by Representative Takko)

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AN ACT Relating to mental status evaluations; amending RCW 9.94B.080, 9.94A.500, and 9.94A.500; providing an effective date; and providing an expiration date.

HB 2294 by Representatives Pike, Wylie, Stonier, Vick, Harris, Blake, Farrell, Moeller, Fitzgibbon, Sawyer, Bergquist and Pollet

Referred to Committee on Law & Justice.

AN ACT Relating to increasing penalties for littering; amending RCW 70.93.060; and prescribing penalties.

HB 2208 by Representatives Haigh and Buys

Referred to Committee on Law & Justice.

AN ACT Relating to heavy civil construction projects; amending RCW 39.10.210, 39.10.280, 39.10.340, 39.10.350, 39.10.360, 39.10.370, and 39.10.390; and reenacting and amending RCW 43.131.408.

HB 2302 by Representatives Moscoso and Reykdal

AN ACT Relating to snack bar licenses; and amending RCW 66.24.350.

Referred to Committee on Governmental Operations.

Referred to Committee on Commerce & Labor.

HB 2225 by Representatives Manweller, Senn, Magendanz, Fey, Tharinger, Fitzgibbon and Roberts

SHB 2309 by House Committee on Finance (originally sponsored by Representatives Condotta, Shea, Overstreet and Taylor)

AN ACT Relating to the Milwaukee Road corridor; creating a new section; and repealing RCW 79A.05.315, 79A.05.320, 79A.05.325, and 79A.05.330.

AN ACT Relating to providing fairness and flexibility in the payment of property taxes; amending RCW 84.56.020 and 84.56.025; and creating a new section.

Referred to Committee on Natural Resources & Parks.

Referred to Committee on Governmental Operations.

SHB 2229 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Morris, Smith, Appleton, Haler, Moscoso, Tarleton, Roberts, Ryu, Habib and Bergquist)

ESHB 2315 by House Committee on Health Care & Wellness (originally sponsored by Representatives Orwall, Harris, Cody, Roberts, Short, Morrell, Manweller, Green, Jinkins, Fitzgibbon, Tharinger, Ryu, Goodman, Ormsby, Pollet and Walkinshaw)

AN ACT Relating to long-term funding for a state tourism marketing program; and creating new sections.

AN ACT Relating to suicide prevention; amending 2012 c 181 s 1 (uncodified); reenacting and amending RCW 43.70.442; adding new sections to chapter 43.70 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

Referred to Committee on Health Care.

HB 2231 by Representatives Appleton, Roberts and Santos

AN ACT Relating to legal financial obligations; and amending RCW 9.94A.760 and 9.94B.040.

SHB 2318 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Seaquist and Appleton)

Referred to Committee on Human Services & Corrections.

AN ACT Relating to contractor liability for industrial insurance premiums for not-for-profit nonemergency medicaid transportation brokers; and amending RCW 51.12.070.

2SHB 2251 by House Committee on Appropriations (originally sponsored by Representatives Wilcox, Blake, Orcutt and Clibborn)

Referred to Committee on Commerce & Labor.

AN ACT Relating to fish barrier removals; amending RCW 77.55.181, 77.95.180, 77.95.170, 77.95.160, 19.27.490, 35.21.404, 35.63.230, 35A.21.290, 35A.63.250, 36.70.982, 36.70.992, 36.70A.460, and 43.21C.0382; adding new sections to chapter 77.95 RCW; creating a new section; and providing an expiration date.

SHB 2339 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Ormsby)

Referred to Committee on Natural Resources & Parks.

AN ACT Relating to disclosure of health care information; amending RCW 70.02.010, 70.02.020, 70.02.050, 70.02.200, 70.02.210, 70.02.230, 70.02.270, 70.02.280, 70.02.310, 70.02.340, 71.05.445, 70.02.030, and 70.02.045; providing an effective date; and declaring an emergency.

HB 2253 by Representatives Manweller, Sells, Johnson and Ryu

AN ACT Relating to telecommunications installations; amending RCW 19.28.400; and declaring an emergency.

Referred to Committee on Health Care.

Referred to Committee on Commerce & Labor.

E2SHB 2347 by House Committee on Appropriations (originally sponsored by Representatives Farrell, Hudgins, Carlyle, Wylie, Tarleton, Van De Wege, Bergquist, Tharinger,

Pollet, Appleton, Kagi, Ryu, S. Hunt, Jinkins, Riccelli, Lias, Stanford, Reykdal, Roberts, Senn, Dunshee, Goodman, Freeman, Sawyer, Fey, Fitzgibbon, Green, Habib and Walkinshaw)

AN ACT Relating to enhancing the safety of the transportation of oil; amending RCW 88.16.035, 88.16.170, 88.16.190, 88.16.200, 90.56.010, 43.21B.110, and 43.21B.110; adding new sections to chapter 90.56 RCW; adding a new section to chapter 88.16 RCW; creating new sections; prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 2353 by House Committee on Judiciary (originally sponsored by Representatives Rodne and Haler)

AN ACT Relating to actions for trespass upon a business owner's premises; adding a new section to chapter 4.24 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 2363 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Muri, Seaquist, Zeiger, Morrell, Freeman, Christian, Kochmar, Dahlquist and Appleton)

AN ACT Relating to home and community-based services programs for dependents of military service members; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Health Care.

SHB 2371 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Vick, Kirby, Rodne, Blake and Hurst)

AN ACT Relating to the sale of beer by grocery store licensees; and amending RCW 66.24.360.

Referred to Committee on Commerce & Labor.

ESHB 2376 by House Committee on Government Operations & Elections (originally sponsored by Representatives Hayes, S. Hunt, Haler, Appleton, Zeiger, Farrell, Reykdal, MacEwen, Sawyer, Holy, Harris, Ross, Roberts, Springer, Wylie, Ryu, Morrell, Parker and Freeman)

AN ACT Relating to exempting agency employee driver's license numbers, identicard numbers, and identification numbers from public inspection and copying; and reenacting and amending RCW 42.56.250.

Referred to Committee on Governmental Operations.

HB 2386 by Representatives Van De Wege, Appleton, Hayes, Moscoso, Pettigrew, S. Hunt, Takko, Zeiger, Muri, Tharinger, Ryu and Freeman

AN ACT Relating to designating Washington's shoreline as a state maritime heritage area; and adding a new chapter to Title 27 RCW.

Referred to Committee on Natural Resources & Parks.

HB 2405 by Representatives Buys, Blake, Condotta, Warnick and Tharinger

AN ACT Relating to hemp as a component of commercial animal feed; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

ESHB 2414 by House Committee on Environment (originally sponsored by Representatives Fitzgibbon, Farrell, Senn, Ryu and Pollet)

AN ACT Relating to water conservation appliances; amending RCW 19.27.170; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 2420 by House Committee on Transportation (originally sponsored by Representatives Klippert, Moscoso, Muri, Fey, Hayes, Seaquist, Hargrove, MacEwen, Haler, Ryu, Smith, Tarleton, Zeiger, Bergquist, Morrell, Shea, Santos, Ormsby and Freeman)

AN ACT Relating to Congressional Medal of Honor special license plates; amending RCW 46.18.230, 46.16A.200, and 46.18.277; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 2426 by Representatives Fey, Farrell, Jinkins and Pollet

AN ACT Relating to authorizing local authorities to continue operating automated traffic safety cameras to detect speed violations outside of school speed zones after participating in a pilot program for at least three consecutive years; and amending RCW 46.63.170.

Referred to Committee on Transportation.

SHB 2430 by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Schmick and Ormsby)

AN ACT Relating to athletic trainers; and amending RCW 18.250.010 and 18.250.020.

Referred to Committee on Commerce & Labor.

HB 2436 by Representatives Hunter and Freeman

AN ACT Relating to creating the public employees' benefits board benefits account; and reenacting and amending RCW 41.05.120.

Referred to Committee on Ways & Means.

HB 2438 by Representatives Takko, Tharinger, Fitzgibbon and Ryu

AN ACT Relating to making technical corrections to various environmental statutes of the department of ecology and the

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pollution control hearings board; amending RCW 70.93.090, 70.94.037, 70.95.290, 70.95C.220, 70.95I.080, 70.105.160, 70.105.180, 70.105.210, 70.105.220, 88.46.030, and 90.56.310; reenacting and amending RCW 43.21B.300 and 70.95E.010; and repealing RCW 70.94.505, 70.95C.250, 88.46.062, 88.46.063, 88.46.921, and 88.46.926.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 2439 by House Committee on Environment (originally sponsored by Representatives Takko, Fitzgibbon, Tharinger, Ryu and Roberts)

AN ACT Relating to updating specified environmental statutes of the department of ecology to improve efficiency and provide for increased flexibility for local governments; amending RCW 43.21B.305, 43.21B.110, 43.21B.110, 70.95.130, 70.95.140, 70.95.230, 70.95.240, 70.95.300, 70.107.010, 70.107.030, 70.107.060, 90.56.060, and 90.58.190; creating a new section; repealing RCW 43.21A.610, 43.21A.612, 43.21A.614, 43.21A.616, 43.21A.618, 43.21A.620, 43.21A.622, 43.21A.624, 43.21A.626, 43.21A.628, 43.21A.630, 43.21A.632, 43.21A.634, 43.21A.636, 43.21A.638, 43.21A.640, 43.21A.642, 70.95.205, 70.95.700, 70.107.040, 70.107.050, and 90.56.335; providing an effective date; and providing an expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

HB 2440 by Representatives Fitzgibbon, Tharinger, Short and Ryu

AN ACT Relating to modifying the definition of "oil" or "oils"; amending RCW 88.40.011 and 90.56.010; and reenacting and amending RCW 88.46.010.

Referred to Committee on Energy, Environment & Telecommunications.

EHB 2442 by Representatives Moscoso, Robinson, Ryu, Tarleton, Stanford and Tharinger

AN ACT Relating to electronic salary and wage payments by counties; amending RCW 41.04.240; and creating a new section.

Referred to Committee on Governmental Operations.

HB 2446 by Representatives Gregerson, Rodne, Carlyle, Dahlquist, Farrell, Springer, Freeman, Senn, Sullivan, Moscoso, Pettigrew, Magendanz, Pollet, Tarleton, Ryu, Stanford, Bergquist, Morrell and Tharinger

AN ACT Relating to property tax assessment administration, simplifying procedures for obtaining an order for refund; and amending RCW 84.69.030.

Referred to Committee on Governmental Operations.

EHB 2447 by Representatives Kirby, Kretz, Sawyer, Ormsby, Riccelli, Short, Ryu, Magendanz and Freeman

AN ACT Relating to a property tax exemption for qualified nonprofit small business incubators that assist in the creation and expansion of innovative small commercial enterprises; adding a new section to chapter 84.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

SHB 2454 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Buys, Lytton and Smith)

AN ACT Relating to developing a water quality trading program in Washington; adding a new section to chapter 89.08 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture, Water & Rural Economic Development.

2SHB 2457 by House Committee on Appropriations (originally sponsored by Representatives Hansen, Smith, Fagan, Springer, Rodne, Reykdal, Magendanz, Fitzgibbon, Vick, Lytton, Wilcox, Pollet, Tharinger, Ryu, Van De Wege, Buys and Hayes)

AN ACT Relating to derelict and abandoned vessels; amending RCW 79.100.150, 79.100.130, 53.08.310, 84.56.440, 82.49.010, 79.100.060, 79.100.120, and 79.100.100; amending 2013 c 291 s 39 (uncodified); adding new sections to chapter 79.100 RCW; adding a new section to chapter 88.26 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 44.28 RCW; adding a new section to chapter 88.02 RCW; adding a new section to chapter 82.49 RCW; creating new sections; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on Natural Resources & Parks.

SHB 2461 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Ryu)

AN ACT Relating to the financial solvency of insurance companies; amending RCW 48.31B.005, 48.31B.010, 48.31B.015, 48.31B.020, 48.31B.025, 48.31B.030, 48.31B.035, 48.31B.040, 48.31B.050, 48.31B.070, 42.56.400, 48.02.065, 48.13.061, 48.97.005, 48.125.140, 48.155.010, 48.155.015, and 42.56.400; reenacting and amending RCW 42.56.400 and 42.56.400; adding new sections to chapter 48.31B RCW; adding a new chapter to Title 48 RCW; repealing RCW 48.31C.010, 48.31C.020, 48.31C.030, 48.31C.040, 48.31C.050, 48.31C.060, 48.31C.070, 48.31C.080, 48.31C.090, 48.31C.100, 48.31C.110, 48.31C.120, 48.31C.130, 48.31C.140, 48.31C.150, 48.31C.160, 48.31C.900, and 48.31C.901; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 2463 by House Committee on Transportation (originally sponsored by Representatives S. Hunt, Johnson, Reykdal, Pike, Clibborn, Orcutt and Freeman)

AN ACT Relating to special parking privileges for persons with disabilities; amending RCW 46.19.010, 46.19.020, 46.19.030, 46.19.050, 46.61.582, 46.61.583, and 46.63.020; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SHB 2481 by House Committee on Local Government (originally sponsored by Representatives Senn, Bergquist, Farrell, Riccelli, Fitzgibbon, Appleton, Walkinshaw, Sawyer, Fey, Gregerson and Pollet)

AN ACT Relating to food and yard waste collection space for qualifying new residential occupancies with more than two dwelling units; amending RCW 19.27.175; and creating a new section.

Referred to Committee on Governmental Operations.

HB 2482 by Representatives Klippert and Clibborn

AN ACT Relating to creating a fee exemption for the disclosure of vehicle owner information; and amending RCW 46.12.635.

Referred to Committee on Transportation.

E2SHB 2493 by House Committee on Finance (originally sponsored by Representatives Wilcox, Tharinger, Buys, Lytton, Vick, Orcutt, Reykdal, Springer and Haigh)

AN ACT Relating to current use valuation for land primarily used for commercial horticultural purposes; amending RCW 84.34.020; and creating new sections.

Referred to Committee on Agriculture, Water & Rural Economic Development.

ESHB 2524 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Vick, Ryu, Chandler, Blake, Santos, Stanford, Zeiger, Hurst, Fagan, Takko, Habib, Harris, Sullivan, Kretz, MacEwen, Wylie, Moeller, Morrell, Haigh, Freeman, Springer and Stonier)

AN ACT Relating to manufacturer and new motor vehicle dealer franchise agreements; amending RCW 46.70.045, 46.96.020, 46.96.060, 46.96.080, 46.96.090, 46.96.105, and 46.96.185; adding a new section to chapter 46.96 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2527 by Representatives Ormsby, Appleton, Moscoso, Sells, Stanford, Bergquist, Reykdal, S. Hunt, Roberts, Cody, Fey, Freeman, Riccelli and Pollet

AN ACT Relating to establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available; and amending RCW 39.12.015.

Referred to Committee on Commerce & Labor.

HB 2530 by Representatives Robinson, Jinkins, Morrell, Freeman and Santos

AN ACT Relating to infectious disease testing for good samaritans; and amending RCW 70.05.180.

Referred to Committee on Health Care.

HB 2534 by Representative Kirby

AN ACT Relating to fingerprint-based background checks for licensing of vehicle dealers and security guards; and amending RCW 18.170.130 and 46.70.041.

Referred to Committee on Commerce & Labor.

SHB 2552 by House Committee on Government Operations & Elections (originally sponsored by Representatives Reykdal, Appleton, Sawyer, Kirby, Smith, Ormsby, Buys, Vick, S. Hunt, Fey and Tarleton)

AN ACT Relating to signature gathering for initiatives, referenda, and recall petitions; amending RCW 29A.56.160, 29A.72.110, 29A.72.120, and 29A.72.130; adding new sections to chapter 29A.72 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Governmental Operations.

ESHB 2556 by House Committee on Judiciary (originally sponsored by Representatives Freeman, Rodne, Kagi and Pollet)

AN ACT Relating to authorizing, funding, and encouraging the establishment of therapeutic courts; amending RCW 82.14.460, 9.94A.517, 9.94A.517, and 70.96A.350; adding a new chapter to Title 2 RCW; creating a new section; repealing RCW 2.28.170, 2.28.175, 2.28.180, 2.28.190, 13.40.700, 13.40.710, 26.12.250, 2.28.165, and 2.28.166; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SHB 2567 by House Committee on Judiciary (originally sponsored by Representatives Zeiger, Morrell, Rodne and Jinkins)

AN ACT Relating to the approval of minutes from annual meetings of homeowners' associations; and amending RCW 64.38.035.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 2573 by Representative Hudgins

AN ACT Relating to a sunrise review of regulation of wrestling events; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2585 by Representatives Walsh and Pettigrew

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AN ACT Relating to income eligibility for temporary assistance for needy families benefits for a child; and amending RCW 74.12.037.

13.40.080; adding a new section to chapter 10.31 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

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ESHB 2594 by House Committee on Appropriations (originally sponsored by Representatives Riccelli, Jinkins, Cody, Moscoso, Morrell, Fitzgibbon, Ryu, Tarleton, Farrell, Van De Wege, Robinson, Habib, Ormsby, Tharinger, Freeman, Walkinshaw, Hudgins, Gregerson, Pettigrew, Reykdal, Roberts, Carlyle, Moeller, Stanford, Goodman, Seaquist, Appleton, Clibborn, Bergquist, Kagi, Sells, Pollet and Green)

E2SHB 2639 by House Committee on Appropriations (originally sponsored by Representatives Moeller, Harris, Green, Cody, Morrell, Clibborn, Riccelli, Van De Wege, Bergquist and Freeman)

AN ACT Relating to state purchasing of mental health and chemical dependency treatment services; amending RCW 71.24.015, 71.24.016, 71.24.025, 71.24.035, 71.24.045, 71.24.100, 71.24.110, 71.24.340, 71.24.420, 70.96A.020, 70.96A.040, 70.96A.050, 70.96A.080, 70.96A.320, 71.24.049, 71.24.061, 71.24.155, 71.24.160, 71.24.250, 71.24.300, 71.24.310, 71.24.350, 71.24.370, 71.24.455, 71.24.470, 71.24.480, 71.24.845, 71.24.055, 71.24.065, 71.24.240, 71.24.320, 71.24.330, 71.24.360, 71.24.405, 71.24.430, and 74.09.522; amending 2013 c 338 s 1 (uncodified); adding new sections to chapter 43.20A RCW; adding new sections to chapter 71.24 RCW; providing an effective date; and declaring an emergency.

AN ACT Relating to developing and authorizing the federal basic health program; adding a new section to chapter 70.47 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Health Care.

HB 2598 by Representative Kagi

AN ACT Relating to clarifying the lead agency for the early support for infant and toddlers program; and amending RCW 28A.155.065.

HB 2642 by Representatives Walkinshaw, Kochmar, Clibborn and Klippert

AN ACT Relating to the deadline for annual regulatory fees for charter party and excursion service carriers; and amending RCW 81.70.350.

Referred to Committee on Early Learning & K-12 Education.

EHB 2617 by Representatives Jinkins, S. Hunt, Haler, Appleton, Hope, Moscoso, Harris, Fitzgibbon, Morrell, Sawyer, Bergquist, Pollet, Green, Riccelli, Fey, MacEwen, Freeman, Tarleton, Gregerson and Santos

Referred to Committee on Transportation.

AN ACT Relating to interpreter services; amending RCW 41.56.030 and 41.56.510; adding new sections to chapter 39.26 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

2SHB 2643 by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Farrell, Riccelli, Cody, Bergquist, Stanford, Gregerson, Sawyer, Tarleton, Fey, Stonier, Robinson, Walkinshaw, Morrell, Pollet, Ormsby and Freeman)

AN ACT Relating to coordinating and expanding efforts with private and public partnerships to help ensure Washington's healthiest next generation; and adding a new chapter to Title 70 RCW.

EHB 2618 by Representatives Gregerson, Ryu, Takko and Jinkins

AN ACT Relating to public works projects of code cities; and amending RCW 35A.40.210.

Referred to Committee on Health Care.

Referred to Committee on Governmental Operations.

SHB 2624 by House Committee on Judiciary (originally sponsored by Representatives Haler, Tarleton, Klippert and Freeman)

HB 2646 by Representatives Cody, Tharinger, Harris, Senn, Morrell and Freeman

AN ACT Relating to clarifying the applicability of child abduction statutes to residential provisions ordered by a court; amending RCW 9A.40.060 and 9A.40.070; creating a new section; and prescribing penalties.

AN ACT Relating to certification exemptions and training requirements for individual providers who work less than twenty hours per month for a single client, or who only provide limited respite services; and amending RCW 18.88B.041, 74.39A.076, and 74.39A.341.

Referred to Committee on Law & Justice.

Referred to Committee on Health Care.

2SHB 2627 by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Roberts, Hayes, Moscoso, Robinson and Freeman)

HB 2647 by Representatives Jinkins, Harris, Tharinger, Cody, Morrell and Freeman

AN ACT Relating to the arrest of individuals who suffer from chemical dependency; amending RCW 13.40.042 and

AN ACT Relating to electronic timekeeping for in-home personal care or respite services; and amending RCW 74.39A.325.

Referred to Committee on Health Care.

HB 2674 by Representatives Warnick and Sawyer

AN ACT Relating to the processing of quick titles by subagents; and amending RCW 46.12.555.

Referred to Committee on Transportation.

SHB 2675 by House Committee on Transportation (originally sponsored by Representatives Shea, Blake, Moscoso, Reykdal, Sells, Condotta, Scott and Young)

AN ACT Relating to provisions applicable to off-road, nonhighway, and wheeled all-terrain vehicles and their drivers; and amending RCW 38.52.180, 46.09.320, 46.09.442, and 46.09.457.

Referred to Committee on Transportation.

SHB 2691 by House Committee on Judiciary (originally sponsored by Representative Kirby)

AN ACT Relating to the regulation of legal service contractors; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Law & Justice.

SHB 2698 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Freeman, Overstreet, Smith and Tharinger)

AN ACT Relating to expanding the products considered to be potentially nonhazardous as they apply to cottage food operations; and amending RCW 69.22.010.

Referred to Committee on Agriculture, Water & Rural Economic Development.

SHB 2705 by House Committee on Public Safety (originally sponsored by Representatives Moscoso, Ryu and Goodman)

AN ACT Relating to reserve peace officers; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Law & Justice.

SHB 2706 by House Committee on Government Accountability & Oversight (originally sponsored by Representative Moscoso)

AN ACT Relating to ensuring safe, responsible, and legal acquisition of marijuana by adults; adding new sections to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

ESHB 2711 by House Committee on Transportation (originally sponsored by Representatives Habib, Magendanz, Tarleton, Morrell, Bergquist, Freeman and Muri)

AN ACT Relating to electric vehicle charging stations; adding new sections to chapter 46.08 RCW; and creating new sections.

Referred to Committee on Transportation.

EHB 2733 by Representatives Haler and Magendanz

AN ACT Relating to designating certain hydroelectric generation from a generation facility located in irrigation canals and certain pipes as an eligible renewable resource under chapter 19.285 RCW; and reenacting and amending RCW 19.285.030.

Referred to Committee on Energy, Environment & Telecommunications.

HB 2741 by Representatives Orcutt and Clibborn

AN ACT Relating to requirements before issuance of an initial vehicle registration; and amending RCW 46.16A.050.

Referred to Committee on Transportation.

HB 2744 by Representatives G. Hunt, Appleton, Tarleton and Freeman

AN ACT Relating to veteran-owned businesses; and amending RCW 43.60A.190.

Referred to Committee on Commerce & Labor.

EHB 2752 by Representatives Walkinshaw, Clibborn, Tarleton, Riccelli, Moscoso, Ortiz-Self, Johnson and Bergquist

AN ACT Relating to Washington state tree special license plates; amending RCW 46.18.200, 46.17.220, and 46.68.420; reenacting and amending RCW 46.18.060; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

ESHB 2759 by House Committee on Transportation (originally sponsored by Representatives Seaquist, Smith, Young, Ryu and Muri)

AN ACT Relating to modifying certain requirements for ferry vessel construction; amending RCW 47.60.005, 47.60.010, 47.60.810, 47.60.814, 47.60.820, and 47.56.030; adding new sections to chapter 47.60 RCW; and repealing RCW 47.56.780.

Referred to Committee on Transportation.

HB 2777 by Representatives Tharinger, Jinkins, Appleton, Ryu, Fitzgibbon, Ormsby, Pollet and Morrell

AN ACT Relating to studying options for providing long-term care coverage; and creating new sections.

Referred to Committee on Health Care.

EHB 2789 by Representatives Taylor, Goodman, Shea, Morris, Smith, Walkinshaw, Overstreet, Condotta, Moscoso, Ryu, Short and Scott

THIRTY EIGHTH DAY, FEBRUARY 19, 2014

2014 REGULAR SESSION

AN ACT Relating to technology-enhanced government surveillance; adding new sections to chapter 9.73 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 2436 which was referred to the Committee on Ways & Means.

MOTION

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

MOTION

Senator Rolfes moved adoption of the following resolution:

SENATE RESOLUTION
8687

By Senators Hasegawa, Hobbs, McCoy, Dammeier, Nelson, McAuliffe, Chase, Brown, Kline, Hill, Kohl-Welles, Rolfes, Benton, Mullet, Eide, Schoesler, Becker, Litzow, Roach, Angel, Billig, Braun, Tom, Frockt, Dansel, Ranker, Hatfield, Keiser, Conway, Pedersen, Hargrove, Hewitt, Holmquist Newbry, King, Liias, Fain, Honeyford, Fraser, Bailey, Cleveland, Parlette, Eriksen, Pearson, O'Ban, Darneille, Rivers, and Padden

WHEREAS, Seventy-two years ago, on February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the forced removal, exclusion, and internment of approximately 13,000 Japanese-Americans (American citizens of Japanese descent) residing in the state of Washington; and

WHEREAS, The order for forced removal and detention at Camp Harmony on the Puyallup Fairgrounds in Puyallup, Washington, prior to the exclusion and subsequent incarceration, caused Japanese-American citizens from the state of Washington to lose millions of dollars in property and assets, to suffer immeasurable physical and psychological damage, and to be deprived of their constitutional liberties without due process of law; and

WHEREAS, The alleged purpose of this drastic course of action was to prevent Japanese-Americans, all of whom were deemed disloyal and untrustworthy by our government, from committing acts of espionage and sabotage against the United States during the period of its involvement in World War II; and

WHEREAS, In 1943, an overwhelming number of Japanese-Americans from the state of Washington responded to challenges of their loyalty and patriotism by volunteering from within barbed wire and armed guarded camps to serve in the United States Army, organizing into the famed 442nd Regimental Combat Team, and amassing a battle record that is unmatched in United States military history with seven Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, 9,486 Purple Hearts, and a total of 16 decorations from France and Italy; and

WHEREAS, A few equally patriotic Japanese-Americans, like Minoru Yasui, Fred Korematsu, and University of Washington

student Gordon Hirabayashi, were willing to face imprisonment to seek justice by challenging the constitutionality of the exclusion and incarceration orders. Korematsu and Hirabayashi were eventually awarded the Presidential Medal of Freedom for their principled actions and sacrifices; and

WHEREAS, Through the fact-finding work of the Commission on Wartime Relocation and Internment of Civilians, the United States Congress later found "there was no military or security reason for the internment" of individuals of Japanese ancestry. Rather, it "was caused by racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, In 1976 President Gerald Ford formally rescinded Executive Order 9066 saying, "I call upon the American people to affirm with me this American Promise--that we have learned from the tragedy of that long-ago experience forever to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated"; and

WHEREAS, In 1979, newly elected Congressman Mike Lowry of Washington State Introduced H.R. 5977 to provide reparations and an apology to former Japanese-American incarcerates, thus initiating a ten-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, In 1988, President Ronald Reagan signed the Civil Liberties Act apologizing to the survivors of American incarceration camps saying, "what is most important in this bill has less to do with property than with honor. For here we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law."; and

WHEREAS, In 2010, the United States Congress recognized the unparalleled record of Nisei soldiers by authorizing the creation of "a single gold medal of appropriate design to the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army," and in November 2011, President Barack Obama bestowed this highest civilian honor on these units collectively; and

WHEREAS, Throughout Washington State, survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps continue to live their golden years quietly, in unassuming contrast to their extraordinary acts of patriotism, conscience, and valor;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, along with the people of Washington State, pause to acknowledge and reflect on the significance of Executive Order 9066 and its effect in denying constitutional freedoms and protections, our democracy's greatness in recognizing and correcting this failing, the need for constant vigilance to protect our constitutional rights and freedoms, and to recognize the Japanese-American internees and World War II veterans from the state of Washington, to honor their patience, heroism, sacrifice, and loyalty, and to remember the lessons, rights, and responsibilities that come with the phrase, "liberty and justice for all"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Nisei Veterans Committee, the Military Intelligence Service - Northwest Association, the Japanese-American Citizens League National and Seattle Chapter, the Japanese Cultural & Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Senator Rolfes spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8687.

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

MOTION

At 10:05 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, February 20, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTY NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 20, 2014

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 19, 2014

SGA 9246 DAVID BOERNER, reappointed on September 23, 2013, for the term ending August 2, 2016, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 19, 2014

SGA 9289 BILL LYNCH, appointed on November 1, 2013, for the term ending at the governors pleasure, as Chair of the Energy Facility Site Evaluation Council. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

February 19, 2014

SGA 9304 PHILIP A PARKER, reappointed on July 19, 2013, for the term ending June 30, 2019, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Brown; Cleveland; Ericksen; Fain, Budget Leadership Cabinet; Liias; Mullet; O'Ban and Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Angel.

Passed to Committee on Rules for second reading.

February 19, 2014

SGA 9315 CHARLES ROYER, reappointed on July 19, 2013, for the term ending June 30, 2019, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Brown; Cleveland; Ericksen; Fain, Budget Leadership Cabinet; Liias; Mullet; O'Ban and Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Angel.

Passed to Committee on Rules for second reading.

February 19, 2014

SGA 9316 DANIEL T SATTERBERG, appointed on September 23, 2013, for the term ending August 2, 2016, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 23, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DANIEL J. ALTMAYER, appointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 9 (Highline Community College).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

January 13, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KATHRYN BENNETT, appointed December 23, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 4 (Skagit Valley College).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

January 29, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL DELLER, appointed January 6, 2014, for the term ending December 31, 2016, as Member of the Recreation and Conservation Funding Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks.

January 13, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TIM B. DOUGLAS, reappointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

January 9, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KELLY ESPINOZA, appointed November 25, 2013, for the term ending September 30, 2016, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

January 23, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TALIA GOLDBERG, appointed July 1, 2013, for the term ending June 30, 2014, as Member, Board of Trustees, The Evergreen State College.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education.

February 3, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

EDMUND I. KILEY, appointed December 27, 2013, for the term ending December 26, 2017, as Member of the Board of Pilotage Commissioners.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Transportation.

January 13, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HOLLY A. KOON, appointed January 13, 2014, for the term ending January 12, 2018, as Member of the State Board of Education.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education.

January 24, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

GEORGE MASTEN, reappointed January 10, 2014, for the term ending December 31, 2016, as Member of the Investment Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Ways & Means.

December 19, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEPHEN MILLER, appointed January 1, 2014, for the term ending December 31, 2016, as Member of the Investment Board.

Sincerely,

RANDY DORN, State Superintendent of Public Instruction
Referred to Committee on Ways & Means.

January 27, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RICHARD MORGAN, appointed January 21, 2014, for the term ending February 28, 2014, as Member of the Indeterminate Sentence Review Board.

THIRTY NINTH DAY, FEBRUARY 20, 2014

2014 REGULAR SESSION

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Human Services & Corrections.

Ladies and Gentlemen:
 I have the honor to submit the following reappointment, subject to your confirmation.

PATRICIA L. WHITEFOOT, reappointed October 1, 2012, for the term ending September 30, 2017, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College).

Sincerely,
 JAY INSLEE, Governor

Referred to Committee on Higher Education.

January 27, 2014
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:
 I have the honor to submit the following reappointment, subject to your confirmation.

JENNETTE I. MUNOZ-COLON, reappointed January 13, 2014, for the term ending January 12, 2018, as Member of the State Board of Education.

Sincerely,
 JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education.

February 3, 2014
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:
 I have the honor to submit the following appointment, subject to your confirmation.

JANICE H. WIGEN, appointed December 23, 2013, for the term ending September 30, 2016, as Member, Board of Trustees, Community College District No. 17 (Spokane and Spokane Falls Community Colleges).

Sincerely,
 JAY INSLEE, Governor

Referred to Committee on Higher Education.

January 13, 2014
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:
 I have the honor to submit the following appointment, subject to your confirmation.

TYLER PAGE, appointed October 1, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Technical College District #27 (Renton).

Sincerely,
 JAY INSLEE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 19, 2014

January 28, 2014
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:
 I have the honor to submit the following appointment, subject to your confirmation.

PHIL ROCKEFELLER, appointed January 21, 2014, for the term ending January 15, 2017, as Member of the Northwest Power and Conservation Council.

Sincerely,
 JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications.

MR. PRESIDENT:
 The House has passed:
 SENATE BILL NO. 6523,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 19, 2014

January 23, 2014
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:
 I have the honor to submit the following appointment, subject to your confirmation.

ELIZABETH J. THEW, appointed November 20, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 17 (Spokane and Spokane Falls Community Colleges).

Sincerely,
 JAY INSLEE, Governor

Referred to Committee on Higher Education.

MR. PRESIDENT:
 The House has passed:
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:
 SENATE BILL NO. 6523.

January 14, 2014
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

MOTION

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

INTRODUCTION AND FIRST READING

SB 6571 by Senators Hill, Mullet, Litzow, McAuliffe, Dammeier and Tom

AN ACT Relating to providing education funding from sales tax revenues from remote sellers; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1484 by House Committee on Capital Budget (originally sponsored by Representatives Stanford and Warnick)

AN ACT Relating to the public works board; amending RCW 43.155.010, 43.155.020, 43.155.030, 43.155.050, and 43.155.070; adding new sections to chapter 43.155 RCW; and repealing RCW 43.155.040, 43.155.060, 43.155.065, 43.155.068, 43.155.110, and 43.155.120.

Referred to Committee on Ways & Means.

2SHB 1709 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Dahlquist, Santos, Magendanz, Moscoso, Fagan, Ryu, Maxwell, Pollet and Bergquist)

AN ACT Relating to training for volunteer foreign language interpreters in K-12 public schools; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

EHB 2108 by Representatives Ross, Moeller and Johnson

AN ACT Relating to hearing instrument fitter/dispensers; amending RCW 18.35.010, 18.35.020, 18.35.040, 18.35.050, 18.35.070, 18.35.095, 18.35.100, 18.35.105, 18.35.110, 18.35.140, 18.35.150, 18.35.161, 18.35.185, 18.35.195, 18.35.205, 18.35.240, and 18.35.260; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

2SHB 2166 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Lytton, Robinson, Haigh, Kagi, Magendanz, Dahlquist, Moeller, Seaquist, Johnson, Morrell and Bergquist)

AN ACT Relating to providing for educational data on students from military families; amending RCW 28A.300.505; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SHB 2201 by House Committee on Finance (originally sponsored by Representatives Carlyle, Pollet, Jinkins, Tharinger, Ormsby, Walkinshaw and Hudgins)

AN ACT Relating to improving fiscal accountability and transparency standards with respect to state tax preferences; amending RCW 82.32.330, 82.32.090, 82.32.590, 82.32.600, 82.32.605, 82.32.607, 82.32.710, 82.32.808, 82.04.240, 82.04.2404, 82.04.260, 82.04.260, 82.04.260, 82.04.260, 82.04.2909, 82.04.294, 82.04.426, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.4277, 82.04.4452, 82.04.4461, 82.04.4461, 82.04.4463, 82.04.4463, 82.04.448, 82.04.4481, 82.04.4483, 82.04.449, 82.08.805, 82.08.965, 82.08.9651, 82.08.970, 82.08.980, 82.08.980, 82.08.986, 82.12.022, 82.12.025651, 82.12.805, 82.12.965, 82.12.9651, 82.12.970, 82.12.980, 82.12.980, 82.16.0421, 82.29A.137, 82.29A.137, 82.60.070, 82.63.020, 82.63.045, 82.74.040, 82.74.050, 82.75.040, 82.75.070, 82.82.020, 82.82.040, 84.36.645, 84.36.655, and 84.36.655; adding new sections to chapter 82.32 RCW; creating a new section; repealing RCW 82.32.534 and 82.32.585; providing an effective date; providing a contingent effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

HB 2219 by Representatives Smith, Haler and Green

AN ACT Relating to golf cart zones established by cities or counties; and amending RCW 46.08.175.

Referred to Committee on Transportation.

ESHB 2235 by House Committee on Judiciary (originally sponsored by Representatives Hayes, Goodman and Magendanz)

AN ACT Relating to creating effective and timely access to magistrates for purposes of reviewing search warrant applications; amending RCW 9A.72.085; adding a new section to chapter 2.20 RCW; adding a new section to chapter 10.79 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SHB 2244 by House Committee on Appropriations (originally sponsored by Representatives Stanford, DeBolt, Dunshee, MacEwen, Appleton, Morrell, Blake, Pollet and Ormsby)

AN ACT Relating to restoring resources to the capital budget beginning with the 2015-2017 biennium; amending RCW 82.45.060, 82.16.020, 82.18.040, 43.135.045, 43.88.055, and 82.33.060; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 2341 by House Committee on Public Safety (originally sponsored by Representatives DeBolt, Jinkins, Harris, Rodne, Shea and Taylor)

AN ACT Relating to indecent liberties by a member of the clergy; amending RCW 9A.44.100; and prescribing penalties.

Referred to Committee on Law & Justice.

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E2SHB 2377 by House Committee on Appropriations (originally sponsored by Representatives Hunter, Kagi, Walsh, Sullivan, Farrell, Carlyle, Senn, Moeller, Tharinger, Ryu, Reykdal, Morrell, Roberts, Goodman, Tarleton, Freeman, Pollet and Habib)

AN ACT Relating to improving quality in the early care and education system; amending RCW 43.215.100, 43.215.135, 43.215.1352, 43.215.425, 43.215.415, and 43.215.455; reenacting and amending RCW 43.215.010; adding new sections to chapter 43.215 RCW; creating new sections; and repealing 2013 2nd sp.s. c 16 s 2 (uncodified).

Referred to Committee on Ways & Means.

E2SHB 2383 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Reykdal, Tarleton, Pollet, Stonier, Tharinger, Ryu, Morrell, S. Hunt, Gregerson, Freeman and Santos)

AN ACT Relating to integrating career and college readiness standards into K-12 and higher education policies and practices; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2479 by Representatives Green, Holy, Stonier, Hayes, Freeman and Morrell

AN ACT Relating to retired law enforcement officers and firefighters employed in certain public positions; amending RCW 41.26.500; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 2536 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Hudgins, Dahlquist, Bergquist, Lytton, Pettigrew, Orwall, Kagi, Morrell, Roberts, Tharinger, Haigh, Goodman, Walkinshaw, Riccelli, Pollet and S. Hunt)

AN ACT Relating to breakfast after the bell programs in certain public schools; adding new sections to chapter 28A.235 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

E2SHB 2540 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Stonier, Morrell, Magendanz, Fey, Bergquist, Haigh, Freeman and Lytton)

AN ACT Relating to establishing career and technical course equivalencies in science and mathematics; amending RCW 28A.700.070, 28A.230.097, and 28A.230.010; adding a new section to chapter 28A.305 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2555 by Representatives Dunshee and Tarleton

AN ACT Relating to finalists for design-build contracts; amending RCW 39.10.330 and 39.10.470; and reenacting and amending RCW 43.131.408.

Referred to Committee on Governmental Operations.

E2SHB 2569 by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Hargrove and Pollet)

AN ACT Relating to reducing air pollution associated with diesel emissions; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new chapter to Title 70 RCW; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

EHB 2636 by Representatives Smith, Tarleton and Morrell

AN ACT Relating to streamlining statutorily required environmental reports by government entities; amending RCW 70.93.200, 70.93.220, 70.93.250, 70.94.162, 70.95.530, 70.95J.025, 70.120A.050, 90.42.130, 90.44.052, 90.48.545, 90.80.150, and 90.82.043; reenacting and amending RCW 43.21A.667; and repealing RCW 70.95.545, 70.120A.040, and 90.80.901.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 2665 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Pettigrew, Kagi, Sawyer, Gregerson, Freeman and Ortiz-Self)

AN ACT Relating to the advisory committee on the disproportionate representation of children of color in Washington's child welfare system; amending RCW 74.13.096; adding new sections to chapter 43.131 RCW; repealing 2009 c 520 s 96 (uncodified); repealing 2007 c 465 s 3 (uncodified); and providing an effective date.

Referred to Committee on Human Services & Corrections.

SHB 2719 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and DeBolt)

AN ACT Relating to creating the facilities review council; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways & Means.

HB 2776 by Representatives Santos, Pettigrew, DeBolt, Cody, Morris, Haigh, Chandler, Kagi, S. Hunt, Orcutt, Dunshee, Kirby, Chopp, Jinkins, Appleton, Fitzgibbon, Ormsby and Hudgins

AN ACT Relating to renaming the Washington civil liberties public education program; and amending RCW 28A.300.405.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8688

By Senators Honeyford, Hobbs, Hasegawa, Conway, King, and Brown

WHEREAS, This proclamation recognizes the fifth consecutive celebration of Filipino American History Month in Washington State and is dedicated to the late Mr. Frederick Cordova of Seattle, the founding president of the Filipino American National Historical Society; and

WHEREAS, The State of Washington has recognized the proud history of Filipino Americans since 2010; and

WHEREAS, The earliest documented proof of Filipino presence in the continental United States was the date of October 18, 1587, when the first "Luzones Indios" set foot in Morro Bay, California; and

WHEREAS, The Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo Parrish, Louisiana; and

WHEREAS, Washington State contributed to this history with the recognition of the 1888 documents of Port Blakely on Bainbridge Island, Washington, at the time the largest lumber mill in the world, as listing a "Manilla," the first known employee from the Philippines in the Pacific Northwest; and

WHEREAS, These events set in motion the focus on the story of our nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the United States; and

WHEREAS, Efforts must continue to promote the study of Filipino American history and culture, as mandated in the mission statement of the Filipino American National Historical Society; and

WHEREAS, It is imperative for Filipino American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

WHEREAS, Washingtonians who have made a national contribution to American culture and society include Filipino Americans Carlos Bulosan, Roy Baldoz, Jose Calugas, Fred and Dorothy Cordova, Pio DeCano Sr., Trinidad Rojo, Bob Santos, Delores Sibonga, Silvestre Tangalan, Bernie Reyes Whitebear, Velma Voloria, Harry Bucsit, and others; and

WHEREAS, Washington State is home to Filipinos, one of the largest Asian/Pacific Islander populations found in the state; and

WHEREAS, Washington State is the location of historic Filipino American communities, including Wapato, Seattle, Bainbridge Island, Tacoma, Auburn, Bremerton, Pateros, and others; and

WHEREAS, Filipinos have served with special distinction in all of the United States military branches; and

WHEREAS, The United States and the Republic of the Philippines continue to hold a special bond; and

WHEREAS, The national office of the Filipino American National Historical Society is located in the city of Seattle, Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate October 2014 as the 427th anniversary of the presence of Filipinos in the United States and as a significant time to study the advancement of Filipino Americans in the history of the State of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Rey Pascua, President of the Filipino American Community of the Yakima Valley, for further distribution to the Filipino American National Historical Society, to Asian and Pacific Islander organizations, to other historical societies and government entities, and to the Superintendent of Public Instruction.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8688.

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

MOTION

Senator Pearson moved adoption of the following resolution:

SENATE RESOLUTION
8685

By Senator Pearson

WHEREAS, The National FFA Organization is a national youth organization of 557,318 student members as part of 7,498 local FFA chapters in all 50 states, Puerto Rico, and the Virgin Islands; and

WHEREAS, The National FFA Nursery Landscape Career Development Event (CDE) is a competitive event where FFA members test their knowledge and skills in nursery practices and landscaping; and

WHEREAS, Participants must complete a general knowledge exam testing horticultural principles including plant anatomy, production, marketing, turf, landscaping design, and maintenance; and

WHEREAS, Each participant must complete practicums involving landscape estimating, plant propagation or potting, identification of plants, disorders, and equipment; and

WHEREAS, Each team competed on local and state levels to earn the privilege of representing their state at the National FFA Convention and Expo; and

WHEREAS, Sedro-Woolley High School students traveled to Louisville, Kentucky to compete and represent the State of Washington at the national convention; and

WHEREAS, The student nursery/landscaping team from Sedro-Woolley High School represented the State of Washington, placed 4th in the nation, and earned a gold plaque in floral design against schools twice Sedro-Woolley's size; and

WHEREAS, The students from Sedro-Woolley defeated top national teams from Ohio, Missouri, Arkansas, Oregon, Minnesota, and Florida; and

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REMARKS BY THE PRESIDENT

WHEREAS, Wayne Ramsey, the fearless leader of Sedro-Woolley's national champions, works to develop and cultivate the future of the top horticultural leaders of America;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize Karlie Lodjic, Alec Solemslie, Nicole Snyder, Rachel Marsh, Ryan Solemslie, Kristin Ramsey, Cory Peterson, Raynee Hayes, Troy Peterson, and Kayla Overby for their successes at nationals; and

BE IT FURTHER RESOLVED, That the Senate celebrate in congratulating the students, Mr. Ramsey, and all of Sedro-Woolley in a truly remarkable victory.

Senator Pearson spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8685.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Sedro-Woolley High School Future Farmers of America students and members of the school's national champion nursery/landscaping team: Raynee Hayes, Kristin Ramsey, Rachel March, Karlie Lodjic, and Alec Solemslie, led by their instructor Mr. Wayne Ramsey; Superintendent Ken Hoover, Monroe School District; School Director Darcy Chessman, Monroe School District and Skagit County Commissioner Sharon Dillon who were seated in the gallery.

President Owen: "Senator Pearson, I don't know if you're going to meet with them later but I noticed in this resolution it says it talks about identification of disorders. If you could talk to them about what might be the disorders of my apple trees. It refuses to grow apples. I would appreciate it very much. Thank you."

MOTION

At 12:11 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, February 21, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 21, 2014

The Senate was called to order at 10:00 a.m. by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 2572 by House Committee on Appropriations (originally sponsored by Representative Cody)

AN ACT Relating to improving the effectiveness of health care purchasing and transforming the health care delivery system by advancing value-based purchasing, promoting community health, and providing greater integration of chronic illness care and needed social supports; amending RCW 42.56.360 and 70.02.045; adding new sections to chapter 41.05 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 48.02 RCW; adding a new chapter to Title 44 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8691

By Senators Fain, Rolfes, Cleveland, Honeyford, and Pearson

WHEREAS, Kicks for a Cure is celebrating its fifth year raising money for breast cancer screenings through MultiCare Covington's "Women Get It" program; and

WHEREAS, Tara Radford started the program in response to her family's personal battles with the disease; and

WHEREAS, About one in every eight women in the United States will develop invasive breast cancer in the course of her lifetime; and

WHEREAS, About 232,340 new cases of invasive breast cancer will be diagnosed in women; and

WHEREAS, The Kentwood girls soccer team has played the Kicks for a Cure game every year for the past five years; and

WHEREAS, These games have raised nearly \$21,000 for breast cancer screenings for low-income women; and

WHEREAS, This year Kentwood played Kentridge, and the teams raised \$3,600; and

WHEREAS, The Kentwood team has also sold t-shirts, organized carwashes, and sold raffle tickets leading up to these games; and

WHEREAS, Kicks for a Cure is now sponsored with MultiCare, which will provide additional fund-raising assistance for years to come;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and support the efforts of Kicks for a Cure for their work supporting women's health in South King County; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Tara and Aaron Radford, the Kentwood girls soccer team, and Kent School District Superintendent, Dr. Edward Lee Vargas.

Senators Fain and Hill spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8691.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the founder of the "Kicks For Cure" program, Mrs. Tara Radford and her husband, Mr. Aaron Radford Kentwood High School girls' soccer head coach who were accompanied by their daughters, Ariel and Addison Radford; Mr. Mike Steinthal, Mrs. Radford's father; Mrs. Radford's aunts: Ms. Ida McLeary, Ms. Gertie Huff and Ms. Karma Strozyk Kentwood High School soccer team members, Miss Bailey Griglio and Miss Jessica Gibb; Kentridge High School soccer team members, Miss McKenna Hayes and Miss Porsche Jennings; and Ms. Sherrie Rolfes, Kentridge girls' soccer head coach, and were seated in the gallery.

MOTION

At 10:08 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Monday, February 24, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FORTY THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 24, 2014

The Senate was called to order at 12:00 noon by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 2014

HB 1607 Prime Sponsor, Representative Rodne: Providing alternative means of service in forcible entry and forcible and unlawful detainer actions. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 20, 2014

HB 2140 Prime Sponsor, Representative Ryu: Concerning credit unions' mergers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 20, 2014

ESHB 2191 Prime Sponsor, Committee on Early Learning & Human Services: Concerning compliance with inspections of child care facilities. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Darneille, Ranking Member and Padden.

Passed to Committee on Rules for second reading.

February 20, 2014

SHB 2195 Prime Sponsor, Committee on Judiciary: Concerning involuntary medication for maintaining the level of restoration in jail. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Darneille, Ranking Member and Padden.

Passed to Committee on Rules for second reading.

February 20, 2014

SHB 2725 Prime Sponsor, Committee on Appropriations: Concerning court review of involuntary treatment decisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Darneille, Ranking Member and Padden.

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 20, 2014

SGA 9224 DEBORAH J WILDS, appointed on March 11, 2013, for the term ending January 12, 2017, as Member of the State Board of Education. Reported by Committee on Higher Education

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Early Learning & K-12 Education.

February 20, 2014

SGA 9313 RANDY J ROBINSON, appointed on July 8, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 20, 2014

SGA 9325 GABE P SPENCER, appointed on July 1, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 20, 2014

SGA 9327 PAMELA J TIETZ, appointed on July 1, 2013, for the term ending June 30, 2017, as Member of the Housing

Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 20, 2014

SGA 9330 LLOYD R WEATHERFORD, appointed on July 8, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 21, 2014

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 6523,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6572 by Senator Braun

AN ACT Relating to the expenditure limit for the state universal communications services program; amending RCW 80.36.650; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION
8690

By Senators Parlette, Rivers, Bailey, Roach, Dinsel, Braun, Tom, Brown, McAuliffe, Conway, Chase, Hatfield, Pedersen, McCoy, Fraser, Cleveland, Lias, Hewitt, Padden, Holmquist Newbry, Fain, Dammeier, King, Honeyford, Darneille, O'Ban, Sheldon, Becker, Keiser, Mullet, Kline, and Hasegawa

WHEREAS, Washington's apple industry is a major contributor to the economic health of both the state and its people; and

WHEREAS, The City of Wenatchee is preparing to celebrate the 95th annual Washington State Apple Blossom Festival to take place from April 24th through May 4th, 2014; and

WHEREAS, The Apple Blossom Festival, which began as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state, first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women are selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities and Princesses and Queen; and

WHEREAS, Caroline Dahl has been selected to represent her community as a 2014 Apple Blossom Princess, in part for her strong academic performance and extracurricular activities, including being a member of the National Honor Society and the Earth Club, a photographer for the yearbook, Vice President of the Math Club, and a player on the varsity girls' soccer team, and her everlasting commitment to her community; and

WHEREAS, Nikara Morgan has been selected to represent her community as a 2014 Apple Blossom Princess, in part for her community service, including the project she started called The Star Reader Program, being a part of the Big Brother, Big Sister program, her extracurricular activities including the business manager for her school's newspaper, the Vice President of DECA, an active member in the drama club musicals, and her longstanding support of the community she has always lived in; and

WHEREAS, Roslyn Thompson has been selected to represent her community as the 2014 Apple Blossom Queen, in part for her achievements as co-president of the Big Brother-Big Sister mentorship program, involvement in DECA and the Welcome Aboard Committee, volunteering for the Special Olympics, her passion as a singer and songwriter, volunteering at her church, and her love for the people of Wenatchee Valley; and

WHEREAS, These three young women all desire to share their proven talents and leadership ambition to serve their community and be an encouragement to those they encounter;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor the accomplishments of the members

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of the Apple Blossom Festival Court and join the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Queen Roslyn Thompson, Princess Caroline Dahl, Princess Nikara Morgan, and the Board of Directors and Chairpeople of the Washington State Apple Blossom Festival.

Senator Parlette spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8690.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced representatives of the Apple Blossom Festival Board, Ms. Adele Halle, Second year Royalty Chaperone and Ms. Lori Reed, First year Royalty Chaperone who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the Washington State Apple Blossom Festival 2014 Royal Court consisting of Princess Nikara Morgan, Princess Carolina Dahl and Queen Roslyn Thompson who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Queen Thompson to make remarks.

REMARKS BY QUEEN ROSLYN THOMPSON

Miss Roslyn: "On behalf of myself, Princess Caroline Dahl and Princess Nikara Morgan, we are so thankful for the chance to represent the ninety-fifth annual Wenatchee Apple Blossom Festival. As ambassadors for the 2014 Festival we would like to invite all of you at our states capitol to join us this year for our festival activities in the beautiful valley that is Wenatchee. The Apple Blossom Festival is held at the peak of spring, with the warm days where you feel the sun shining but are protected by the trees at Memorial Park. The smell of funnel cakes and gyros are vibrant in the air and the sweet sound of a local band is playing in

the background. Wenatchee is not just a city of with a lot of apples. We are a community that comes together to celebrate the beautiful valley that we are so lucky to be a part of. A valley that lies almost in the prefect center of our state which is similar to the way this town presents and show cases each of the four seasons in perfect harmony. One of the most unique things about Wenatchee is that we are technically two different cities entirely. Wenatchee and East Wenatchee and about three hundred fifty days out of the year we act like it, whether that is from our strong high school rivalry or just about the citizens themselves. However, when Apple Blossom time rolls around we become one community in perfect harmony together. No longer separated by the great divide that is known as the Columbia River. Each year the Wenatchee Apple Blossom Festival is given a theme and this year's theme is 'Living the Dream' which is easy to do in a city that gets almost three hundred days of sunshine every year. The festival will run from April 24 to May 4 with our Grand Parade being held on May 3. This festival will include a variety of activities from our family friendly fund run to live entertainment in the park. The Wenatchee Valley Apple Blossom Festival is a time where our community show cases the talents, kindness, generosity and pride that the citizens of this valley have. So, whether you're enjoying a shiskaberry while eating at the park, or watching the Grand Parade or hanging out at the carnival, there is never a dull moment at the festival. All three of us are so proud to have been chosen to represent our valley in such a unique and amazing way that reflects all the diverse beauty of this valley. We are so honored to be here today. We would love to invite you to come and see how Wenatchee Washington is a perfect place to experience 'living the dream.' We hope to see you this spring in Wenatchee where the sun is shining, the food is enticing and the community is amazing. Thank you guys for having us today."

MOTION

At 12:13 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Tuesday, February 25, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FORTY FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 25, 2014

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 24, 2014

ESHB 1417 Prime Sponsor, Committee on Local Government: Regarding irrigation district administration. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Rules for second reading.

February 24, 2014

HB 1783 Prime Sponsor, Representative Seaquist: Concerning health district banking. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 24, 2014

HB 1785 Prime Sponsor, Representative Hunt, S.: Authorizing de minimis use of state resources to provide information about programs that may be authorized payroll deductions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 24, 2014

SHB 2098 Prime Sponsor, Committee on Government Accountability & Oversight: Making conforming amendments made necessary by reorganizing and streamlining central service functions, powers, and duties of state government. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 24, 2014

HB 2100 Prime Sponsor, Representative Johnson: Creating Seattle University special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Fain, Budget Leadership Cabinet; Liias; Mullet and Rolfes.

Passed to Committee on Rules for second reading.

February 24, 2014

SHB 2105 Prime Sponsor, Committee on Government Operations & Elections: Promoting transparency in government by requiring public agencies with governing bodies to post their agendas online in advance of meetings. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 24, 2014

HB 2115 Prime Sponsor, Representative Johnson: Concerning the composition of the officer promotion board. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 24, 2014

HB 2137 Prime Sponsor, Representative Johnson: Modifying provisions governing commercial motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Fain, Budget Leadership Cabinet; Liias; Mullet and Rolfes.

Passed to Committee on Rules for second reading.

February 24, 2014

HB 2208 Prime Sponsor, Representative Haigh: Concerning heavy civil construction projects. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

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Passed to Committee on Rules for second reading.

February 24, 2014

ESHB 2374 Prime Sponsor, Committee on Government Operations & Elections: Making nonsubstantive changes to procurement law. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 24, 2014

HB 2405 Prime Sponsor, Representative Buys: Regarding hemp as a component of commercial animal feed. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Rules for second reading.

February 24, 2014

HB 2437 Prime Sponsor, Representative Hunter: Clarifying employee eligibility for benefits from the public employees' benefits board and conforming the eligibility provisions with federal law. Reported by Committee on Health Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Ways & Means.

February 24, 2014

HB 2446 Prime Sponsor, Representative Gregerson: Simplifying procedures for obtaining an order for refund of property taxes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 24, 2014

HB 2515 Prime Sponsor, Representative Christian: Concerning the treatment of population enumeration data, including exempting it from public inspection and copying. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 24, 2014

HB 2547 Prime Sponsor, Representative Ormsby: Providing for the creation of a less than countywide port district within a county containing no port districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 24, 2014

HB 2555 Prime Sponsor, Representative Dunshee: Concerning alternative contracting performance goals. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 24, 2014

HB 2700 Prime Sponsor, Representative Stonier: Creating breast cancer awareness special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Fain, Budget Leadership Cabinet; Liias; Mullet and Rolfes.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6573 by Senators Hargrove and Hill

AN ACT Relating to changing the effective date of modifications to the aged, blind, and disabled and the housing and essential needs programs; and amending 2013 2nd sp.s. c 10 s 10 (uncodified).

Referred to Committee on Appropriations.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

On motion of Senator Fain and without objection, the rules were suspended and the following measures listed on the "Disposition of Bills" sheet were referred to the Committee on Rules, X file: Senate Bill No. 5202, Senate Bill No. 5251, Senate

Bill No. 5392, Senate Bill No. 5454, Senate Bill No. 5471, Senate Bill No. 5499, Senate Bill No. 5597, Senate Bill No. 5680, Senate Bill No. 5713, Senate Bill No. 5735, Senate Bill No. 5741, Senate Bill No. 5826, Senate Bill No. 5908, Senate Bill No. 5963, Senate Bill No. 5978, Senate Bill No. 5988, Senate Bill No. 5992, Senate Bill No. 5997, Senate Bill No. 6004, Senate Bill No. 6006, Senate Bill No. 6009, Senate Bill No. 6015, Senate Bill No. 6029, Senate Bill No. 6033, Senate Bill No. 6036, Senate Bill No. 6061, Senate Bill No. 6063, Senate Bill No. 6072, Senate Bill No. 6080, Senate Bill No. 6083, Senate Bill No. 6087, Senate Bill No. 6089, Senate Bill No. 6098, Senate Bill No. 6103, Senate Bill No. 6109, Senate Bill No. 6131, Senate Bill No. 6139, Senate Bill No. 6146, Senate Bill No. 6148, Senate Bill No. 6160, Senate Bill No. 6169, Senate Bill No. 6172, Senate Bill No. 6177, Senate Bill No. 6185, Senate Bill No. 6193, Senate Bill No. 6195, Senate Bill No. 6200, Senate Bill No. 6212, Senate Bill No. 6214, Senate Bill No. 6227, Senate Bill No. 6236, Senate Bill No. 6238, Senate Bill No. 6246, Senate Bill No. 6288, Senate Bill No. 6295, Senate Bill No. 6296, Senate Bill No. 6298, Senate Bill No. 6300, Senate Bill No. 6307, Senate Bill No. 6331, Senate Bill No. 6334, Senate Bill No. 6345, Senate Bill No. 6390, Senate Bill No. 6391, Senate Bill No. 6394, Senate Bill No. 6404, Senate Bill No. 6416, Senate Bill No. 6420, Senate Bill No. 6428, Senate Bill No. 6443, Senate Bill No. 6448, Senate Bill No. 6454, Senate Bill No. 6455, Senate Bill No. 6474, Senate Bill No. 6482, Senate Bill No. 6489, Senate Bill No. 6497, Senate Bill No. 6507, Senate Bill No. 6509, Senate Bill No. 6524, Senate Bill No. 6534, Senate Joint Memorial No. 8000, Senate Joint Memorial No. 8011, Senate Joint Memorial No. 8013

MOTION

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

MOTION

Senator Conway moved adoption of the following resolution:

SENATE RESOLUTION

8692

By Senators Conway, Darneille, Billig, McCoy, Liias, Ranker, Hargrove, Eide, Keiser, Pedersen, Hatfield, Hobbs, Kohl-Welles, Frockt, Mullet, Fraser, Nelson, Dammeier, O'Ban, Roach, Becker, Angel, and Chase

WHEREAS, R. Ted Bottiger's career in politics and public service spanned the period from Lyndon Johnson to Barack Obama, from his first election to the House of Representatives in 1964, to his recently completed service on the Port of Tacoma Commission; and

WHEREAS, Ted Bottiger served the people of Pierce County, the State of Washington, the Northwest region, and the nation with selfless dedication, consummate skill, and a great sense of humor; and

WHEREAS, Ted Bottiger made a particular mark in the Washington State Senate, where he served as chair of the Energy and Utilities Committee at a time of dramatic change in the energy sector, when Mideast oil supply instability brought worldwide upheaval, and when Senator Bottiger served as chair of a special joint legislative committee whose investigative oversight of the Washington Public Power Supply System led to the unraveling of our state's then-ambitious nuclear power plant construction program; and

WHEREAS, Ted Bottiger enjoyed the shortest stint on record for a Senate Majority Leader in 1981 due to one member of the 25-24 majority switching parties; and

WHEREAS, Ted Bottiger returned to the helm of the Senate as Majority Leader in 1983 and effectively steered the Senate with a narrow majority through efforts to recover from the very severe recession of 1981-82; and

WHEREAS, Among his many legislative accomplishments, Ted Bottiger's leadership was critical to eliminating the sales tax on food, ending the state budget accounting gimmick known as the 25th month, helping Washington become the first state to improve aircraft safety by requiring large, brightly colored balls to be installed on power lines near airports, and helping secure agreement on the landmark Puyallup land claims settlement; and

WHEREAS, Ted Bottiger's statesmanship was on full display when, as Senate Minority Leader, he helped the Senate Majority Leader secure passage of controversial legislation needed to balance the state budget and said of the event, "The role of the Queen's loyal opposition must be just that, loyal. We shouldn't sink the ship," he concluded, expressing his deep commitment to values transcending partisanship; and

WHEREAS, Ted Bottiger effectively brought the needs and priorities of Pierce County residents, rural, urban, and suburban, to the forefront, leading to breakthrough projects, revitalized infrastructure, and a transformed spirit of optimism in communities across Pierce County; and

WHEREAS, Ted Bottiger exemplified through his unique brand of leadership a devotion in equal measures to principle and pragmatism, to process and substance, to ideas and people, and to humor and seriousness of purpose; and

WHEREAS, Ted Bottiger always remembered who the majority leader was at his home in rural Graham, namely his beloved wife Darlene Bottiger, and he generally wasn't recognized in Olympia for the devoted husband, father, and family man he was;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and remember the life and legacy of Senator R. Ted Bottiger - a gifted leader who never lost sight of the big picture nor the people impacted by state policy and funding decisions, a tireless public servant who never stopped looking for ways to contribute toward improving the lives and well-being of the people of Pierce County and the State of Washington, a dedicated husband and father, and a trusted, loyal, and true friend to all who knew him; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to R. Ted Bottiger's wife, Darlene Bottiger, and his daughters Tedene Bottiger and Teri Blair.

Senator Conway spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8692.

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

MOTION

At 12:07 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, February 26, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FORTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 26, 2014

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Chase Simerka and Nicole Piper, presented the Colors. Abbot Tryphon of Abbot of All-Merciful Saviour Orthodox Monastery of Vashon Island offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 25, 2014

ESHB 1090 Prime Sponsor, Committee on Local Government: Increasing the dollar amount for construction of a dock that does not qualify as a substantial development under the shoreline management act. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

February 25, 2014

SHB 1260 Prime Sponsor, Committee on Capital Budget: Concerning public facilities' grants and loans. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2014

HB 1339 Prime Sponsor, Representative Tharinger: Clarifying the scope of practice for East Asian medicine practitioners and removing certain referral requirements. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 25, 2014

EHB 1538 Prime Sponsor, Representative Morrell: Encouraging the safe practice of public health nurses dispensing certain medications. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 25, 2014

EHB 1593 Prime Sponsor, Representative Jinkins: Providing access to the prescription drug monitoring database for clinical laboratories. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 25, 2014

ESHB 1643 Prime Sponsor, Committee on Technology & Economic Development: Regarding energy conservation under the energy independence act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; Litzow; McCoy, Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 25, 2014

2SHB 1773 Prime Sponsor, Committee on Health Care & Wellness: Concerning the practice of midwifery. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette. Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 25, 2014

2SHB 1888 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Information Technology: Regarding industrial hemp. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2014

HB 1896 Prime Sponsor, Representative Lytton: Enhancing compliance with the responsibilities of fishing guides. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

February 25, 2014

E2SHB 2029 Prime Sponsor, Committee on Appropriations: Eliminating the economic development-related agencies, boards, and commissions. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry and Liias.

Passed to Committee on Ways & Means.

February 25, 2014

HB 2061 Prime Sponsor, Representative Harris: Clarifying the requirements for health plans offered outside of the exchange. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 25, 2014

HB 2099 Prime Sponsor, Representative Vick: Extending the expiration date for reporting requirements on timber purchases. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

February 25, 2014

HB 2127 Prime Sponsor, Representative Van De Wege: Concerning the authority of medical program directors. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 25, 2014

ESHB 2151 Prime Sponsor, Committee on Environment: Concerning recreational trails. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

February 25, 2014

ESHB 2160 Prime Sponsor, Committee on Health Care & Wellness: Allowing physical therapists to perform spinal manipulation. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 25, 2014

HB 2228 Prime Sponsor, Representative Smith: Providing parity of consumer protection procedures for all students attending licensed private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

ESHB 2246 Prime Sponsor, Committee on Environment: Regarding financing for stewardship of mercury-containing lights. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Billig; Chase; Honeyford; Litzow; McCoy, Ranking Member and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Chair and Brown.

Passed to Committee on Ways & Means.

February 25, 2014

SHB 2262 Prime Sponsor, Committee on Environment: Concerning the use of science to support significant agency actions. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; Litzow; McCoy, Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 25, 2014

HB 2285 Prime Sponsor, Representative Orwall: Requiring a review of institution of higher education policies related to dual credit coursework. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SHB 2310 Prime Sponsor, Committee on Health Care & Wellness: Concerning safety equipment for individual providers. Reported by Committee on Health Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Ways & Means.

February 25, 2014

SHB 2336 Prime Sponsor, Committee on Higher Education: Increasing transparency in higher education by requiring certain departmental budget detail to be available online. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt.

Passed to Committee on Ways & Means.

February 25, 2014

SHB 2339 Prime Sponsor, Committee on Health Care & Wellness: Concerning disclosure of health care information. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 25, 2014

ESHB 2406 Prime Sponsor, Committee on Technology & Economic Development: Modifying administrative processes for managing deposits and cost reimbursements of the energy facility site evaluation council. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; Litzow; McCoy, Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 25, 2014

HB 2440 Prime Sponsor, Representative Fitzgibbon: Modifying the definition of "oil" or "oils." Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; Litzow; McCoy, Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 25, 2014

SHB 2454 Prime Sponsor, Committee on Agriculture & Natural Resources: Developing a water quality trading program in Washington. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Rules for second reading.

February 25, 2014

E2SHB 2493 Prime Sponsor, Committee on Finance: Concerning current use valuation for land primarily used for commercial horticultural purposes. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Hatfield, Chair; Brown; Eide; Hobbs; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Ways & Means.

February 25, 2014

SHB 2518 Prime Sponsor, Committee on Public Safety: Creating the pilot identicard program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Transportation.

February 25, 2014

HB 2530 Prime Sponsor, Representative Robinson: Requiring free infectious disease testing for good samaritans. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 25, 2014

EHB 2636 Prime Sponsor, Representative Smith: Streamlining statutorily required environmental reports by government entities. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; McCoy, Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 25, 2014

SHB 2651 Prime Sponsor, Committee on Higher Education: Requiring creation of a higher education transparency web site. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

HB 2708 Prime Sponsor, Representative Tarleton: Concerning a qualified alternative energy resource. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; McCoy, Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 25, 2014

EHB 2733 Prime Sponsor, Representative Haler: Designating certain hydroelectric generation from a generation facility located in irrigation canals and certain pipes as an eligible renewable resource under chapter 19.285 RCW. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; Litzow; McCoy, Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 25, 2014

SGA 9223 J. TAYLOE WASHBURN, appointed on November 16, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 7 (Shoreline Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9236 SHAUNTA HYDE, appointed on April 24, 2013, for the term ending April 3, 2017, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9249 THOMAS A CAMPBELL, appointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 10 (Green River

Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9251 ELIZABETH CHEN, appointed on April 24, 2013, for the term ending April 3, 2017, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9253 ALBERTA B CLARKSON, appointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 24 (South Puget Sound Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9254 DIANA CLAY, appointed on December 23, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 23 (Edmonds Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Kohl-Welles, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Vice Chair and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9268 CARMEN W GAYTON, reappointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 6 (Seattle, So. Seattle, and No. Seattle Community Colleges). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

FORTY FIFTH DAY, FEBRUARY 26, 2014

2014 REGULAR SESSION

SGA 9279 TOM A JOHNSON, reappointed on May 17, 2013, for the term ending March 26, 2017, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9299 MARY B MOSS, reappointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Technical College District #29 (Clover Park). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9303 ROBERT OZUNA, appointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 16 (Yakima Valley Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9308 PHILIP G RASMUSSEN, appointed on October 11, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 15 (Wenatchee Valley College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9310 SUSANA REYES, appointed on May 7, 2013, for the term ending June 30, 2015, as Member of the Washington State Student Achievement Council. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9317 FIASILI L SAVUSA, appointed on June 17, 2013, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 9 (Highline

Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9319 ROLAND SCHIRMAN, appointed on October 28, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 20 (Walla Walla Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9320 JOANNE H SCHWARTZ, reappointed on November 13, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 12 (Centralia College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9326 KEITH THOMPSON, reappointed on October 16, 2013, for the term ending September 30, 2019, as Member of the Board of Trustees, Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9329 STEPHEN L WARNER, appointed on October 11, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 3 (Olympic Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 25, 2014

SGA 9334 MICHAEL D WILSON, appointed on October 28, 2013, for the term ending September 30, 2014, as Member of the Board of Trustees, Community College District No. 17

(Spokane and Spokane Falls Community Colleges). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 2651 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6574 by Senators McAuliffe, Ranker, Frockt, Rolfes, Nelson, Pedersen, Hargrove, Billig, Fraser, Keiser, Kohl-Welles, Kline, Conway, Eide, Darneille, Hasegawa and Chase

AN ACT Relating to improving education financing; amending RCW 28A.150.260, 28A.150.315, 28A.150.220, 28A.150.390, 28A.150.410, 28A.400.200, 28A.400.205, 84.52.0531, 28A.400.205, 28B.50.465, 28B.50.468, 28A.405.415, 82.08.0293, 82.12.0293, 82.12.0263, 82.08.0273, 82.04.280, and 82.04.280; amending 2013 2nd sp.s. c 4 s 502 (uncodified); reenacting and amending RCW 84.52.0531 and 82.32.790; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.135 RCW; creating new sections; repealing RCW 82.04.272; making appropriations; providing effective dates; providing a contingent effective date; providing expiration dates; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

SB 6575 by Senators Parlette and Kohl-Welles

AN ACT Relating to refilling eye drop prescriptions; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health Care.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION 8694

By Senators Kohl-Welles, Rolfes, McCoy, Keiser, Dammeier, Fraser, Fain, Becker, Darneille, Parlette, Eide, Billig, Angel, Tom, Hasegawa, McAuliffe, Frockt, Holmquist Newbry, Kline, Mullet, Nelson, Chase, King, Roach, Rivers, and Brown

WHEREAS, The Washington State Senate honors the women and girls who have overcome barriers in sports, making excellent role models for young girls and women across the state; we renew our commitment to female athletes and the promise and drive they exhibit both on and off the field; and

WHEREAS, Participation of girls and young women in high school sports reached a new all-time high in the 2012-13 school year, with an additional 15,190 female student athletes participating from the year before; and

WHEREAS, Participation in athletics is one of the most effective ways for girls and women in the United States to develop leadership and communication skills, discipline, initiative, and self-confidence that contribute to a healthy life at home, school, work, and society as a whole; and

WHEREAS, Not only do active girls and young women tend to have higher self-esteem, reduced risk for heart disease, and other illnesses, but these students who participate in sports tend to have better grades and are more likely to graduate; and

WHEREAS, The Washington State Senate urges media outlets to provide equal coverage for the accomplishments of women and girls in sports, as they provide for men and boys, noting that vibrant news stories can inspire our young girls to become successful and healthy athletes; and

WHEREAS, Washington high schools foster outstanding achievements in all women's sports, including state volleyball champions: Bellarmine Prep, Mercer Island, Burlington-Edison, Cascade (Leavenworth), Colfax, and "3 peat" state volleyball champion and state academic champion, Tekoa-Oakesdale; state soccer champions: Central Valley, Liberty (Issaquah), Sumner, University Prep, and Crosspoint Academy; state softball champions: Arlington, Kamiakin, Selah, Connell, Toutle Lake, and Colton; state tennis champions: Skyview, Mercer Island, West Valley (Yakima), and Cashmere; state cross-country champions: Bellarmine Prep, Glacier Peak, Sehome, and Lakeside; and state track and field champions: Federal Way, Kamiakin, and Sehome; and

WHEREAS, This year the Washington State Senate honors Northwest Christian High School (Lacey) for its girls cross-country and track teams. Its cross-country team won an all-time state record (for any classification) for eight consecutive state championships in 2013, one of the longest consecutive active girls' state championship streaks in the country. *The Olympian* also selected Northwest Christian High School's girls team performance as one of the top ten sport stories of the year, on top of its winning a WIAA outstanding academic award for having a team average GPA of 3.7; and

WHEREAS, The Washington State Senate recognizes the several teams who have won state championships in dance, drill, and cheer in Washington high schools, including dance state champions: Eastlake, Todd Beamer, Moses Lake, Kentridge, Shorecrest, Hazen, and Tumwater; drill state champions: Moses Lake, Decatur, and Lake Washington; and cheer state champions:

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Hockinson, Kentwood, Meadowdale, Skyline, Richland, Bethel, Juanita, Selah, and Union; and

WHEREAS, This past year, Washington high schools won state championships in swim and dive: Newport (Bellevue), Mercer Island, and Pullman; gymnastics: Emerald Ridge and Enumclaw; state golf champions: Bear Creek, Woodland, Bellingham, Hanford, and Bellarmine Prep; and wrestling: Warden; and

WHEREAS, The Washington State Senate honors our outstanding institutions of higher education for continuing to produce elite female athletes who compete with pride, commitment, and passion; and

WHEREAS, Pacific Lutheran University's volleyball team members slammed their way to the Northwest Conference Champion title in 2013; and a member of its softball team, Kaaren Hatlen, was named one of nine finalists for the 2013 NCAA Woman of the Year award. This award recognizes top achieving female student athletes for their athletic excellence, academic achievements, community outreach, and leadership; and

WHEREAS, The University of Puget Sound athletic department offers eleven women's varsity sports at the Division III level, giving two hundred ten female student athletes the opportunity to compete in collegiate athletics; its women's soccer squad has won twelve consecutive NWC titles, the longest active title streak in Division III women's soccer history; and its women's crew squad has reached the NCAA tournament eleven years in a row while competing as an independent; and

WHEREAS, The Washington State Senate honors the hard work and dedication shown by the University of Puget Sound coach Aaron Benson and Betsy Bayliss, as well as its student crew members Carly Fox, Leah Shamlian, Dina Mustakim, and Kenzie Marshall; and

WHEREAS, Seattle University's women's basketball team won the 2012-13 Western Athletic Conference regular season title in March 2013. Its head coach, Joan Bonvicini, was named WAC Coach of the Year, while Kacie Sowell earned WAC Player of the Year; and

WHEREAS, Hannah Mittelstaedt won the 3000 meter steeplechase at the Western Athletic Conference Outdoor Track and Field Championships, becoming the first Seattle University female to win a Division I conference title since the Redhawk program received full NCAA Division I membership; and cross-country runner Lauren Hammerle was named First Team All-WAC, and Lila Rice was honored as WAC Freshman of the Year in 2013; and

WHEREAS, The Seattle University women's soccer team completed an undefeated conference season, winning every WAC regular season and tournament match to earn the league's regular season and tournament titles. Head coach Julie Woodward was named WAC Coach of the Year, and Stephanie Verdoia was named WAC Offensive Player of the Year; and

WHEREAS, University of Washington women's softball team finished third at the NCAA College World Series; and its volleyball team won the Pac-12 championship title and also made it to the semi-finals of the 2013 NCAA Tournament; Krista Vansant was named Pac-12 Player of the Year, AVCA National Player of the Year, the Seattle Female Sports Star of the Year, and won the Volleyball Honda Award; and

WHEREAS, University of Washington's goalkeeper for the women's soccer team, Megan Kufeld, earned the UW President's Medal for High Scholarship as the student with the highest GPA in her class; women's crew won its seventh consecutive Windermere cup and also finished seventh at the national championships; and track and field athletes, Megan Goethals and Kristine Felix were Pac-12 Champions in the 5000 meter run and pole vault, respectively; and

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WHEREAS, Lynda Goodrich, Director of Athletics at Western Washington University for twenty-six years, has shown dedication and passion for the development of female athletes and women's sports overall; she was the recipient of the 2014 Division 2 Athletic Directors' Association Lifetime Achievement Award; and

WHEREAS, Western Washington University's women's basketball team reached the semifinals at the 2013 NCAA Division II National Championships, won the West Regional championship, and ranked number three in USA Today Top Twenty-five Poll; its head coach Carmen Dolfo was named CaptainU NCAA II National Coach of the Year; and

WHEREAS, Western Washington University's women's soccer team reached the semifinals at the 2014 NCAA Division II National Championships, won the West Regional title, finished with a 20-2-1 record, the win total being a school record, and ranked number three in the final National Soccer Coaches Association of America Top Twenty-five; and

WHEREAS, Seattle Pacific University women's soccer team won the 2013 Great Northwest Athletic Conference tournament championship; and

WHEREAS, Eastern Washington University's basketball star, Hayley Hodgins, was named the Big Sky Conference Freshman of the Year; and its track and field star, Keisa Monterola, won her second consecutive pole vault title at the Big Sky Conference Outdoor Championship Meet; and

WHEREAS, Eastern Washington University women's golf received the NCAA Public Recognition Award for having a perfect Academic Progress Rate of 1,000 for the second consecutive year; its women's soccer received the National Soccer Coaches Association of America Team Academic Award for the eleventh straight year; and basketball earned a spot on the Women's Basketball Coaches Association Academic Top Twenty-five Honor Roll for the twelfth time; and

WHEREAS, Washington State is proud to be the home of many professional women's sports teams that exhibit passion and pride, supporting our communities both on and off the field; and

WHEREAS, The Washington State Senate celebrates women's roller derby. The Seattle City Council has proclaimed January 18th "Rat City Roller Girls Day" in honor of their tenth anniversary; we also honor the 2013 USA Roller Sports National Roller Derby champions, the Oly Rollers; and

WHEREAS, Washington State honors the beginning of the second year of our professional women's soccer team, the Seattle Reign FC and their new home at Memorial Stadium. We wish them well as they begin their 2014 season; and

WHEREAS, We recognize the beginning of the 2014 season of our professional women's tackle football teams, the Seattle Majestics, Everett Reign, and Tacoma Trauma; We honor the Seattle Majestics for taking part in the WIAA Girls and Women in Sports and Leadership Conference, which helps spread the word to young women about dedication, hard work, and balance as it relates to sports, family, and life; and

WHEREAS, Washington State proudly honors our women's professional basketball team, the Seattle Storm; in the wake of the immensely publicized Seahawks victory, we would like to add to our Washington sport's pride and reiterate that the Storm took home national championships in 2004 and 2010; we urge that the Storm be celebrated as a major sports league, as its players have won as many national championships as the Mariners, Seahawks, and former Sonics combined, and we ask that the media do the same; and

WHEREAS, The Seattle Storm qualified for the 2013 WNBA Playoffs, setting a WNBA record with ten consecutive playoff appearances; Tina Thompson, the first overall draft pick in the WNBA's inaugural draft in 1997, became the first WNBA player ever to record 7,000 career points and 3,000 career rebounds, and

after retiring following this past season, leaves the league as the all-time leader in points scored and games played; Tanisha Wright, competing her ninth season in Seattle, was named the 2013 WNBA All-Defensive first team for the fourth time in her career; and, off the court, the Storm continues its strong community impact, hosting events from library readings, Make-A-Wish, basketball camps, girls 5K runs, and hospital visits; and

WHEREAS, Our state continues to foster star Olympians with many female athletes who represented the United States and Washington at the 2014 Sochi Winter games, including Angeli VanLaanen, a freestyle skier from Bellingham; Sadie Bjornsen, a cross-country skier from Winthrop with three United States titles already; twenty-one year-old Jacqueline Wiles, who grew up skiing at Mount Hood and White Pass, sped her way to the C squad after taking the 2013 United States downhill title; and

WHEREAS, These women and many more not mentioned here are sterling examples of what is possible through hard work, focus, and determination; and

WHEREAS, The twenty-eighth annual National Girls and Women in Sports Day took place on February 5th, 2014;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Washington girls and women in sports on February 26th, 2014, and encourage others to observe the day with appropriate ceremonies and activities; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to all of the aforementioned athletes and their respective institutions.

Senators Kohl-Welles, Hill, Fraser, Dansel, Chase, Roach, Parlette and Holmquist Newbry spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8694.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced female student athletes, coaches and representatives of women and girls athletic programs, including: Shauna McBride, Seattle Reign FC; Oly Rollers Roller Derby Team members Lil Miss Stuffit, Lexcelerator, Fifty, Brutiful Jane, Chica Chula, Lil Tonka, Mad Medic, Knuckleberry Finn and Sassy; The Seattle Majestics Pro Women's Tackle Football Team; The Everett Reign Pro Women's Tackle Football Team; Northwest Christian High School Cross Country and Track Team members; the Rat City Roller Girls Roller Derby Team; University of Puget Sound crew team members Carly Fox, Leah Shamlan, Dina Mustakim and Kenzie Marshall and UPS crew team coaches Aaron Benson and Betsy Bayliss; and representatives of the Washington Interscholastic Activities Association (WIAA) who were seated in the gallery.

MOTION

At 10:25 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:17 a.m. by President Owen.

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Carl J Zapora, Gubernatorial Appointment No. 9335, be confirmed as a member of the Board of Trustees, Edmonds Community College District No. 23.

Senator Chase spoke in favor of the motion.

APPOINTMENT OF CARL J ZAPORA

The President declared the question before the Senate to be the confirmation of Carl J Zapora, Gubernatorial Appointment No. 9335, as a member of the Board of Trustees, Edmonds Community College District No. 23.

The Secretary called the roll on the confirmation of Carl J Zapora, Gubernatorial Appointment No. 9335, as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Hargrove

Carl J Zapora, Gubernatorial Appointment No. 9335, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Edmonds Community College District No. 23.

MOTION

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

SECOND READING

HOUSE BILL NO. 1607, by Representative Rodne

Providing alternative means of service in forcible entry and forcible and unlawful detainer actions.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, House Bill No. 1607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1607.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1607 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2515.

ROLL CALL

HOUSE BILL NO. 1607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Secretary called the roll on the final passage of House Bill No. 2515 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

SECOND READING

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

HOUSE BILL NO. 2140, by Representatives Ryu, Stanford, Kirby, Moscoso and Vick

Concerning credit unions' mergers.

The measure was read the second time.

HOUSE BILL NO. 2515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SECOND READING

On motion of Senator Hobbs, the rules were suspended, House Bill No. 2140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Angel spoke in favor of passage of the bill.

SUBSTITUTE HOUSE BILL NO. 2195, by House Committee on Judiciary (originally sponsored by Representatives Morrell, Kochmar, Hurst, Green and Jinkins)

Concerning involuntary medication for maintaining the level of restoration in jail.

The President declared the question before the Senate to be the final passage of House Bill No. 2140.

ROLL CALL

The measure was read the second time.

The Secretary called the roll on the final passage of House Bill No. 2140 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

MOTION

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

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 2195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2195.

HOUSE BILL NO. 2140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Substitute House Bill No. 2195 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

HOUSE BILL NO. 2515, by Representatives Christian, S. Hunt, Kretz and Bergquist

Concerning the treatment of population enumeration data, including exempting it from public inspection and copying.

The measure was read the second time.

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

MOTION

SUBSTITUTE HOUSE BILL NO. 2195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Roach, the rules were suspended, House Bill No. 2515 was advanced to third reading, the second

SECOND READING

HOUSE BILL NO. 2446, by Representatives Gregerson, Rodne, Carlyle, Dahlquist, Farrell, Springer, Freeman, Senn, Sullivan, Moscoso, Pettigrew, Magendanz, Pollet, Tarleton, Ryu, Stanford, Bergquist, Morrell and Tharinger

Simplifying procedures for obtaining an order for refund of property taxes.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2446 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Hasegawa and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2446.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2446 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2555, by Representatives Dunshee and Tarleton

Concerning alternative contracting performance goals.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Governmental Operations be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.10.330 and 2013 c 222 s 11 are each amended to read as follows:

(1) Contracts for design-build services shall be awarded through a competitive process using public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the public work will be done, a notice of its request for qualifications from proposers for design-build services, and the availability and location of the request

for proposal documents. The request for qualifications documents shall include:

(a) A general description of the project that provides sufficient information for proposers to submit qualifications;

(b) The reasons for using the design-build procedure;

(c) A description of the qualifications to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and finalists' proposals, including evaluation factors and the relative weight of factors and any specific forms to be used by the proposers;

(i) Evaluation factors for request for qualifications shall include, but not be limited to, technical qualifications, such as specialized experience and technical competence; capability to perform; past performance of the proposers' team, including the architect-engineer and construction members; and other appropriate factors. Evaluation factors may also include: (A) The proposer's past performance in utilization of small business entities; and (B) disadvantaged business enterprises. Cost or price-related factors are not permitted in the request for qualifications phase;

(ii) Evaluation factors for finalists' proposals shall include, but not be limited to, the factors listed in (d)(i) of this subsection, as well as technical approach design concept; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected workloads of the firm; location; and cost or price-related factors that may include operating costs. The public body may also consider a proposer's outreach plan to include small business entities and disadvantaged business enterprises as subcontractor and suppliers for the project. Alternatively, if the public body determines that all finalists will be capable of producing a design that adequately meets project requirements, the public body may award the contract to the firm that submits the responsive proposal with the lowest price;

(e) Protest procedures including time limits for filing a protest, which in no event may limit the time to file a protest to fewer than four business days from the date the proposer was notified of the selection decision;

(f) The form of the contract to be awarded;

(g) The honorarium to be paid to finalists submitting responsive proposals and who are not awarded a design-build contract;

(h) The schedule for the procurement process and the project; and

(i) Other information relevant to the project.

(2) The public body shall establish an evaluation committee to evaluate the responses to the request for qualifications based solely on the factors, weighting, and process identified in the request for qualifications and any addenda issued by the public body. Based on the evaluation committee's findings, the public body shall select not more than five responsive and responsible finalists to submit proposals. The public body may, in its sole discretion, reject all proposals and shall provide its reasons for rejection in writing to all proposers.

(3) The public body must notify all proposers of the finalists selected to move to the next phase of the selection process. The process may not proceed to the next phase until two business days after all proposers are notified of the committee's selection decision. At the request of a proposer not selected as a finalist, the public body must provide the requesting proposer with a scoring summary of the evaluation factors for its proposal. Proposers filing a protest on the selection of the finalists must file the protest in accordance with the published protest procedures. The selection process may not advance to the next phase of selection until two business days after the final protest decision is transmitted to the protestor.

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(4) Upon selection of the finalists, the public body shall issue a request for proposals to the finalists, which shall provide the following information:

(a) A detailed description of the project including programmatic, performance, and technical requirements and specifications; functional and operational elements; building performance goals and validation requirements; minimum and maximum net and gross areas of any building; and, at the discretion of the public body, preliminary engineering and architectural drawings; and

(b) The target budget for the design-build portion of the project.

(5) The public body shall establish an evaluation committee to evaluate the proposals submitted by the finalists. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection. The public body must identify in the request for qualifications which procedure will be used.

(a) The finalists' proposals shall be evaluated and scored based solely on the factors, weighting, and process identified in the initial request for qualifications and in any addenda published by the public body. Public bodies may request best and final proposals from finalists. The public body may initiate negotiations with the firm submitting the highest scored proposal. If the public body is unable to execute a contract with the firm submitting the highest scored proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(b) If the public body determines that all finalists are capable of producing a design that adequately meets project requirements, the public body may award the contract to the firm that submits the responsive proposal with the lowest price.

(6) The public body shall notify all finalists of the selection decision and make a selection summary of the final proposals available to all proposers within two business days of such notification. If the public body receives a timely written protest from a finalist firm, the public body may not execute a contract until two business days after the final protest decision is transmitted to the protestor. The protestor must submit its protest in accordance with the published protest procedures.

(7) The firm awarded the contract shall provide a performance and payment bond for the contracted amount.

(8) The public body shall provide appropriate honorarium payments to finalists submitting responsive proposals that are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects. In determining the amount of the honorarium, the public body shall consider the level of effort required to meet the selection criteria.

Sec. 2. RCW 39.10.470 and 2005 c 274 s 275 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, all proceedings, records, contracts, and other public records relating to alternative public works transactions under this chapter shall be open to the inspection of any interested person, firm, or corporation in accordance with chapter 42.56 RCW.

(2) Trade secrets, as defined in RCW 19.108.010, or other proprietary information submitted by a bidder, offeror, or contractor in connection with an alternative public works transaction under this chapter shall not be subject to chapter 42.56 RCW if the bidder, offeror, or contractor specifically states in writing the reasons why protection is necessary, and identifies the data or materials to be protected.

(3) Proposals submitted by design-build finalists are exempt from disclosure until the notification of the highest scoring finalist is

made in accordance with RCW 39.10.330(5) or the selection process is terminated.

Sec. 3. RCW 43.131.408 and 2013 c 222 s 22 and 2013 c 186 s 2 are each reenacted and amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2022:

(1) RCW 39.10.200 and 2010 1st sp.s. c 21 s 2, 2007 c 494 s 1, & 1994 c 132 s 1;

(2) RCW 39.10.210 and 2013 c 222 s 1, 2010 1st sp.s. c 36 s 6014, 2007 c 494 s 101, & 2005 c 469 s 3;

(3) RCW 39.10.220 and 2013 c 222 s 2, 2007 c 494 s 102, & 2005 c 377 s 1;

(4) RCW 39.10.230 and 2013 c 222 s 3, 2010 1st sp.s. c 21 s 3, 2009 c 75 s 1, 2007 c 494 s 103, & 2005 c 377 s 2;

(5) RCW 39.10.240 and 2013 c 222 s 4 & 2007 c 494 s 104;

(6) RCW 39.10.250 and 2013 c 222 s 5, 2009 c 75 s 2, & 2007 c 494 s 105;

(7) RCW 39.10.260 and 2013 c 222 s 6 & 2007 c 494 s 106;

(8) RCW 39.10.270 and 2013 c 222 s 7, 2009 c 75 s 3, & 2007 c 494 s 107;

(9) RCW 39.10.280 and 2013 c 222 s 8 & 2007 c 494 s 108;

(10) RCW 39.10.290 and 2007 c 494 s 109;

(11) RCW 39.10.300 and 2013 c 222 s 9, 2009 c 75 s 4, & 2007 c 494 s 201;

(12) RCW 39.10.320 and 2013 c 222 s 10, 2007 c 494 s 203, & 1994 c 132 s 7;

(13) RCW 39.10.330 and 2014 c ... s 1 (section 1 of this act), 2013 c 222 s 11, 2009 c 75 s 5, & 2007 c 494 s 204;

(14) RCW 39.10.340 and 2013 c 222 s 12 & 2007 c 494 s 301;

(15) RCW 39.10.350 and 2007 c 494 s 302;

(16) RCW 39.10.360 and 2013 c 222 s 13, 2009 c 75 s 6, & 2007 c 494 s 303;

(17) RCW 39.10.370 and 2007 c 494 s 304;

(18) RCW 39.10.380 and 2013 c 222 s 14 & 2007 c 494 s 305;

(19) RCW 39.10.385 and 2013 c 222 s 15 & 2010 c 163 s 1;

(20) RCW 39.10.390 and 2013 c 222 s 16 & 2007 c 494 s 306;

(21) RCW 39.10.400 and 2013 c 222 s 17 & 2007 c 494 s 307;

(22) RCW 39.10.410 and 2007 c 494 s 308;

(23) RCW 39.10.420 and 2013 c 222 s 18, 2013 c 186 s 1, 2012 c 102 s 1, 2009 c 75 s 7, 2007 c 494 s 401, & 2003 c 301 s 1;

(24) RCW 39.10.430 and 2007 c 494 s 402;

(25) RCW 39.10.440 and 2013 c 222 s 19 & 2007 c 494 s 403;

(26) RCW 39.10.450 and 2012 c 102 s 2 & 2007 c 494 s 404;

(27) RCW 39.10.460 and 2012 c 102 s 3 & 2007 c 494 s 405;

(28) RCW 39.10.470 and 2014 c ... s 2 (section 2 of this act), 2005 c 274 s 275, & 1994 c 132 s 10;

(29) RCW 39.10.480 and 1994 c 132 s 9;

(30) RCW 39.10.490 and 2013 c 222 s 20, 2007 c 494 s 501, & 2001 c 328 s 5;

(31) RCW 39.10.900 and 1994 c 132 s 13;

(32) RCW 39.10.901 and 1994 c 132 s 14;

(33) RCW 39.10.903 and 2007 c 494 s 510;

(34) RCW 39.10.904 and 2007 c 494 s 512; and

(35) RCW 39.10.905 and 2007 c 494 s 513."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Governmental Operations to House Bill No. 2555.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "finalists for design-build contracts; amending RCW 39.10.330 and 39.10.470; and reenacting and amending RCW 43.131.408."

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2555 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2555 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2555 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

HOUSE BILL NO. 2555 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:57 a.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Thursday, February 27, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FORTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 27, 2014

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

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 26, 2014

SB 6001 Prime Sponsor, Senator Eide: Making 2013-2015 supplemental transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Cleveland; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet; Rolfes and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Angel; Brown; Ericksen and O'Ban.

Passed to Committee on Rules for second reading.

February 26, 2014

SB 6002 Prime Sponsor, Senator Hill: Making 2014 supplemental operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6002 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

February 26, 2014

SB 6020 Prime Sponsor, Senator Honeyford: Concerning the 2013-2015 supplemental capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6020 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Fraser; Hatfield; Hewitt; Padden; Parlette; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Billig; Conway; Hargrove, Ranking Member; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 26, 2014

SB 6215 Prime Sponsor, Senator Mullet: Clarifying and correcting RCW 82.08.962 and 82.12.962 regarding the sales and use tax treatment of machinery and equipment purchases by companies producing pipeline-quality natural gas using landfill gas. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6215 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 26, 2014

SB 6249 Prime Sponsor, Senator Dammeier: Establishing new authority for courts to assess cost recovery fees for costs associated with new indigent defense standards. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6249 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hewitt; Parlette; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt; Hasegawa and Hatfield.

Passed to Committee on Rules for second reading.

February 26, 2014

SB 6505 Prime Sponsor, Senator Hargrove: Delaying the use of existing tax preferences by the marijuana industry to ensure a regulated and safe transition to the controlled and legal

marijuana market in Washington. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 26, 2014

SB 6518 Prime Sponsor, Senator Chase: Transferring technology-based economic development programs from innovate Washington to the department of commerce. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6518 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 26, 2014

SB 6570 Prime Sponsor, Senator Becker: Adjusting timelines relating to the hospital safety net assessment. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6570 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 26, 2014

SB 6571 Prime Sponsor, Senator Hill: Providing education funding from sales tax revenues from remote sellers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 26, 2014

SB 6572 Prime Sponsor, Senator Braun: Concerning the expenditure limit for the state universal communications services program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6572 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

February 26, 2014

SB 6573 Prime Sponsor, Senator Hargrove: Changing the effective date of modifications to the aged, blind, and disabled and the housing and essential needs programs. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

February 26, 2014

E2SHB 1017 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Information Technology: Creating new efficiency standards. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Chase; Litzow; McCoy, Ranking Member and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Brown and Honeyford.

Passed to Committee on Rules for second reading.

February 25, 2014

E2SHB 1129 Prime Sponsor, Committee on Transportation: Concerning ferry vessel replacement. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Cleveland; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senators Brown; Dandel and Ericksen.

FORTY SIXTH DAY, FEBRUARY 27, 2014

2014 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Angel; O'Ban and Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2014

ESHB 1294 Prime Sponsor, Committee on Environment: Concerning flame retardants. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Litzow.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Chase; McCoy, Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

February 26, 2014

ESHB 2111 Prime Sponsor, Committee on Transportation: Concerning the enforcement of regional transit authority fares. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Brown; Cleveland; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet; O'Ban; Rolfes and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Angel.

Passed to Committee on Rules for second reading.

February 26, 2014

SHB 2175 Prime Sponsor, Committee on Technology & Economic Development: Removing barriers to economic development in the telecommunications industry. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford; Litzow; McCoy, Ranking Member and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig and Chase.

Passed to Committee on Rules for second reading.

February 26, 2014

HB 2294 Prime Sponsor, Representative Pike: Increasing penalties for littering. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson and Pedersen.

Passed to Committee on Energy, Environment & Telecommunications.

SHB 2372 Prime Sponsor, Committee on Transportation: Concerning monetary penalties for failing to register a vehicle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet; O'Ban and Rolfes.

Passed to Committee on Rules for second reading.

February 25, 2014

ESHB 2463 Prime Sponsor, Committee on Transportation: Concerning special parking privileges for persons with disabilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet; O'Ban; Rolfes and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2014

HB 2642 Prime Sponsor, Representative Walkinshaw: Modifying the deadline for annual regulatory fees for charter party and excursion service carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet; O'Ban; Rolfes and Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2014

EHB 2684 Prime Sponsor, Representative Walkinshaw: Modifying time period and monetary limits on ferry vessel and terminal work by state forces. (REVISED FOR ENGROSSED: Removing time period limitations on ferry vessel and terminal work by state forces.) Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet; O'Ban; Rolfes and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Dansel.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6576 by Senators McCoy, Rolfes, Chase, Billig and Kline

AN ACT Relating to oil spill prevention and response; amending RCW 82.23B.010, 82.23B.020, 82.23B.030, and 82.23B.040; adding new sections to chapter 90.56 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

SJM 8016 by Senators Baumgartner and Ericksen

Requesting that state route number 26 be named the Crimson and Gray Cougar Highway.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 9:02 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:07 p.m. by President Owen.

MOTION

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

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION 8696

By Senators Brown, Braun, Hewitt, and Dammeier

WHEREAS, Washington state's pioneering men and women known as cowboys helped establish America's western frontiers; and

WHEREAS, Cowboy and ranching traditions have been part of the American landscape and culture since 1523; and

WHEREAS, Today's cowboys and cowgirls continue to strive to preserve and perpetuate this unique element of America's heritage; and

WHEREAS, The cowboy Vaquero spirit exemplifies patriotism and strength of character; and

WHEREAS, The cowboy archetype transcends gender, generations, ethnicity, geographic boundaries, and political affiliations; and

WHEREAS, The cowboy is an excellent steward of the land, its resources, and its creatures; and

WHEREAS, The cowboy embodies honesty, courage, compassion, and resolve; and

WHEREAS, The core values expressed within the Cowboy Code of Conduct continue to inspire the pursuit of the highest caliber of integrity; and

WHEREAS, The cowboy is a true American icon occupying a central place in American literature, art, film, poetry, photography, and music; and

WHEREAS, Annual attendance at rodeos exceeds 30,000,000 fans worldwide; and

WHEREAS, Membership and participation in the National Day of the Cowboy Organization, Single Action Shooting Society, Working Ranch Rodeo Association, Cowboy Mounted Shooting Association, American Quarter Horse Association, Pro Rodeo Cowboys Association, Championship Bull Riding, Working Ranch Rodeo, Women's Pro Rodeo, U.S. Team Roping, the Western Music Association, and other organizations that encompass the livelihood of the cowboy continues to expand both nationally and internationally;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate join these organizations in celebrating the "National Day of the Cowboy" on the fourth Saturday in July and encourage the people of Washington and the United States of America to observe the day with appropriate ceremonies and activities.

Senators Brown, Hatfield, Becker, Chase, Dammeier, Dangel and Baumgartner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8696.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced organizers of the National Day of The Cowboy, Ms. Kim Raabee; Ms. Cindy Longoria; Ms. Janet Rasmussen and Ms. Debbie Roe, Benton County Franklin Fair and Roundup Rodeo Royalty Court: Queen Courtney Brown, Princess D'Naye Ziesk; Princess Alaena Sharp accompanied by Mrs. Toni Zunker, Secretary of the Board, Benton County Fair and Rodeo and Mr. Buzz Zunker who were serving as Chaperones; and who were seated in the gallery.

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rolfes moved that Erik S Rohrer, Gubernatorial Appointment No. 9314, be confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

Senator Rolfes spoke in favor of the motion.

APPOINTMENT OF ERIK S ROHRER

FORTY SIXTH DAY, FEBRUARY 27, 2014

2014 REGULAR SESSION

The President declared the question before the Senate to be the confirmation of Erik S Rohrer, Gubernatorial Appointment No. 9314, as a member of the Board of Trustees, Peninsula Community College District No. 1.

The Secretary called the roll on the confirmation of Erik S Rohrer, Gubernatorial Appointment No. 9314, as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senators Hargrove, Kline, Nelson and Ranker

Erik S Rohrer, Gubernatorial Appointment No. 9314, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

MOTION

At 12:24 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:38 p.m. by President Owen.

REMARKS BY THE PRESIDENT

President Owen: "Before we start Senator Eide: the President believes that he recalls that every twenty eighth an extraordinary large bouquet of roses is brought to your desk by about three pages. They're delivered from your wonderful husband Judge Mark Eide to celebrate your anniversary. The President believes that tomorrow, since we will not be on the floor, that it would be appropriate for him to wish you and Judge Eide a Happy Thirty-Eighth Wedding Anniversary. Thank you."

PERSONAL PRIVILEGE

Senator Sheldon: "I don't want to follow this news that I received with very happy news with Senator Eide but a friend of mine recently went down to Sacramento to visit a friend who had a terrible time with prostate cancer and we learned today that Joe Dear had passed away. A good friend of a lot of us here in this chamber, known him for a long time. Of course Joe was an L&I Director and worked under the Clinton Administration in Washington D. C. and also for Governor Locke as his Chief of Staff and Joe subsequently went down to California to really turn around their pension system down there and did a fantastic job. Many people have known Joe for a long time, a long time Olympia resident as well. So we sure note his passing and wish his family the best."

PERSONAL PRIVILEGE

Senator Conway: "I as well want to send my condolences to all the friends and family members of Joe Dear. Joe started out with the Washington State Labor Council as a research director in his early years and then got picked up, frankly by the Locke Administration. One critical thing that was not said and I

appreciate the comments here, was that Joe Dear actually left I think the Locke Administration, went down to work for Frank Russell Company for many years and became a great investment counselor down there for Frank Russell. Joe then came back here to the State Investment Board. And I know all of us here realized that one of the great assets we have in Washington State is the State Investment Board. His role in organizing that State Investment Board was critical and he got picked up by California because he was so good. That's why it happened. So we, it's sad that he was so young, that he should go so young. We're going to miss him. I know his wife here lives in our state still. His former wife lives here in the state. So my heart is with Joe and his family and with his staff over at the State Investment Board and with the staff he worked with so many years. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Keiser: "I just want to join with Senator Sheldon and Conway in my condolences to Joe's family. I too worked with Joe Dear beginning way back when in the Labor Council. Back in the dawn of ages. It was a joy to work with him as he went through the Department of Labor and Industries and then on to the Investment Board. He was always had wise counsel for individuals, whether they were on one side of the aisle or the other and we all miss him. All our condolences to his family and his children."

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 27, 2014."

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through February 27, 2014 by voice vote.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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

MOTION

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

REMARKS BY SENATOR FAIN

Senator Fain: "We have pushed back committee start times. So if you had a committee that started at 1:30 we will be pushing that back. Also, the Ways & Means and Transportation Committees will also be starting later. At this point it looks to be that those committees will start around 4:00 to give us a little bit more time on the floor and not to compress the 1:30 Committee hearings. Be flexible and we'll make sure when we get off the floor we can give you some hard times. Thank you."

SECOND READING

SENATE BILL NO. 6002, by Senators Hill and Hargrove

Making 2014 supplemental operating appropriations.

MOTION

On motion of Senator Hill, Substitute Senate Bill No. 6002 was substituted for Senate Bill No. 6002 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 23, line 29, decrease the state general fund appropriation by \$200,000

Adjust the total appropriation accordingly.

On page 31, strike lines 18 through 23

On page 231, line 13, increase the state general fund appropriation by \$200,000

Adjust the total appropriation accordingly.

On page 232, after line 5, insert the following:

"(3) \$200,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to conduct research and development strategies to align the aerospace manufacturing supply chain with the maritime, automobile, medical device manufacturing, and other manufacturing industries that share transferable workforce skills."

Senators Hasegawa and Conway spoke in favor of adoption of the amendment.

Senators Hill and Hargrove spoke against adoption of the amendment.

Senator Chase spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 23, line 29 to Substitute Senate Bill No. 6002.

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

MOTION

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

On page 40, beginning on line 27, strike all material down to and including line 33 and insert the following:

"(7) \$588,000 of the general fund--state appropriation for fiscal year 2014 and \$856,000 of the general fund--state appropriation for

fiscal year 2015 are provided solely to implement Senate Bill No. 5955 (establishing the Washington publicly owned trust)."

Senator Hasegawa spoke in favor of adoption of the amendment.

Senators Hill and Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 40, line 27 to Substitute Senate Bill No. 6002.

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

MOTION

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

On page 71, after line 10, insert the following:

"(f) The department shall form a workgroup to review direct care staffing levels by ward at the state hospitals and shall make recommendations for staffing levels and reporting structures to improve patient and staff safety. The workgroup must include representatives from eastern state hospital, western state hospital, and child study and treatment center and shall include representation from labor. "

Senator Conway spoke in favor of adoption of the amendment.

Senators Hill and Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Conway on page 71, after line 10 to Substitute Senate Bill No. 6002.

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

MOTION

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

On page 78, line 13, increase the general fund--state appropriation for fiscal year 2015 by \$500,000

Adjust the total appropriation accordingly.

On page 85, after line 36, insert the following:

"(21) \$500,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the department to contract for an independent feasibility study and actuarial modeling of public and private options for leveraging private resources to help individuals prepare for long-term services and supports needs. The study should model at least three options, including a public long-term care insurance benefit funded through a payroll deduction that would provide a time-limited long-term care insurance benefit, regulatory changes necessary to encourage the development and growth of new products on the market that combine features of life insurance, long term care insurance and annuities or medicaid life settlements, and a public-private option such as facilitating a new marketplace through the Washington health plan finder for private long term care insurance policies that would provide a time limited benefit, an age defined individual mandate for purchasing these policies and subsidies to ensure affordability for lower-income individuals. The report should include an evaluation of each option based on (a) the expected costs and benefits for participants, (b) the total anticipated number of participants, and (c) the projected savings to the state Medicaid program. The aging and disability joint legislative executive committee shall provide oversight and direction for this analysis and will convene interested stakeholders to provide input on the study design. The department shall provide a report on its findings and recommendations to the relevant policy and fiscal committees of the legislature by November 1, 2014."

Senator Keiser spoke in favor of adoption of the amendment.

Senators Hill and Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser and others on page 78, line 13 to Substitute Senate Bill No. 6002.

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

MOTION

Senator Hobbs moved that the following amendment by Senators Hobbs and Hatfield be adopted:

On page 78, line 15, increase the general fund--federal appropriation by \$13,518,000

On page 78, line 21, increase the skilled nursing facility safety net trust account--state appropriation by \$22,479,000

Adjust the total appropriation accordingly.

On page 78, line 28, after "exceed" strike "\$171.58" and insert "~~(\$171.58)~~\$178.82"

On page 79, line 9, after "(a)" strike "Within" and insert "For fiscal year 2014 within"

On page 79, beginning on line 16, insert "For fiscal year 2015 within funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$3.15. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$17 in calendar year 2012, according to cost report data."

On page 79, line 24, after "excluding" insert "the low wage worker add-on, the direct care add-on found in subsection (1) (g) of this section,"

On page 79, line 33, after "excluding" insert "the low wage worker add-on, the direct care add-on found in subsection (1) (g) of this section,"

On page 80, line 11, after "(c)," strike "and (d)" and insert "~~(and~~ (d), and (g)"

On page 80, after line 12, insert the following:

"(g) For fiscal year 2015, the department shall provide a direct care rate add-on applied evenly across all nursing facilities of no more than six percent of the direct care payment rate calculated according to chapter 74.46, RCW. This subsection (g) is not subject to the reconciliation and settlement process provided in 74.46.022(6)."

Senators Hobbs, Frockt, Keiser, Chase, Liias, Conway, Kohl-Welles and Nelson spoke in favor of adoption of the amendment.

Senators Hill and Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hobbs and Hatfield on page 78, line 15 to Substitute Senate Bill No. 6002.

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

MOTION

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

On page 86, line 7, increase the General Fund-State appropriation in FY 2015 by \$10,000,000

Adjust the total appropriations accordingly

On page 87, line 24, strike "352,085,000" and insert "362,085,000"

On page 88, line 6, after "audit." Insert the following:

"Authorizations for the working connections child care subsidy are effective for twelve months. A child is eligible for working connections child care for a twelve-month enrollment period and may not be deemed ineligible due to any change in circumstance including, but not limited to, the following:

- (i) A change in family composition or household;
- (ii) A change in a parent's or a caregiver's employment status;
- (iii) A change in a parent's or a caregiver's employment status due to health, maternity or paternity leave, or other family leave condition as provided for in chapter 49.78 RCW; or
- (iv) A change in a parent's or a caregiver's income.

When an applicant or recipient applies for or receives working connections child care benefits, the applicant or recipient is required to notify the department of social and health services, within five days, of any change in providers."

On page, 263, after line 15, insert the following:

"Sec. 910. RCW 43.215.135 and 2013 c 323 s 9 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote continuity of care for children.

(2) Beginning in fiscal year 2013, authorizations for the working connections child care subsidy shall be effective for twelve months unless a change in circumstances necessitates reauthorization sooner than twelve months. The twelve-month certification applies only if the enrollments in the child care subsidy or working connections child care program are capped. However, during the 2013-15 fiscal biennium, a child shall not be deemed ineligible due to a change in circumstance during the twelve month period, as provided in the omnibus appropriations act.

(3) Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2013, working connections child care providers shall receive a five percent increase in the subsidy rate for enrolling in level 2 in the early achievers programs. Providers must complete level 2 and advance to level 3 within thirty months in order to maintain this increase."

Senator Billig spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Billig and others on page 86, line 7 to Substitute Senate Bill No. 6002.

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

MOTION

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

On page 97, line 3, increase the General Fund State appropriation for FY 2015 by \$500,000

Adjust total appropriations accordingly

On page 113, after line 37, insert the following:

"(54) \$500,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to begin the necessary econometric modeling for the federal basic health option authorized in the federal patient protection and affordable care act, section 1331 of P.L. 111-148 of 2010, to analyze the program enrollment, and the costs and impacts to the state, the enrollees, health care provider and facility reimbursement, and the insurance marketplace. By December 31, 2014, the authority shall publish a report on the findings of the econometric modeling. The report shall include impacts on:

- (a) Reimbursement levels affecting provider participation and its relationship to network adequacy in the program;

(b) The financial stability of the Washington health benefit exchange, including enrollment, risk profile, and fees for operational sustainability; and

(c) Continuity of care, access, and affordability of coverage for potential enrollees in the federal basic health program compared to the insurance marketplace."

Senator Keiser spoke in favor of adoption of the amendment.

Senators Hill, Hargrove and Parlette spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser and others on page 97, line 3 to Substitute Senate Bill No. 6002.

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

MOTION

Senator Sheldon moved that the following amendment by Senators Sheldon and Fraser be adopted:

On page 163, after line 25, insert the following:

"(4) (a) The Puget Sound partnership shall convene a governor-appointed work group of state agencies, local integrating organizations, congressional staff, and others participating as funders or eligible recipients of nontribal, federal environmental protection agency national estuary program grants for Puget Sound restoration. The governor shall invite representatives of the United States environmental protection agency region ten and affected tribes to participate. State participation shall include the departments of health, ecology, fish and wildlife and natural resources.

(b) The purpose of the work group is to develop recommendations to improve outcomes for Puget Sound recovery targets and streamline the nontribal, national estuary program fund distribution process, including Puget Sound geographic initiative funds, and state investments for Puget Sound recovery. The workgroup shall:

(i) Include lean process improvement tools in its approach;

(ii) Identify both short-term and long-term recommendations to improve the funding distribution process within the context of the national estuary program, and any related changes to the Puget Sound action agenda;

(iii) Examine the size, distribution and use of non-tribal national estuary program funding in relation to the size, distribution and use of total state funding and, to the extent possible, other federal funding for Puget Sound restoration;

(iv) Identify from existing information any funding gaps in puget sound restoration related to implementing local priorities in the action agenda for Puget Sound recovery;

(v) Examine the pros and cons of national estuary grant management and distribution:

(A) Through a single state agency;

(B) Through the current multiple state agency approach; and

(C) Through a consortium of local integrating organizations as a receiver and distributor of a portion of grant funds; and

(vi) Examine the feasibility of creating a centralized location to access information on how national estuary grant funds have been distributed and to whom.

(c) The work group shall submit its findings and recommendations to the governor, appropriate committees of the legislature and environmental protection agency region ten by September 1, 2014."

WITHDRAWAL OF AMENDMENT

On motion of Senator Sheldon, the amendment by Senators Sheldon and Fraser on page 163, after line 25 to Substitute Senate Bill No. 6002 was withdrawn.

MOTION

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

On page 189, after line 33, insert the following:

"**Sec. 503.** 2013 2nd sp.s. c 4 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.280 and under section 502 of this act:

(a) Salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on (~~June 1, 2013 at 08:06 hours~~) February 23, 2014, at 9:06 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on (~~June 1, 2013 at 01:29 hours~~) February 23, 2014, at 12:29 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 18.04 percent for school year 2013-14 and 18.04 percent for school year 2014-15 for certificated instructional and certificated administrative staff and 17.45 percent for school year 2013-14 and 17.45 percent for the 2014-15 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2013-14

*** Education Experience ***

Years

MA+90

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OR

Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45,860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46,332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46,802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47,276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47,765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48,256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48,723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49,713
8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51,228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52,788
10			43,635	45,247	48,524	50,913	48,724	52,003	54,390
11				46,772	50,121	52,557	50,249	53,599	56,034
12				48,249	51,761	54,269	51,835	55,238	57,748
13					53,440	56,024	53,476	56,918	59,501
14					55,128	57,844	55,165	58,716	61,322
15					56,563	59,349	56,599	60,242	62,917
16 or more					57,693	60,535	57,731	61,447	64,174

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2014-15

*** Education Experience ***

(Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45,860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46,332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46,802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47,276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47,765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48,256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48,723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49,713

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8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51,228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52,788
10			43,635	45,247	48,524	50,913	48,724	52,003	54,390
11				46,772	50,121	52,557	50,249	53,599	56,034
12				48,249	51,761	54,269	51,835	55,238	57,748
13					53,440	56,024	53,476	56,918	59,501
14					55,128	57,844	55,165	58,716	61,322
15					56,563	59,349	56,599	60,242	62,917
16 or more					57,693	60,535	57,731	61,447	64,174))

Years									MA+90
of									OR
Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	Ph.D.
0	<u>34,457</u>	<u>35,388</u>	<u>36,352</u>	<u>37,318</u>	<u>40,419</u>	<u>42,416</u>	<u>41,311</u>	<u>44,412</u>	<u>46,411</u>
1	<u>34,921</u>	<u>35,864</u>	<u>36,841</u>	<u>37,850</u>	<u>40,983</u>	<u>42,969</u>	<u>41,770</u>	<u>44,903</u>	<u>46,889</u>
2	<u>35,363</u>	<u>36,315</u>	<u>37,302</u>	<u>38,389</u>	<u>41,513</u>	<u>43,520</u>	<u>42,233</u>	<u>45,356</u>	<u>47,364</u>
3	<u>35,818</u>	<u>36,780</u>	<u>37,777</u>	<u>38,899</u>	<u>42,017</u>	<u>44,072</u>	<u>42,671</u>	<u>45,787</u>	<u>47,844</u>
4	<u>36,265</u>	<u>37,269</u>	<u>38,272</u>	<u>39,432</u>	<u>42,569</u>	<u>44,639</u>	<u>43,130</u>	<u>46,267</u>	<u>48,338</u>
5	<u>36,726</u>	<u>37,735</u>	<u>38,748</u>	<u>39,973</u>	<u>43,098</u>	<u>45,210</u>	<u>43,597</u>	<u>46,723</u>	<u>48,835</u>
6	<u>37,200</u>	<u>38,187</u>	<u>39,235</u>	<u>40,520</u>	<u>43,630</u>	<u>45,754</u>	<u>44,076</u>	<u>47,186</u>	<u>49,308</u>
7	<u>38,033</u>	<u>39,035</u>	<u>40,097</u>	<u>41,452</u>	<u>44,608</u>	<u>46,790</u>	<u>44,972</u>	<u>48,127</u>	<u>50,310</u>
8	<u>39,253</u>	<u>40,309</u>	<u>41,396</u>	<u>42,864</u>	<u>46,062</u>	<u>48,325</u>	<u>46,383</u>	<u>49,582</u>	<u>51,843</u>
9		<u>41,629</u>	<u>42,770</u>	<u>44,290</u>	<u>47,564</u>	<u>49,903</u>	<u>47,808</u>	<u>51,084</u>	<u>53,422</u>
10			<u>44,159</u>	<u>45,790</u>	<u>49,107</u>	<u>51,524</u>	<u>49,309</u>	<u>52,627</u>	<u>55,043</u>
11				<u>47,334</u>	<u>50,723</u>	<u>53,189</u>	<u>50,853</u>	<u>54,243</u>	<u>56,707</u>
12				<u>48,828</u>	<u>52,383</u>	<u>54,921</u>	<u>52,457</u>	<u>55,902</u>	<u>58,441</u>
13					<u>54,082</u>	<u>56,697</u>	<u>54,118</u>	<u>57,601</u>	<u>60,216</u>
14					<u>55,790</u>	<u>58,539</u>	<u>55,828</u>	<u>59,421</u>	<u>62,059</u>
15					<u>57,242</u>	<u>60,062</u>	<u>57,279</u>	<u>60,966</u>	<u>63,672</u>
16 or more					<u>58,386</u>	<u>61,262</u>	<u>58,424</u>	<u>62,185</u>	<u>64,945</u>

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

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(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

Sec. 504. 2013 2nd sp.s. c 4 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2015) \$50,676,000

The appropriation in this section is subject to the following conditions and limitations:

(1)((~~1~~)) \$50,676,000 of the general fund--state appropriation is provided solely for the following:

(a) A cost of living adjustment of 1.2 percent effective September 1, 2014, pursuant to Initiative Measure No. 732.

(b) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

((~~b~~)) (c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

((~~c~~)) (d) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

((~~d~~)) (e) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at 18.04 percent for the 2013-14 school year and 18.04 percent for the 2014-15 school year for certificated instructional and certificated administrative staff and 17.45 percent for the 2013-14 school year and 17.45 percent for the 2014-15 school year for classified staff.

((~~e~~)) (f) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional

education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

((~~f~~)) (g) The appropriations in this section include no salary adjustments for substitute teachers.

(2) The maintenance rate for insurance benefit allocations is \$768.00 per month for the 2013-14 and 2014-15 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$768.00 per month for the 2013-14 school year and \$768.00 per month for the 2014-15 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

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

On page 211, after line 2, insert the following:

"Sec. 601. 2013 2nd sp.s. c 4 s 601 (uncodified) is amended to read as follows:

The appropriations in sections ((~~605~~)) 604 through ((~~614~~)) 610 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections ((~~605~~)) 604 through ((~~614~~)) 610 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For institutions receiving appropriations in section ((~~605~~)) 604 of this act, the only allowable salary increases provided are those with normally occurring promotions and increases related to faculty and staff retention, except as provided in section ((~~604(4))~~) 602(4) of this act and for employees subject to the provisions of Initiative Measure No. 732 as provided in section 604(13) of this act. In fiscal year 2014 and fiscal year 2015, the state board for community and technical colleges may use salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement including adjustments made for employees subject to the provisions of Initiative Measure No. 732 as provided in section 604(13) of this act. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) For each institution of higher education receiving appropriations under sections ((~~606~~)) 605 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention; and

(ii) Institutions may provide salary increases from other sources to instructional and research faculty at the universities and The Evergreen State College, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. Any salary increase granted under the authority of this subsection (4)(c)(ii) shall not be included in an

institution's salary base for future state funding. It is the intent of the legislature that state general fund support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (4)(c)(ii).

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

On page 215, line 32, strike "567,160,000" and insert "571,501,000"

On page 216, line 1, strike "1,249,930,000" and insert "1,254,271,000"

On page 217, after line 37, insert the following "(13) From within the funds appropriated in this section, community and technical colleges shall increase salaries for employees subject to the provisions of Initiative Measure No. 732 by an average of 1.2 percent effective July 1, 2014."

On page 236, line 10, strike "5,810,000" and insert "5,825,000"

On page 236, line 11, strike "15,000" and insert "~~((45,000))~~
20,000"

On page 236, line 13, strike "11,861,000" and insert "11,881,000"

On page 236, after line 13, insert the following:

"The appropriations in this section are subject to the following conditions and limitations: \$15,000 of the general fund--state appropriation is provided solely for a cost-of-living adjustment of 1.2 percent for employees subject to the provisions of Initiative Measure No. 732 effective July 1, 2014."

On page 236, line 21, strike "8,649,000" and insert "8,673,000"

On page 236, line 23, strike "17,395,000" and insert "17,419,000"

On page 236, after line 23, insert the following:

"The appropriations in this section are subject to the following conditions and limitations: \$24,000 of the general fund--state appropriation is provided solely for a cost-of-living adjustment of 1.2 percent for employees subject to the provisions of Initiative Measure No. 732 effective July 1, 2014."

On page 269, after line 21, insert the following:

"**Sec. 917.** RCW 28A.400.205 and 2013 2nd sp.s. c 5 s 1 are each amended to read as follows:

(1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, except for the 2013-14 (~~and 2014-15~~) school year(s), each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school

employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs.

(2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

Sec. 918. RCW 28B.50.465 and 2013 2nd sp.s. c 5 s 2 are each amended to read as follows:

(1) Academic employees of community and technical college districts shall be provided an annual salary cost-of-living increase in accordance with this section. For purposes of this section, "academic employee" has the same meaning as defined in RCW 28B.52.020.

(a) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year, except as provided in (d) of this subsection, each college district shall receive a cost-of-living allocation sufficient to increase academic employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

(b) A college district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and other compensation policies. No later than the end of the fiscal year, each college district shall certify to the college board that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) The college board shall include any funded cost-of-living increase in the salary base used to determine cost-of-living increases for academic employees in subsequent years.

(d) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year except for the 2013-2014 (~~and 2014-2015~~) fiscal year(s), the state shall fully fund the cost-of-living increase set forth in this section.

(2) For the purposes of this section, "cost-of-living index" means, for any fiscal year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

Sec. 919. RCW 28B.50.468 and 2013 2nd sp.s. c 5 s 3 are each amended to read as follows:

(1) Classified employees of technical colleges shall be provided an annual salary cost-of-living increase in accordance with this section. For purposes of this section, "technical college" has the same meaning as defined in RCW 28B.50.030. This section applies to only those classified employees under the jurisdiction of chapter 41.56 RCW.

(a) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year, except as provided in (d) of this subsection, each technical college board of trustees shall receive a cost-of-living allocation sufficient to increase classified employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

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(b) A technical college board of trustees shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the technical college's salary schedules, collective bargaining agreements, and other compensation policies. No later than the end of the fiscal year, each technical college shall certify to the college board that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) The college board shall include any funded cost-of-living increase in the salary base used to determine cost-of-living increases for technical college classified employees in subsequent years.

(d) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year except for the 2013-2014 (~~and 2014-2015~~) fiscal year(s), the state shall fully fund the cost-of-living increase set forth in this section.

(2) For the purposes of this section, "cost-of-living index" means, for any fiscal year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

Sec. 920. RCW 43.88.055 and 2012 1st sp.s. c 8 s 1 are each amended to read as follows:

(1) The legislature must adopt a four-year balanced budget as follows:

(a) Beginning in the 2013-2015 fiscal biennium, the legislature shall enact a balanced omnibus operating appropriations bill that leaves, in total, a positive ending fund balance in the general fund and related funds.

(b) Beginning in the 2013-2015 fiscal biennium, the projected maintenance level of the omnibus appropriations bill enacted by the legislature shall not exceed the available fiscal resources for the next ensuing fiscal biennium.

(2) For purposes of this section:

(a) "Available fiscal resources" means the beginning general fund and related fund balances and any fiscal resources estimated for the general fund and related funds, adjusted for enacted legislation, and with forecasted revenues adjusted to the greater of (i) the official general fund and related funds revenue forecast for the ensuing biennium, or (ii) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium;

(b) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in that appropriations bill or mandated by other state or federal law, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution, but does not include in the 2013-2015 and 2015-2017 fiscal biennia the costs related to the enhanced funding under the new definition of basic education as established in chapter 548, Laws of 2009, and affirmed by the decision in *Mathew McCleary et al., v. The State of Washington*, 173 Wn.2d 477, 269 P.3d 227, (2012), nor, in the 2013-2015 and 2015-2017 fiscal biennia, does it include the cost-of-living increases provided in this act, from which the short-term exclusion of these obligations is solely for the purposes of calculating this estimate and does not in any way indicate an intent to avoid full funding of these obligations;

(c) "Related funds," as used in this section, means the Washington opportunity pathways account and the education legacy trust account.

(3) Subsection (1)(a) and (b) of this section does not apply to an appropriations bill that makes net reductions in general fund and related funds appropriations and is enacted between July 1st and February 15th of any fiscal year.

(4) Subsection (1)(b) of this section does not apply in a fiscal biennium in which money is appropriated from the budget stabilization account."

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

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 41.05.130, 43.43.839, 43.101.220, 43.320.110, 43.350.070, 50.16.010, 51.44.170, 67.70.230, 77.36.170, 82.08.160, 28A.400.205, 28B.50.465, 28B.50.468, and 43.88.055; amending 2013 2nd sp.s. c 4 ss 101, 102, 103, 105, 106, 110, 112, 113, 114, 115, 116, 119, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 702, 703, 704, 706, 710, 801, 802, 803, 804, 805, 932, 933, 937, 939, and 943 (uncodified); adding new sections to 2013 2nd sp.s. c 4 (uncodified); adding a new section to chapter 28A.710 RCW; making appropriations; and declaring an emergency."

Senators McAuliffe, Pedersen, Frockt, Liias, Conway, Rolfes, Nelson and Chase spoke in favor of adoption of the amendment.

Senators Litzow, Hargrove, Hewitt and Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe and others on page 189, after line 33 to Substitute Senate Bill No. 6002.

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

MOTION

Senator Hill moved that the following amendment by Senators Hill and Hargrove be adopted:

On page 238, line 9, strike "\$834,140,000" and insert "\$842,140,000"

On page 238, line 11, strike "\$970,905,000" and insert "\$962,905,000"

Senators Hill and Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hill and Hargrove on page 238, line 9 to Substitute Senate Bill No. 6002.

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

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed Substitute Senate Bill No. 6002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Hargrove, Ranker, Sheldon, Baumgartner, Hobbs, Ericksen, Mullet, Angel, Nelson and Chase spoke in favor of passage of the bill.

Senator Pedersen, Kohl-Welles, Hasegawa and McAuliffe spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6002 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Liias, Litzow, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Conway, Hasegawa, Kline, Kohl-Welles, McAuliffe, McCoy, Pedersen and Rolfe

ENGROSSED SUBSTITUTE SENATE BILL NO. 6002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:19 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, February 28, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FORTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 28, 2014

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore, Senator Sheldon presiding that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Jasmyne Sims and Frances Andersen, presented the Colors. Rabbi Cheski Edelman, Chabad Jewish Discovery Center of Olympia offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 26, 2014
SB 6542 Prime Sponsor, Senator Kohl-Welles:
 Establishing the state cannabis industry coordinating committee.
 Reported by Committee on Commerce & Labor

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Ways & Means.

February 27, 2014
E3SHB 1005 Prime Sponsor, Committee on Appropriations:
 Requiring certain campaign reports to be filed electronically.
 Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Hasegawa, Ranking Member; McCoy and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Dansel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton, Vice Chair.

Passed to Committee on Ways & Means.

February 27, 2014
EHB 1013 Prime Sponsor, Representative Appleton:
 Authorizing regular meetings of county legislative authorities to be held at alternate locations within the county. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

February 26, 2014
HB 1063 Prime Sponsor, Representative Fitzgibbon:
 Creating a senior center license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

February 26, 2014
2SHB 1072 Prime Sponsor, Committee on Appropriations:
 Creating the agricultural labor skills and safety grant program.
 Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Ways & Means.

February 27, 2014
SHB 1156 Prime Sponsor, Committee on Agriculture & Natural Resources:
 Consolidating designated forest lands and open space timber lands for ease of administration. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Ways & Means.

February 26, 2014
HB 1173 Prime Sponsor, Representative Santos:
 Regarding the financial education public-private partnership.
 Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 27, 2014
HB 1179 Prime Sponsor, Representative Morrell:
 Revising the lien for collection of sewer charges by counties.
 Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

February 27, 2014

EHB 1224 Prime Sponsor, Representative Kretz: Providing a process for county legislative authorities to withdraw from voluntary planning under the growth management act. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 26, 2014

SHB 1254 Prime Sponsor, Committee on Labor & Workforce Development: Prevailing wage filings. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 1264 Prime Sponsor, Representative Haigh: Concerning partial fire district mergers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 1360 Prime Sponsor, Representative Wylie: Extending the deadline to designate one or more industrial land banks. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 1402 Prime Sponsor, Committee on Business & Financial Services: Adopting the insurer state of entry model act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 1413 Prime Sponsor, Committee on Government Operations & Elections: Enacting the Washington voting rights act of 2013. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 27, 2014

2ESHB 1448 Prime Sponsor, Committee on Health Care & Wellness: Regarding telemedicine. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 27, 2014

E2SHB 1484 Prime Sponsor, Committee on Capital Budget: Concerning the public works board. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 1486 Prime Sponsor, Representative Fitzgibbon: Concerning voter-approved benefit charges for regional fire protection service authorities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 1669 Prime Sponsor, Committee on Higher Education: Concerning self-supporting, fee-based programs at four-year institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 27, 2014

ESHB 1674 Prime Sponsor, Committee on Technology & Economic Development: Increasing the regulatory oversight and accountability of the office of minority and women's business enterprises. Reported by Committee on Trade & Economic Development

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MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry and Pedersen.

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 27, 2014

February 27, 2014

2ESHB 1675 Prime Sponsor, Committee on Judiciary: Improving the adoption process. Reported by Committee on Human Services & Corrections

2SHB 1909 Prime Sponsor, Committee on Appropriations: Concerning veteran-owned businesses. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 26, 2014

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HB 1684 Prime Sponsor, Representative Reykdal: Defining suitable work to include a minimum age requirement. Reported by Committee on Commerce & Labor

ESHB 2023 Prime Sponsor, Committee on Business & Financial Services: Allowing crowdfunding for certain small securities offerings. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 26, 2014

February 27, 2014

2SHB 1709 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Requiring a study to develop a state foreign language education interpreter training program. Reported by Committee on Early Learning & K-12 Education

HB 2106 Prime Sponsor, Representative Hawkins: Concerning primaries for county offices. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rolfes, Assistant Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; McCoy and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Brown and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa, Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

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2E2SHB 1727 Prime Sponsor, Committee on Appropriations: Raising licensure limits to allow assisted living facilities to serve a higher acuity resident population. Reported by Committee on Health Care

EHB 2108 Prime Sponsor, Representative Ross: Concerning hearing instrument fitter/dispensers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Pedersen, Ranking Member.

Passed to Committee on Ways & Means.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Parlette.

February 27, 2014

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HB 1859 Prime Sponsor, Representative Appleton: Evaluating military training and experience toward meeting licensing requirements. Reported by Committee on Governmental Operations

HB 2130 Prime Sponsor, Representative MacEwen: Concerning the veterans innovations program. Reported by Committee on Governmental Operations

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 2135 Prime Sponsor, Committee on Business & Financial Services: Addressing the regulation of service contracts and protection product guarantees. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 26, 2014

SHB 2146 Prime Sponsor, Committee on Labor & Workforce Development: Concerning department of labor and industries appeal bonds. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Ways & Means.

February 27, 2014

E2SHB 2149 Prime Sponsor, Committee on Appropriations: Concerning medical marijuana. Reported by Committee on Health Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Ways & Means.

February 27, 2014

SHB 2150 Prime Sponsor, Committee on Judiciary: Encouraging recreational access to private property. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Lias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 2153 Prime Sponsor, Committee on Health Care & Wellness: Concerning the treatment of eosinophilic gastrointestinal associated disorders. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dammeier, Vice Chair.

Passed to Committee on Ways & Means.

February 27, 2014

SHB 2157 Prime Sponsor, Committee on Local Government: Concerning per diem compensation for flood control zone district supervisors. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

February 27, 2014

2SHB 2163 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Information Technology: Establishing dextromethorphan provisions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 27, 2014

ESHB 2164 Prime Sponsor, Committee on Judiciary: Requiring evidence-based and research-based interventions for juvenile firearm offenders in certain circumstances. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Hargrove.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 2165 Prime Sponsor, Committee on Early Learning & Human Services: Concerning department of early learning fatality reviews. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 26, 2014

2SHB 2166 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Providing for educational data on students from military families. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig;

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Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2014

February 26, 2014

HB 2167 Prime Sponsor, Representative Lytton: Changing the date by which challenged schools are identified. Reported by Committee on Early Learning & K-12 Education

HB 2231 Prime Sponsor, Representative Appleton: Clarifying legal financial obligation provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Darneille, Ranking Member and Hargrove.

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pearson, Vice Chair and Padden.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 2170 Prime Sponsor, Representative Takko: Providing an additional method for water-sewer districts to disburse funds. Reported by Committee on Governmental Operations

February 27, 2014

2SHB 2251 Prime Sponsor, Committee on Appropriations: Concerning fish barrier removals. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2014

E2SHB 2192 Prime Sponsor, Committee on Appropriations: Promoting economic development through enhancing transparency and predictability of state agency permitting and review processes. Reported by Committee on Trade & Economic Development

February 27, 2014

SHB 2261 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning the use of science to support significant agency actions. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry and Pedersen.

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 2225 Prime Sponsor, Representative Manweller: Concerning the Milwaukee Road corridor. Reported by Committee on Natural Resources & Parks

February 26, 2014

HB 2276 Prime Sponsor, Representative Robinson: Concerning the operation by educational service districts of educational programs for residents of residential schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 2229 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Concerning long-term funding for a state tourism marketing program. Reported by Committee on Trade & Economic Development

February 27, 2014

HB 2294 Prime Sponsor, Representative Pike: Increasing penalties for littering. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member and Pedersen.

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Litzow; McCoy, Ranking Member and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holmquist Newbry.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 27, 2014

ESHB 2298 Prime Sponsor, Committee on Local Government: Changing the definition of capital projects to include technology infrastructure. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 2301 Prime Sponsor, Representative Robinson: Concerning county financial actions for a concluded fiscal year. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 2309 Prime Sponsor, Committee on Finance: Providing fairness and flexibility in the payment of property taxes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

February 27, 2014

ESHB 2315 Prime Sponsor, Committee on Health Care & Wellness: Concerning suicide prevention. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Ways & Means.

February 27, 2014

HB 2329 Prime Sponsor, Representative Riccelli: Creating the breastfeeding-friendly Washington designation. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 27, 2014

EHB 2351 Prime Sponsor, Representative Tarleton: Concerning the practice of out-of-state health care professionals

volunteering in Washington. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 2363 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Concerning home and community-based services programs for dependents of military service members. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 26, 2014

SHB 2373 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Enacting provisions to improve educational outcomes for homeless students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 26, 2014

HB 2381 Prime Sponsor, Representative Hurst: Creating an inactive certification, license, or registration status for real estate appraisers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

February 26, 2014

E2SHB 2383 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Integrating career and college readiness standards into K-12 and higher education policies and practices. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 27, 2014

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HB 2386 Prime Sponsor, Representative Van De Wege: Designating Washington's shoreline as a state maritime heritage area. Reported by Committee on Natural Resources & Parks

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Chase and Honeyford.

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Hargrove; Kline; Lias, Ranking Member and Parlette.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dansel and Hewitt.

February 27, 2014
EHB 2442 Prime Sponsor, Representative Moscoso: Concerning electronic salary and wage payments by counties. Reported by Committee on Governmental Operations

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Hasegawa, Ranking Member and McCoy.

February 27, 2014

HB 2398 Prime Sponsor, Representative Walkinshaw: Permitting community colleges that confer applied baccalaureate degrees to confer honorary bachelor of applied science degrees. Reported by Committee on Higher Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

February 27, 2014
SHB 2448 Prime Sponsor, Committee on Business & Financial Services: Transferring the insurance and financial responsibility program. Reported by Committee on Financial Institutions, Housing & Insurance

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

February 27, 2014

SHB 2415 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Creating a pilot program to provide certification of homeless status for persons in need of an address for purposes of employment. Reported by Committee on Financial Institutions, Housing & Insurance

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

February 27, 2014
HB 2450 Prime Sponsor, Representative Haigh: Concerning employment of persons with disabilities. Reported by Committee on Health Care

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Parlette; Pedersen, Ranking Member.

February 27, 2014

SHB 2433 Prime Sponsor, Committee on Local Government: Requiring a city or town to notify light and power businesses and gas distribution businesses of annexed areas and affected properties. Reported by Committee on Governmental Operations

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

February 27, 2014
2SHB 2457 Prime Sponsor, Committee on Appropriations: Concerning derelict and abandoned vessels. Reported by Committee on Natural Resources & Parks

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Dansel; Hargrove; Kline; Lias, Ranking Member and Parlette.

February 27, 2014

ESHB 2439 Prime Sponsor, Committee on Environment: Updating specified environmental statutes of the department of ecology to improve efficiency and provide for increased flexibility for local governments. Reported by Committee on Energy, Environment & Telecommunications

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hewitt.

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Litzow; McCoy, Ranking Member and Ranker.

February 27, 2014
SHB 2467 Prime Sponsor, Committee on Health Care & Wellness: Allowing dental benefits to be offered in the Washington state health benefit exchange separately or within a qualified health plan. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair;

Angel; Bailey; Cleveland; Keiser; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 26, 2014

ESHB 2519 Prime Sponsor, Committee on Early Learning & Human Services: Concerning early education for children involved in the child welfare system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 26, 2014

SHB 2531 Prime Sponsor, Committee on Education: Changing explicit alternative routes to teacher certification program requirements to expectations for program outcomes. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 26, 2014

E2SHB 2540 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Establishing career and technical course equivalencies in science and mathematics. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 26, 2014

SHB 2541 Prime Sponsor, Committee on Labor & Workforce Development: Regarding miniature hobby boilers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 2544 Prime Sponsor, Committee on Health Care & Wellness: Concerning newborn screening. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Rules for second reading.

February 27, 2014

ESHB 2546 Prime Sponsor, Committee on Higher Education: Decodifying, expiring, and making technical clarifications to higher education provisions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 26, 2014

HB 2553 Prime Sponsor, Representative Pettigrew: Authorizing competitive grants to persistently lowest-achieving schools to implement models of family and community engagement. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Ways & Means.

February 27, 2014

EHB 2558 Prime Sponsor, Representative Fey: Disposing tax foreclosed property to cities for affordable housing purposes. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Benton, Vice Co-Chair.

Passed to Committee on Ways & Means.

February 27, 2014

SHB 2567 Prime Sponsor, Committee on Judiciary: Concerning the approval of minutes from meetings of homeowners' associations. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Mullet, Vice Co-Chair; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 27, 2014

E2SHB 2569 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Information Technology: Reducing air pollution associated with diesel emissions. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair;

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Brown; Chase; Litzow; McCoy, Ranking Member and Ranker.

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MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig and Honeyford.

HB 2585 Prime Sponsor, Representative Walsh: Concerning income eligibility for temporary assistance for needy families benefits for a child. Reported by Committee on Human Services & Corrections

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

February 27, 2014

E2SHB 2572 Prime Sponsor, Committee on Appropriations: Concerning the effectiveness of health care purchasing and transforming the health care delivery system. Reported by Committee on Health Care

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Cleveland; Keiser; Pedersen, Ranking Member.

February 27, 2014

SHB 2592 Prime Sponsor, Committee on Judiciary: Concerning county electronic public auctions. Reported by Committee on Governmental Operations

MINORITY recommendation: Do not pass. Signed by Senators Angel; Bailey and Parlette.

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Ways & Means.

MINORITY recommendation: Do not pass. Signed by Senator Dansel.

February 26, 2014

HB 2575 Prime Sponsor, Representative Bergquist: Requiring that certain teacher assignment and reassignment data be included in data submitted to the office of the superintendent of public instruction. Reported by Committee on Early Learning & K-12 Education

Passed to Committee on Rules for second reading.

February 26, 2014

HB 2598 Prime Sponsor, Representative Kagi: Clarifying the lead agency for the early support for infant and toddlers program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2014

E2SHB 2580 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Information Technology: Fostering economic resilience and development in Washington by supporting the maritime industry and other manufacturing sectors. Reported by Committee on Trade & Economic Development

February 27, 2014

SHB 2612 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Changing provisions relating to the opportunity scholarship. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry and Pedersen.

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 26, 2014

HB 2583 Prime Sponsor, Representative Dahlquist: Adding charter school chief executive officers to the list of individuals who may file complaints of unprofessional conduct regarding certificated employees. Reported by Committee on Early Learning & K-12 Education

February 27, 2014

SHB 2613 Prime Sponsor, Committee on Higher Education: Creating efficiencies for institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rolfes, Assistant Ranking Member.

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 27, 2014

EHB 2618 Prime Sponsor, Representative Gregerson: Modifying provisions governing public works projects of code cities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach, Chair.

Passed to Committee on Rules for second reading.

February 27, 2014

ESHB 2626 Prime Sponsor, Committee on Higher Education: Concerning statewide educational attainment goals. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 27, 2014

2SHB 2643 Prime Sponsor, Committee on Appropriations Subcommittee on Health & Human Services: Concerning efforts with private and public partnerships to help produce Washington's healthiest next generation. Reported by Committee on Health Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Angel; Bailey; Cleveland; Keiser; Parlette; Pedersen, Ranking Member.

Passed to Committee on Ways & Means.

February 27, 2014

HB 2646 Prime Sponsor, Representative Cody: Providing certification exemptions and training requirements for certain individual provider long-term care workers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Becker, Chair; Angel; Bailey; Parlette; Pedersen, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dammeier, Vice Chair; Cleveland and Keiser.

Passed to Committee on Rules for second reading.

February 27, 2014

2SHB 2694 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Creating an informational program to increase applications from high-achieving low-income students to selective institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Ways & Means.

February 27, 2014

SHB 2722 Prime Sponsor, Committee on Early Learning & Human Services: Concerning the arrest of sixteen and seventeen year olds for domestic violence assault. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Darneille, Ranking Member; Hargrove and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pearson, Vice Chair.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 2723 Prime Sponsor, Representative Gregerson: Modifying certain provisions governing foreclosures. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Mullet, Vice Co-Chair; Hatfield; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 2724 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Exempting information concerning archaeological resources and traditional cultural places from public disclosure. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Hasegawa, Ranking Member and McCoy.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dansel.

Passed to Committee on Rules for second reading.

February 26, 2014

SHB 2739 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Requiring a report analyzing the correlation of certain family factors with academic and behavioral indicators of student success. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Rivers; Rolfes, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Passed to Committee on Ways & Means.

February 26, 2014

HB 2776 Prime Sponsor, Representative Santos: Renaming the Washington civil liberties public education program. Reported by Committee on Early Learning & K-12 Education

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MAJORITY recommendation: Do pass. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 27, 2014

SGA 9040 LISA K WOO, appointed on May 11, 2011, for the term ending September 30, 2015, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9091 LYNNE DELANO, appointed on January 1, 2009, for the term ending April 15, 2014, as Chair of the Indeterminate Sentence Review Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9140 JAMES MCDEVITT, appointed on February 18, 2011, for the term ending September 25, 2014, as Member of the Clemency and Pardons Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 26, 2014

SGA 9154 CHARLOTTE PARSLEY, reappointed on October 11, 2011, for the term ending July 1, 2016, as Member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9166 KECIA RONGEN, appointed on July 16, 2012, for the term ending April 15, 2017, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9170 TOM SAHLBERG, reappointed on June 11, 2012, for the term ending April 15, 2017, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 26, 2014

SGA 9184 BARBARA A TAYLOR, reappointed on July 11, 2011, for the term ending June 30, 2015, as Chair of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; Hill; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9186 DENNIS THAUT, reappointed on April 15, 2010, for the term ending April 15, 2015, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9212 MARY MEINIG, reappointed on March 11, 2013, for the term ending at the governor's pleasure, as Director of the Office of the Family and Children Ombudsman. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 26, 2014

SGA 9224 DEBORAH J WILDS, appointed on March 11, 2013, for the term ending January 12, 2017, as Member of the

State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 26, 2014

SGA 9227 NANCY K FITTA, appointed on May 1, 2013, for the term ending July 1, 2015, as Member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9240 REKAH T STRONG, appointed on October 1, 2012, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 14 (Clark College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 26, 2014

SGA 9252 YANG-SU CHO, appointed on August 19, 2013, for the term ending July 1, 2018, as Member of the State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9262 LOU OMA DURAND, appointed on August 1, 2013, for the term ending at the governor's pleasure, as Director of the Department of Services for the Blind. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9267 HEATHER L FLAHERTY, appointed on July 1, 2013, for the term ending June 30, 2014, as Member of the Board of Trustees, Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9269 BILL GORDON, appointed on October 28, 2013, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 19 (Columbia Basin College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9271 ANNE HAMILTON, appointed on May 1, 2013, for the term ending September 30, 2014, as Member of the Board of Trustees, Technical College District #26 (Lake Washington Institute of Technology). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 26, 2014

SGA 9280 JUANITA J KAMPHUIS, reappointed on July 8, 2013, for the term ending July 1, 2018, as Member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9291 JOAN M MARCHIORO, appointed on June 1, 2013, for the term ending June 30, 2018, as Member of the Pollution Control/Shorelines Hearings Board. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Chase; Honeyford; Litzow; McCoy, Ranking Member and Ranker.

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Passed to Committee on Rules for second reading.

Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

February 27, 2014

SGA 9307 GEORGE RAITER, appointed on October 1, 2013, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 13 (Lower Columbia College). Reported by Committee on Higher Education

Passed to Committee on Rules for second reading.

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Second Substitute House Bill No. 2192 and Substitute House Bill No. 2153 which were referred to the Committee on Rules.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

MOTION

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

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9318 LINDSEY SCHAFFER, appointed on July 1, 2013, for the term ending June 30, 2014, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education

MOTION

Senator Fain moved adoption of the following resolution:

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

SENATE RESOLUTION
8693

By Senators Fain, Angel, Roach, Rolfes, Becker, and Dammeier

Passed to Committee on Rules for second reading.

February 26, 2014

SGA 9324 EDWIN J SNOOK, appointed on July 2, 2013, for the term ending July 1, 2018, as Member of the State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

WHEREAS, The Miss Auburn Scholarship Program is the preeminent community-based scholarship competition of its kind in the state; and

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe, Ranking Member; Mullet; Rivers; Rolfes, Assistant Ranking Member.

WHEREAS, The Miss Auburn Scholarship Pageant is an official preliminary to the Miss Washington and Miss America Pageants; and

Passed to Committee on Rules for second reading.

February 27, 2014

SGA 9328 BERNARD VELJACIC, appointed on October 28, 2013, for the term ending September 25, 2016, as Member of the Clemency and Pardons Board. Reported by Committee on Human Services & Corrections

WHEREAS, Jacque Guyette was crowned Miss Auburn 2014 out of an extraordinary pool of 16 talented contestants; and

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

WHEREAS, The goal of the Miss Auburn Scholarship Program is to inspire accomplishments and motivate personal achievement in young women; and

Passed to Committee on Rules for second reading.

February 26, 2014

SGA 9343 HOLLY A KOON, appointed on January 13, 2014, for the term ending January 12, 2018, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

WHEREAS, The Miss Auburn Scholarship Program is a dynamic educational program which promotes young women's education and community involvement; and

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Litzow, Chair; Dammeier, Vice Chair; Billig; Brown; Cleveland; Fain; McAuliffe,

WHEREAS, Jacque is a senior at the University of Washington studying dance and public health; and

WHEREAS, She teaches ballroom dance professionally at the Arthur Murray Dance Studio; and

WHEREAS, Jacque competed on the platform of Heart Health and Women's Cardiac Research; and

WHEREAS, She has been a strong supporter and member of the Big Brothers Big Sisters program; and

WHEREAS, In 1997 the Miss America organization proclaimed the Miss Auburn Scholarship Fund to be the largest in the entire Miss America local pageant system;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and support the good work of the Miss Auburn Scholarship Program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Miss Auburn Scholarship Program and Jacque Guyette, the 2014 pageant winner.

Senator Fain spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8693.

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

The President Pro Tempore welcomed and introduced Miss Auburn 2014, Miss Jacque Guyette, who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Fraser: “Thank you Mr. President. I would just like to note that this is an historic day today. It’s the big anniversary of the big Nisqually earthquake, when we suddenly evacuated the Legislative Building for two years. Many of us present here were present that day. We remember the great shaking, the great noise. At the time I thought the great noise was rocks grinding under the ground. It turned out, it was the pieces of the dome moving around. The dome finally lifted up to zero gravity and started moving. Fortunately the earthquake stopped or we could have had a succession in government problem but it was a great irony at the time. We were having a huge debate on how to upgrade the Legislative Building. Would it be half of the building at a time. Would it be a floor at a time? But, no, we couldn’t evacuate the whole building at a time, and in an instant we did it. Fortunately the building is much safer today but I’d just like to note that this is earthquake day. Thank you.”

PERSONAL PRIVILEGE

Senator Eide: “Well, not only is it an historic day in regarding the earthquake. It is an historic day in my life. It’s my thirty-eighth wedding anniversary. So, yes we were on the floor when we had the, it was my twenty-fifth wedding anniversary, when we had the earthquake on this floor and it was rather scary. But I wanted to say, first of all to my husband, I love you dearly and thank you for putting up with me for all these years. You know what? He’s made life fun and it has gone by so fast and I wouldn’t be able to stand here today and be in the Legislature as long as I have if it hadn’t been for him. So, you know, I feel blessed. I have to tell you a little bit, a story of how we got to do these roses and how there’s thirty-eight of them today. So he bought my wedding bouquet thirty-eight years ago and the wedding bouquet was nothing but white roses. We were going to the University of Washington at the time. When we had our first anniversary he brought me one long stem white rose and I thought okay and then the second anniversary he brought me two. It was the third time around that I was wondering okay now I know what he’s doing, because I thought this cheap guy’s not giving me, I knew what we were. I knew that we were students so we were pinching our pennies. So now we’re at thirty-eight and he says, ‘Honey, can I just buy you a rose bush?’ And I said, ‘No, because I deserve every one of those roses.’ But, I love you honey. I’m looking forward of coming home and having dinner and fun tonight.”

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Heidi Heywood, Gubernatorial Appointment No. 9273, be confirmed as a member of the Board of Trustees, Lower Columbia College District No. 13.

Senator Hatfield spoke in favor of the motion.

APPOINTMENT OF HEIDI HEYWOOD

The President Pro Tempore declared the question before the Senate to be the confirmation of Heidi Heywood, Gubernatorial Appointment No. 9273, as a member of the Board of Trustees, Lower Columbia College District No. 13.

The Secretary called the roll on the confirmation of Heidi Heywood, Gubernatorial Appointment No. 9273, as a member of the Board of Trustees, Lower Columbia College District No. 13 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Heidi Heywood, Gubernatorial Appointment No. 9273, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lower Columbia College District No. 13.

MOTION

At 10:24 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:43 a.m. by President Pro Tempore.

MOTION

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

MOTION

On motion of Senator Fain and without objection, the rules were suspended and the Committee on Rules was relieved of further consideration of Engrossed Second Substitute House Bill No. 1484 and the measure was referred to the Committee on Ways & Means.

SECOND READING

SENATE BILL NO. 6340, by Senator Hill

Aligning student transportation formulas with 2013 session laws.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Senate Bill No. 6340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Billig spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6340.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6340 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Hasegawa

SENATE BILL NO. 6340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Hasegawa was excused.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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

SECOND READING

SENATE BILL NO. 6402, by Senators Honeyford, Hatfield, Brown, Dinsel, Parlette and Bailey

Defining honey bee products and services as an agricultural product.

MOTIONS

On motion of Senator Honeyford, Second Substitute Senate Bill No. 6402 was substituted for Senate Bill No. 6402 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Second Substitute Senate Bill No. 6402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 28, 2014."

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through February 28, 2014 by voice vote.

Senators Honeyford and Hatfield spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6402.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6402 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Frockt

SECOND SUBSTITUTE SENATE BILL NO. 6402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6020, by Senators Honeyford and Keiser

Concerning the 2013-2015 supplemental capital budget.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 6020 was substituted for Senate Bill No. 6020 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 8, on line 4, strike "Storm Water Decant Facility" and insert: "~~Storm Water Decant Facility~~ Wastewater Treatment Plant"

Senators Honeyford and Keiser spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 8, line 4 to Substitute Senate Bill No. 6020.

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

MOTION

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

On page 8, after line 27, insert the following:

"Moses Lake North Dam Replacement Project \$2,000,000"

On page 8, on line 33, strike "\$30,009,000" and insert "\$32,009,000"

Correct the totals accordingly

Senators Honeyford and Keiser spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 8, after line 27 to Substitute Senate Bill No. 6020.

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

MOTION

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

On page 11, after line 25, insert the following:

"Meridian Health Center \$1,500,000"

On page 11, on line 28, strike "\$32,128,000" and insert "\$33,628,000"

On page 11, on line 31, strike "\$31,628,000" and insert "\$33,128,000"

On page 11, on line 34, strike "\$32,128,000" and insert "\$33,628,000"

On page 12, on line 2, strike "\$32,128,000" and insert "\$33,628,000"

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

WITHDRAWAL OF AMENDMENT

On motion of Senator Frockt, the amendment by Senator Frockt on page 11, line after 25 to Substitute Senate Bill No. 6020 was withdrawn.

MOTION

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

On page 11, after line 25, insert the following:

"Sweet Grass Meadows Housing
\$1,400,000"

And adjust the appropriations and totals accordingly

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

Senator Hasegawa spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 11, after line 25 to Substitute Senate Bill No. 6020.

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

The President assumed the chair.

MOTION

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

On page 11, after line 25, insert the following:

"Snohomish Co. Boys & Girls Club-Paull Shin Center
\$3,000,000"

And adjust the appropriations and totals accordingly

Renumber the remaining sections consecutively and correct any internal references accordingly

Senators Liias and Keiser spoke in favor of adoption of the amendment.

Senator Schoesler spoke against adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Liias, the amendment by Senator Liias and others on page 11, after line 25 to Substitute Senate Bill No. 6020 was withdrawn.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Pedersen be adopted:

On page 11, after line 25, insert the following:

"Pike Place Market Project \$500,000"

And adjust the appropriations and totals accordingly

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

Senator Kohl-Welles spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Pedersen on page 11, after line 25 to Substitute Senate Bill No. 6020.

The motion by Senator Kohl-Welles failed and the amendment was not adopted by voice vote.

MOTION

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

On page 18, after line 17, insert the following:

"NEW SECTION. **Sec. 1014.** A new section is added to 2013 2nd sp.s. c 19 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Involuntary Evaluation and Treatment Beds (91000592)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department, in collaboration with the department of social and health services, to issue grants to community hospital or free-standing evaluation and treatment facilities providing new or increased capacity for short term psychiatric detention and commitment services in the King county regional support network, Spokane regional support network outside of Spokane county, and Thurston/Mason regional support networks. If the department cannot provide funds for a project within each of these three regional support networks, they may, in collaboration with the department of social and health services, consider other locations.

(2) These funds must not be used in settings that meet the criteria to be classified under federal law as institutions for mental diseases. Funds may be used for construction and equipment costs associated with establishment of the new or increased capacity in these settings. These funds must not be used for operating costs associated with the treatment of patients using these services.

(3) In order to receive funding, each of the projects must be identified by the department of social and health services and the regional support network and provide:

(a) Evidence that the project has been developed in collaboration with one or more regional support networks, as defined in RCW 71.24.025;

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(b) Evidence that the project will serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(c) Evidence of capacity to serve individuals with medical and psychiatric comorbidities;

(d) A commitment to maintain the beds or facility for at least a ten year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds; and

(g) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(4) To accommodate the emergent need for inpatient psychiatric services, the department and the department of health, in collaboration with the department of social and health services, must establish a concurrent and expedited process for the purpose of grant applicants meeting any applicable regulatory requirements necessary to operate the new or increased capacity in these settings.

Appropriation:

State Building Construction Account--State.	\$5,200,000
.....	
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,200,000"

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

Senator Keiser spoke in favor of adoption of the amendment.
Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser and others on page 18, after line 17 to Substitute Senate Bill No. 6020.

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

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Keiser be adopted:

On page 22, on line 11 after "act." insert the following:

"The building will be delivered using design build, as defined by chapter 39.10 RCW, with a guarantee for energy, operations, and maintenance performance. The term for performance validation must not be less than five years. The state may use state employees for services not related to building performance. Criteria for selecting a contractor must include life cycle costs, energy costs, or energy use index. The scope of the building shall be between two hundred thousand and two hundred twenty-five thousand square feet of office space based on the office of financial management's direction for square feet and tenants identified in the programming phase including the Washington state patrol. Initial tenant lease costs for the building may not exceed six dollars per gross square foot not including debt services. Proposals must be received by January 31, 2014. This is phase one of a two-phase process that includes future demolition of the current general administration building and construction of a similar facility which may include the state library as a tenant."

On page 22, beginning on line 14, after "State Building Construction Account--State ..." strike all material through "\$1,950,000" and insert "\$13,000,000"

On page 22, beginning on line 18, after "TOTAL ..." strike all material through "\$1,950,000" and insert "\$13,000,000"

On page 49, beginning on line 9, after "(b)" strike all material through "Olympia." on line 11 and insert "Enter into a financing contract for up to \$69,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a new office building at 1063 Capitol Way South, Olympia(-"

Renumber the remaining sections consecutively and correct any internal references accordingly

Senator Fraser spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fraser, the amendment by Senators Fraser and Keiser on page 22, line 11 to Substitute Senate Bill No. 6020 was withdrawn.

MOTION

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

On page 22, after line 18, insert the following:

"NEW SECTION. Sec. 1021. A new section is added to 2013 2nd sp.s. c 19 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Predesign for New State Patrol Building (92000001)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation is provided solely for a predesign for a new facility for the headquarters of the state patrol. The predesign must describe a project scope that meets all or most of the facility needs of the state patrol in Thurston County while minimizing the budgetary impacts. The predesign must consider a variety of sites, excluding sites on the West capital campus.

Appropriation:

State Building Construction Account--State	\$250,000
.....	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$250,000"

Renumber the remaining sections consecutively and correct any internal references accordingly

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 22, after line 18 to Substitute Senate Bill No. 6020.

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

MOTION

Senator Fain, having voted on the prevailing side moved that the vote by which the amendment by Senator Honeyford on page 22, after line 18 to Substitute Senate Bill No. 6020 was not adopted by the Senate be immediately reconsidered.

POINT OF ORDER

Senator Rolfes: "I believe that the good Senator's motion is out of order."

REPLY BY THE PRESIDENT

President Owen: "And Senator, for what reason Senator?"

POINT OF ORDER

Senator Rolfes: "It's not timed appropriately. It's not timely because we've moved forward."

REPLY BY THE PRESIDENT

President Owen: "Senator Rolfes, you would be correct if in fact someone had moved adoption of the next amendment but in fact nobody had moved adoption because we were just reading it, therefore his motion is timely."

The President declared the question before the Senate to be the motion by Senator Fain to immediately reconsider the vote by which the amendment by Senator Honeyford on page 22, after line 18 to Substitute Senate Bill No. 6020 was not adopted.

The motion by Senator Fain to immediately reconsider the vote by which the amendment by Senator Honeyford was not adopted carried by a rising vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 22, after line 18 to Substitute Senate Bill No. 6020 on immediate reconsideration.

Senator Honeyford and Schoesler spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

Senator Rolfes demanded a roll call.

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

Senator Liias spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Roach: "Would Senator Honeyford yield to a question? So, not being on Ways & Means right now, I was on it for eighteen years but not right now. So, the question I have did the State Patrol come to us and ask for this? How are we getting this? How is this before us?"

Senator Honeyford: "This came before us because of what's known as the 1063 Building and that being sold as the solution for the Washington State Patrol. As far as I know, they were never involved until this year. The Chief came to see me and I told him I didn't support that building but I wanted to do what I could for them. The problem is that the 1063 Building would be a rental rate of about thirty-five dollars a square foot accordingly to OFM and that they would be saving, if they consolidated everything, they'd save about nine hundred forty two thousand dollars a month but at the same time they would be paying over three million dollars per month in rent. Don't know where's that's going to come from. Out of the transportation budget which is the same budget which pays for the Troopers salaries. So do we want Troopers salaries or do we want..."

REMARKS BY THE PRESIDENT

President Owen: "Senator Honeyford, you're starting to debate the issue rather than answer the question specifically."

Senator Billig spoke against adoption of the amendment.

Senators Sheldon and Hatfield spoke on the adoption of the amendment.

The Secretary called the roll on the adoption of the amendment by Senator Honeyford on page 22, after line 18 to Substitute Senate Bill No. 6020 and the amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker, Roach and Rolfes

MOTION

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

On page 27, on line 20, after "limitations:" insert "(1)"

On page 27, after line 27, insert the following:

"(2) By October 1, 2014, the department must submit a report to the appropriate committees of the legislature showing the requested clean-up projects that fit the definition of large complex multi-biennial projects under RCW 70.105D.030(5). The report must show a description of the project, the amount requested over the ten year period, the amount requested for the 2015-17 biennium, and the estimated jobs created by the 2015-17 proposed appropriation."

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

Senator Ericksen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 27, after line 27 to Substitute Senate Bill No. 6020.

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

MOTION

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

On page 34, after line 7, insert the following:

NEW SECTION. Sec. 1. A new section is added to 2013 2nd sp.s. c 19 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Flood Hazard Reduction Grants (91000239)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$15,000,000 of the appropriation in this section is provided solely for a statewide competitive grant program for flood hazard reduction projects that also protect or restore floodplain ecosystem functions.

(a) Grants may be distributed on a competitive basis to the following eligible entities: Counties, cities, federally recognized

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Indian tribes; port districts; flood control districts; conservation districts; and diking and drainage districts.

(b) Applicants must provide a twenty percent match from nonstate sources. The nonstate match may include cash on hand, the value of real property when acquired solely for the purpose of the project, the proceeds of a letter of credit or other binding loan commitment, a pledge commitment, and in-kind contributions. Applicants may receive credit for properly documented nonstate matching funds that were contributed no earlier than ten years prior to the grant solicitation round and that are related to the needs identified in the project application. The department may develop additional requirements related to documenting the value of the nonstate match.

(c) The department, in consultation with the office of financial management, must evaluate, score, and rank applications based on the following criteria, in descending order of priority:

(i) Projects that achieve multiple benefits, including, but not limited to, cost-effective flood hazard reduction to people, property, critical facilities, and transportation corridors, flood risk reduction, salmon recovery, water quality improvements, habitat restoration, agricultural viability, public access, and channel migration zone protection. Projects must address both reduction and prevention of flood risks, and protection or restoration of floodplain ecosystem functions. For the Chehalis river basin, projects may also include, but not be limited to, an upstream water retention facility.

(A) Priority must first be given to projects that:

(I) Are located in a county or counties covered by ten or more state emergency flood proclamations from 1996 to 2012; and

(II) Are part of a basin-wide strategy created by a governor's work group in close collaboration with an Indian tribe and a multicounty flood authority.

(B) Priority must next be given to projects in counties that have historically been and are projected to continue to be at greatest risk and most vulnerable to flooding;

(ii) Projects that are consistent with and recommended by a collaborative planning and approval process that includes public comment, such as a comprehensive flood hazard management plan, a hazard mitigation plan, a comprehensive plan, a watershed plan, or other applicable plans;

(iii) Projects that minimize or eliminate future costs for maintenance, operation, or emergency response; and

(iv) Projects that are ready to proceed with the scope of work, and whose sponsors have the capacity to complete the project successfully.

Appropriation:

State Building Construction Account--State	\$15,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$15,000,000"

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

Senators Keiser, Hargrove, Fraser and Roach spoke in favor of adoption of the amendment.

Senators Honeyford, Dammeier and Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser and others on page 34, after line 7 to Substitute Senate Bill No. 6020.

The motion by Senator Keiser carried and the amendment was adopted by a rising vote, the President voting in favor.

Senator Fain demanded a roll call.

REPLY BY THE PRESIDENT

President Owen: "Senator Fain, the vote has been announced. Not after the gavel's been dropped. The three of us got to twenty-four, Senator."

PARLIAMENTARY INQUIRY

Senator Honeyford: "I'm questioning the vote. We have twenty-six members here. One voted against it. The other twenty-five are present."

REPLY BY THE PRESIDENT

President Owen: "Senator, all I can tell you is that the three of us counted. Somebody must not have been standing or off the floor. The three of us came up with the same count and we did it twice."

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 6020 was deferred and the bill held its place on the second reading calendar.

MOTION

Senator Nelson moved that the Senate advance to the ninth order of business for the purpose of relieving the Committee on Financial Institution, Housing & Insurance of Engrossed Substitute House Bill No. 2368.

PARLIAMENTARY INQUIRY

Senator Fain: "My understanding is that this is a procedural vote to move to the ninth order of business which is not, is that debatable Mr. President?"

REPLY BY THE PRESIDENT

President Owen: "The President has just noted that it is not debatable, however, the practice of the President has always been to allow a person to make a brief statement on either side of those motions."

Senator Nelson spoke in favor of the motion.

Senator Rolfes demanded a roll call.

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

The President declared the question before the Senate to be the motion by Senator Nelson to advance to the ninth order of business.

The Secretary called the roll on the motion to advance to the ninth order of business failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

SECOND READING

SENATE BILL NO. 6497, by Senators McCoy, Chase, Hasegawa, Conway, Fain, Kohl-Welles and McAuliffe

Concerning the minority and women's business enterprises account.

The measure was read the second time.

MOTION

On motion of Senator McCoy, the rules were suspended, Senate Bill No. 6497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCoy spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6497.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6497 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Kline

SENATE BILL NO. 6497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6550, by Senators Holmquist Newbry, Hobbs, Parlette, Liias, Hewitt, Hatfield, Fain, Conway, McAuliffe and Mullet

Providing a sales and use tax exemption for sales and uses related to eligible server equipment and power infrastructures installed in eligible computer data centers.

The measure was read the second time.

MOTION

Senator Holmquist Newbry moved that the following striking amendment by Senators Holmquist Newbry and Hobbs be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This section is the tax preference performance statement for the sales and use tax exemption provided in RCW 82.08.986 and 82.12.986. This performance statement is

only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes this sales and use tax exemption as one intended to improve industry competitiveness, as indicated in RCW 82.32.808(2)(b).

(2) It is the legislature's specific public policy objective to improve industry competitiveness. It is the legislature's intent to provide a sales and use tax exemption on eligible server equipment and power infrastructure installed in eligible computer data centers, charges made for labor and services rendered in respect to installing eligible server equipment, and on construction, installation, repair, alteration, or improvement of eligible power infrastructures in order to increase investment in data center construction in rural Washington counties, thereby adding real and personal property to state and local property tax rolls, thereby increasing the state and rural county tax base.

(3) If a review finds that rural county property tax base is increased as a result of the construction of computer data centers eligible for the sales and use tax exemption in RCW 82.08.986 and 82.12.986, then the legislature intends to extend the expiration date of the tax preference.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the joint legislative audit and review committee may refer to data available from the department of revenue regarding rural county property tax assessments.

Sec. 2. RCW 82.08.986 and 2012 2nd sp.s. c 6 s 302 are each amended to read as follows:

(1) An exemption from the tax imposed by RCW 82.08.020 is provided for sales to qualifying businesses and to qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center, and to charges made for labor and services rendered in respect to installing eligible server equipment. The exemption also applies to sales to qualifying businesses and to qualifying tenants of eligible power infrastructure, including labor and services rendered in respect to constructing, installing, repairing, altering, or improving eligible power infrastructure.

(2)(a) In order to claim the exemption under this section, a qualifying business or a qualifying tenant must submit an application to the department for an exemption certificate. The application must include the information necessary, as required by the department, to determine that a business or tenant qualifies for the exemption under this section. The department must issue exemption certificates to qualifying businesses and qualifying tenants. The department may assign a unique identification number to each exemption certificate issued under this section.

(b) A qualifying business or a qualifying tenant claiming the exemption under this section must present the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3)(a) Within six years of the date that the department issued an exemption certificate under this section to a qualifying business or a qualifying tenant with respect to an eligible computer data center, the qualifying business or qualifying tenant must establish that net employment at the eligible computer data center has increased by a minimum of:

(i) Thirty-five family wage employment positions; or

(ii) Three family wage employment positions for each twenty thousand square feet of space or less that is newly dedicated to housing working servers at the eligible computer data center. For qualifying tenants, the number of family wage employment positions that must be increased under this subsection (3)(a)(ii) is

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based only on the space occupied by the qualifying tenant in the eligible computer data center.

(b) In calculating the net increase in family wage employment positions:

(i) The owner of an eligible computer data center, in addition to its own net increase in family wage employment positions, may include:

(A) The net increase in family wage employment positions employed by qualifying tenants; and

(B) The net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(ii)(A) Qualifying tenants, in addition to their own net increase in family wage employment positions, may include:

(I) A portion of the net increase in family wage employment positions employed by the owner; and

(II) A portion of the net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(B) The portion of the net increase in family wage employment positions to be counted under this subsection (3)(b)(ii) by each qualifying tenant must be in proportion to the amount of space in the eligible computer data center occupied by the qualifying tenant compared to the total amount of space in the eligible computer data center occupied by all qualifying tenants.

(c)(i) For purposes of this subsection, family wage employment positions are new permanent employment positions requiring forty hours of weekly work, or their equivalent, on a full-time basis at the eligible computer data center and receiving a wage equivalent to or greater than one hundred fifty percent of the per capita personal income of the county in which the qualified project is located. An employment position may not be counted as a family wage employment position unless the employment position is entitled to health insurance coverage provided by the employer of the employment position. For purposes of this subsection (3)(c), "new permanent employment position" means an employment position that did not exist or that had not previously been filled as of the date that the department issued an exemption certificate to the owner or qualifying tenant of an eligible computer data center, as the case may be.

(ii)(A) Family wage employment positions include positions filled by employees of the owner of the eligible computer data center and by employees of qualifying tenants.

(B) Family wage employment positions also include individuals performing work at an eligible computer data center as an independent contractor hired by the owner of the eligible computer data center or as an employee of an independent contractor hired by the owner of the eligible computer data center, if the work is necessary for the operation of the computer data center, such as security and building maintenance, and provided that all of the requirements in (c)(i) of this subsection (3) are met.

(d) All previously exempted sales and use taxes are immediately due and payable for a qualifying business or qualifying tenant that does not meet the requirements of this subsection.

(4) A qualifying business or a qualifying tenant claiming an exemption under this section or RCW 82.12.986 must complete an annual report with the department as required under RCW 82.32.534.

(5)(a) The exemption provided in this section does not apply to:

(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or equipment used in a computer data center; and

(ii) Any person affiliated with a person within the scope of (a)(i) of this subsection (5).

(b) If a person claims an exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this section until paid in full.

~~(6) ((For purposes of this section the following definitions apply))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.(+)

(a) "Affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.

(b) Effective for computer data centers for which commencement of construction occurs on or after July 1, 2014, "building" means a fully enclosed structure with a weather-resistant exterior wall envelope or concrete or masonry walls designed in accordance with the requirements for structures under chapter 19.27 RCW.

(c)(i) "Computer data center" means a facility comprised of one or more buildings, which may be comprised of multiple businesses, constructed or refurbished specifically, and used primarily, to house working servers, where the facility has the following characteristics: (A) Uninterruptible power supplies, generator backup power, or both; (B) sophisticated fire suppression and prevention systems; and (C) enhanced physical security, such as: Restricted access to the facility to selected personnel; permanent security guards; video camera surveillance; an electronic system requiring passcodes, keycards, or biometric scans, such as hand scans and retinal or fingerprint recognition; or similar security features.

(ii) For a computer data center comprised of multiple buildings, each separate building constructed or refurbished specifically, and used primarily, to house working servers is considered a computer data center if it has all of the characteristics listed in ~~((b))~~ (c)(i)(A) through (C) of this subsection (6).

(iii) A facility comprised of one building or more than one building must have a combined square footage of at least one hundred thousand square feet.

~~((e))~~ (d) "Electronic data storage and data management services" include, but are not limited to: Providing data storage and backup services, providing computer processing power, hosting enterprise software applications, and hosting web sites. The term also includes providing services such as e-mail, web browsing and searching, media applications, and other online services, regardless of whether a charge is made for such services.

~~((f))~~ (e)(i) "Eligible computer data center" means a computer data center:

(A) Located in a rural county as defined in RCW 82.14.370;

(B) Having at least twenty thousand square feet dedicated to housing working servers, where the server space has not previously been dedicated to housing working servers; and

(C) For which the commencement of construction occurs:

(I) After March 31, 2010, and before July 1, 2011; ~~((f))~~

(II) After March 31, 2012, and before July 1, ~~((2015))~~ 2014; or

(III) After June 30, 2014, and before July 1, 2025.

(ii) For purposes of this section, "commencement of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for construction of the computer data center. The construction of a computer data center includes the expansion, renovation, or other improvements made to existing facilities, including leased or rented space. "Commencement of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of a computer data center.

(iii) With respect to facilities in existence on April 1, 2010, that are expanded, renovated, or otherwise improved after March 31, 2010, or facilities in existence on April 1, 2012, that are expanded, renovated, or otherwise improved after March 31, 2012, or facilities in existence on July 1, 2014, that are expanded, renovated, or otherwise improved after June 30, 2014, an eligible computer data center includes only the portion of the computer data center meeting the requirements in ~~((f))~~ (e)(i)(B) of this subsection (6).

~~((e))~~ (f) "Eligible power infrastructure" means all fixtures and equipment owned by a qualifying business or qualifying tenant and necessary for the transformation, distribution, or management of electricity that is required to operate eligible server equipment within an eligible computer data center. The term includes generators; wiring; cogeneration equipment; and associated fixtures and equipment, such as electrical switches, batteries, and distribution, testing, and monitoring equipment. The term does not include substations.

~~((f))~~ (g) "Eligible server equipment" means:

(i) For a qualifying business whose computer data center qualifies as an eligible computer data center under ~~((e))~~ (e)(i)(C)(I) of this subsection (6), the original server equipment installed in an eligible computer data center on or after April 1, 2010, and replacement server equipment. For purposes of this subsection ~~(6)((f))~~ (g)(i), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, ~~((2018))~~ 2020.

(ii) For a qualifying business whose computer data center qualifies as an eligible computer data center under ~~((f))~~ (e)(i)(C)(II) of this subsection (6), "eligible server equipment" means the original server equipment installed in an eligible computer data center on or after April 1, 2012, and replacement server equipment. For purposes of this subsection ~~(6)((f))~~ (g)(ii), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, 2020.

(iii) For a qualifying business whose computer data center qualifies as an eligible computer data center under ~~(e)(i)(C)(III)~~ of this subsection (6), "eligible server equipment" means the original server equipment directly installed in a building within an eligible computer data center on or after July 1, 2014, and replacement server equipment. Server equipment installed in movable or fixed stand-alone, prefabricated, or modular units, including intermodal shipping containers, is not "directly installed in a building." For purposes of this subsection ~~(6)(g)(iii)~~, "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is directly installed in a building and put into regular use before April 1, 2025.

(iv) For a qualifying tenant who leases space within an eligible computer data center, "eligible server equipment" means the original server equipment installed within the space it leases from an eligible computer data center on or after April 1, 2010, and replacement server equipment. For purposes of this subsection ~~(6)((f))~~ (g)(iii), "replacement server equipment" means server equipment that:

(A) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.986; and

(B) Is installed and put into regular use before April 1, ~~((2020))~~ 2025.

~~((g))~~ (h) "Qualifying business" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that is the owner of an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

~~((h))~~ (i) "Qualifying tenant" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that leases space from a qualifying business within an eligible computer data center. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state. The term also does not include a lessee of space in an eligible computer data center under ~~((f))~~ (e)(i)(C)(I) of this subsection (6), if the lessee and lessor are affiliated and:

(i) That space will be used by the lessee to house server equipment that replaces server equipment previously installed and operated in that eligible computer data center by the lessor or another person affiliated with the lessee; or

(ii) Prior to May 2, 2012, the primary use of the server equipment installed in that eligible computer data center was to provide electronic data storage and data management services for the business purposes of either the lessor, persons affiliated with the lessor, or both.

~~((i))~~ (j) "Server equipment" means the computer hardware located in an eligible computer data center and used exclusively to provide electronic data storage and data management services for internal use by the owner or lessee of the computer data center, for clients of the owner or lessee of the computer data center, or both. "Server equipment" also includes computer software necessary to operate the computer hardware. "Server equipment" does not include personal computers, the racks upon which the server equipment is installed, and computer peripherals such as keyboards, monitors, printers, and mice.

(7) Subsections (1), (2), and (5) of this section expire~~((s April))~~ July 1, ((2020)) 2025.

Sec. 3. RCW 82.12.986 and 2012 2nd sp.s. c 6 s 304 are each amended to read as follows:

(1) An exemption from the tax imposed by RCW 82.12.020 is provided for the use by qualifying businesses or qualifying tenants of eligible server equipment to be installed, without intervening use, in an eligible computer data center, and to the use of labor and services rendered in respect to installing such server equipment. The exemption also applies to the use by a qualifying business or qualifying tenant of eligible power infrastructure, including labor and services rendered in respect to installing, repairing, altering, or improving such infrastructure.

(2) A qualifying business or a qualifying tenant is not eligible for the exemption under this section unless the department issued an exemption certificate to the qualifying business or a qualifying tenant for the exemption provided in RCW 82.08.986.

(3)(a) The exemption provided in this section does not apply to:

(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or equipment used in a computer data center; and

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(ii) Any person affiliated with a person within the scope of (a)(i) of this subsection (3).

(b) If a person has received the benefit of the exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this subsection (3)(b) until paid in full. A person is not required to repay taxes under this subsection with respect to property and services for which the person is required to repay taxes under RCW 82.08.986(5).

(4) The definitions and requirements in RCW 82.08.986 apply to this section.

(5) Subsections (1) through (3) of this section expire((s April)) July 1, ((2020)) 2025."

Senator Holmquist Newbry spoke in favor of adoption of the striking amendment.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa to the striking amendment be adopted:

On page 6, line 3, strike "2025" and insert "2018"

On page 9, line 6, strike "2025" and insert "2018"

On page 10, line 6, strike "2025" and insert "2018"

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

Senator Hasegawa spoke in favor of adoption of the amendment to the striking amendment.

Senator Holmquist Newbry spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 6, line 3 to the striking amendment to Senate Bill No. 6550.

The motion by Senator Hasegawa failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa to the striking amendment be adopted:

On page 9, line 5 of the amendment, after "(7)" insert "The sales tax exemption in this section and the use tax exemption in RCW 82.12.986 are deemed to be investments by the state and as such the eligible computer data centers are deemed to be public works by the state and are subject to the provisions of chapter 39.12 RCW.

(8)"

Senator Hasegawa spoke in favor of adoption of the amendment to the striking amendment.

Senator King spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 9, line 5 to the striking amendment to Senate Bill No. 6550.

The motion by Senator Hasegawa failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Holmquist Newbry and Hobbs to Senate Bill No. 6550.

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

MOTION

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

On page 1, line 3 of the title, after "centers;" strike the remainder of the title and insert "amending RCW 82.08.986 and 82.12.986; creating a new section; and providing expiration dates."

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed Senate Bill No. 6550 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry, Hargrove, Conway spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

POINT OF INQUIRY

Senator Honeyford: "Would Senator Hasegawa yield to a question? Thank you, I appreciate your concern for taxes not being paid but I need to ask that Apple, Facebook, Amazon, Adobe and others moved to Oregon, how much tax revenue are we getting from them?"

Senator Hasegawa: "That's a fairly loaded question obviously. I would say that if we could sell our state on the merits of our advantages by way of having the lowest power rates in the country, having the most skilled and qualified employees in the country..."

REMARKS BY THE PRESIDENT

President Owen: "Senator Hasegawa, the President is reluctant to do this but you are actually not answering the question but debating the bill and you've already spoken once. So please, you can speak but just respond to his question.""

Senator Hasegawa: "I do not have the data on, at my fingertips on how many, but I believe that we have many major corporations that have moved in meaning Microsoft..."

Senator Honeyford: "I can give you the answer. Zero."

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6550.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6550 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Conway, Dammeier, Dansel, Eide, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Liias, Litzow, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Darneille, Fraser, Frockt, Hasegawa, Kohl-Welles, McAuliffe, McCoy, Pedersen, Ranker and Rolfes

Excused: Senator Kline

ENGROSSED SENATE BILL NO. 6550, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6259, by Senators Hargrove, Hatfield, Braun and Hobbs

Providing a reduced public utility tax for log transportation businesses.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6259 was substituted for Senate Bill No. 6259 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Sheldon and Becker spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6259.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6259 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

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

Voting nay: Senators Hasegawa, Liias, Pedersen and Rolfes

Excused: Senator Kline

SUBSTITUTE SENATE BILL NO. 6259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 6020 which had been deferred earlier in the day.

MOTION

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

On page 34, after line 7, Insert the following:

"NEW SECTION. Sec.3010. A new section is added to 2013 2nd sp.s. c 19 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Water Act Mitigation (91000242)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$10,000,000 of the appropriation in this section is provided solely for a statewide competitive grant program for local governments for storm water projects that provide a water quality or ecological benefit, address pollution from existing development,

and support partnerships to reduce toxic water pollution. Prior to awarding a grant in a water body that is in Indian tribe reservation lands or in a usual and accustomed fishing area, the department must seek comment and agreement from the tribe.

Appropriation:

State Building Construction Account--State\$10,000,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$0

TOTAL.....\$10,000,000

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senators Keiser and Liias spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser and others on page 34, after line 7 to Substitute Senate Bill No. 6020.

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

MOTION

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

On page 34, after line 7, insert the following:

"NEW SECTION. Sec. 3010. A new section is added to 2013 2nd sp.s. c 19 (uncodified) to read as follows:

The legislature finds that the financing of flood control projects requires a careful analysis of the options for funding projects using best practices with sources of money that do not impair the general fund. The legislature intends to accomplish that analysis through the task force created in SSB 6516. The department of ecology must not expend any funds provided to the department in this act for flood control until that task force completes its work and the legislature acts on the recommendations of the task force.

Re-number the remaining sections consecutively and correct any internal references accordingly

Senators Honeyford and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 34, after line 7 to Substitute Senate Bill No. 6020.

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

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 6020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

Senators Keiser and Mullet spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6020.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6020 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

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Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Hasegawa, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen and Rolfes

ENGROSSED SUBSTITUTE SENATE BILL NO. 6020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:43 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:02 p.m. by President Owen.

MOTION

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 28, 2014

SB 6566 Prime Sponsor, Senator O'Ban: Affirming the authority of the clemency and pardons board to make recommendations to the governor regarding petitions for reprieve to ensure that victims, law enforcement, prisoners, and others are heard. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Kline, Ranking Member and Pedersen.

Passed to Committee on Rules for second reading.

February 28, 2014

HB 1064 Prime Sponsor, Representative Goodman: Making technical changes to form year designations. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

2ESHB 1083 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Authorizing judges of tribal courts and administrative law judges to solemnize marriages. (REVISED FOR SECOND ENGROSSED: Authorizing judges of courts of limited jurisdiction and judges of

tribal courts to solemnize marriages.) Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

2ESHB 1117 Prime Sponsor, Committee on Judiciary: Concerning the transfer of real property by deed taking effect at the grantor's death. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

HB 1145 Prime Sponsor, Representative Goodman: Providing credit towards child support obligations for veterans benefits. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 1171 Prime Sponsor, Committee on Public Safety: Clarifying pretrial release programs. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 1292 Prime Sponsor, Committee on Public Safety: Vacating prostitution convictions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 1298 Prime Sponsor, Committee on Government Operations & Elections: Implementing the recommendations of the sunshine committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair;

Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

February 27, 2014

EHB 1367 Prime Sponsor, Representative Kirby: Authorizing assessments for nuisance abatement in cities and towns. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Conway; Hasegawa, Ranking Member; McCoy and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Benton, Vice Chair and Dansel.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach, Chair.

Passed to Committee on Rules for second reading.

February 28, 2014

HB 1597 Prime Sponsor, Representative Goodman: Making marijuana law technical corrections. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 1634 Prime Sponsor, Committee on Finance: Including the value of solar, biomass, and geothermal facilities in the property tax levy limit calculation. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

February 28, 2014

2SHB 1651 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Information Technology: Concerning access to juvenile records. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Darneille, Ranking Member; Hargrove and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pearson, Vice Chair.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 1724 Prime Sponsor, Representative Roberts: Concerning statements made by juveniles during assessments or screenings for mental health or chemical dependency treatment. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Hargrove.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 1742 Prime Sponsor, Committee on Government Accountability & Oversight: Allowing sales of growlers of wine. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 1791 Prime Sponsor, Committee on Public Safety: Concerning trafficking. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 1805 Prime Sponsor, Committee on Government Accountability & Oversight: Concerning culinary class wine restaurant specialty licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

February 28, 2014

ESHB 1840 Prime Sponsor, Committee on Judiciary: Concerning firearms laws for persons subject to no-contact orders, protection orders, and restraining orders. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

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SHB 1841 Prime Sponsor, Committee on Capital Budget: Authorizing electronic competitive bidding for state public works contracting. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member; McCoy and Rivers.

MINORITY recommendation: Do not pass. Signed by Senator Dansel.

Passed to Committee on Rules for second reading.

February 27, 2014

E2SHB 1902 Prime Sponsor, Committee on Transportation: Creating intermittent-use trailer license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Litzow; Mullet; O'Ban and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senator Liias.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2057 Prime Sponsor, Committee on Public Safety: Modifying arrest without warrant provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2080 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Vacating convictions for certain tribal fishing activities. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2102 Prime Sponsor, Committee on Judiciary: Requiring a prisoner to seek authorization from a court before commencing a civil action against the victim of the prisoner's crimes. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 27, 2014
HB 2119 Prime Sponsor, Representative Schmick: Designating Palouse falls as the state waterfall. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2125 Prime Sponsor, Committee on Appropriations Subcommittee on General Government & Information Technology: Removing the requirements that all fines collected be credited to the Washington horse racing commission class C purse fund account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 28, 2014

ESHB 2155 Prime Sponsor, Committee on Government Accountability & Oversight: Preventing theft of alcoholic spirits from licensed retailers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; King and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hewitt.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2171 Prime Sponsor, Committee on Judiciary: Strengthening economic protections for veterans and military personnel. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2196 Prime Sponsor, Committee on Judiciary: Concerning the use of the judicial information system by courts before granting certain orders. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2205 Prime Sponsor, Committee on Public Safety: Modifying mental status evaluation provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

HB 2253 Prime Sponsor, Representative Manweller: Concerning telecommunications installations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 28, 2014

HB 2254 Prime Sponsor, Representative Manweller: Concerning telecommunications work experience for purposes of eligibility toward limited energy specialty electrician certification. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 2296 Prime Sponsor, Representative Pike: Addressing duplicate signatures on petitions in cities, towns, and code cities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dandel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

February 28, 2014

HB 2302 Prime Sponsor, Representative Moscoso: Concerning snack bar licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2318 Prime Sponsor, Committee on Labor & Workforce Development: Addressing contractor liability for industrial insurance premiums for not-for-profit nonemergency

medicaid transportation brokers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 28, 2014

ESHB 2353 Prime Sponsor, Committee on Judiciary: Concerning actions for trespass upon a business owner's premises. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Kline, Ranking Member; Pearson; Pedersen and Roach.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Darneille.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 2359 Prime Sponsor, Representative Kochmar: Exempting collectible vehicles from emission test requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dandel; Ericksen; Fain, Budget Leadership Cabinet; Litzow; Mullet; O'Ban and Rolfes.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2371 Prime Sponsor, Committee on Government Accountability & Oversight: Concerning the sale of beer by grocery store licensees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hewitt; King and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry, Chair and Hasegawa.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 2407 Prime Sponsor, Representative Ormsby: Correcting restrictions on collecting a pension in the public employees' retirement system for retirees returning to work in an ineligible position or a position covered by a different state retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking

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Member; Hasegawa; Hatfield; Kohl-Welles; Padden; Parlette; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hewitt.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2014

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HB 2408 Prime Sponsor, Representative Ormsby: Removing the statutory provision that allows members of plan 3 of the public employees' retirement system, school employees' retirement system, and teachers' retirement system to select a new contribution rate option each year. Reported by Committee on Ways & Means

SHB 2492 Prime Sponsor, Committee on Judiciary: Concerning liability of health care providers responding to an emergency. Reported by Committee on Law & Justice

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

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2430 Prime Sponsor, Committee on Health Care & Wellness: Concerning athletic trainers. Reported by Committee on Commerce & Labor

ESHB 2512 Prime Sponsor, Committee on Business & Financial Services: Concerning cosmetology, hair design, barbering, esthetics, and manicuring. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2461 Prime Sponsor, Committee on Business & Financial Services: Addressing the financial solvency of insurance companies. Reported by Committee on Financial Institutions, Housing & Insurance

HB 2527 Prime Sponsor, Representative Ormsby: Establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Holmquist Newbry, Chair; Conway, Ranking Member; Hasegawa and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senators Hewitt and King.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun, Vice Chair.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Fain; Hatfield and Roach.

MINORITY recommendation: Do not pass. Signed by Senators Mullet, Vice Co-Chair and Nelson.

Passed to Committee on Rules for second reading.

February 28, 2014

HB 2473 Prime Sponsor, Representative Liias: Encouraging citizens to serve in the legislature by creating leave provisions for legislative service. Reported by Committee on Commerce & Labor

HB 2534 Prime Sponsor, Representative Kirby: Requiring fingerprint background checks for the licensing of vehicle dealers and security guards. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator King.

February 27, 2014

ESHB 2535 Prime Sponsor, Committee on Early Learning & Human Services: Concerning review of licensing, unsupervised access to children, and employment decisions by the children's administration. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Hargrove.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 28, 2014

ESHB 2543 Prime Sponsor, Committee on Public Safety: Establishing a work group on electronic home monitoring. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

ESHB 2556 Prime Sponsor, Committee on Judiciary: Encouraging the establishment of therapeutic courts. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

HB 2573 Prime Sponsor, Representative Hudgins: Requiring the department of licensing to conduct a review of the need for regulation of theatrical wrestling events. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 27, 2014

EHB 2582 Prime Sponsor, Representative Hargrove: Concerning filing a petition seeking termination of parental rights. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Pearson, Vice Chair and Padden.

MINORITY recommendation: Do not pass. Signed by Senators Darneille, Ranking Member and Hargrove.

Passed to Committee on Rules for second reading.

February 27, 2014

SHB 2610 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Identifying characteristics of the homeless youth population. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Hargrove.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Ways & Means.

February 27, 2014

2SHB 2616 Prime Sponsor, Committee on Appropriations: Concerning parents with intellectual or developmental disabilities involved in dependency proceedings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Ways & Means.

February 28, 2014

SHB 2624 Prime Sponsor, Committee on Judiciary: Clarifying the applicability of child abduction statutes to residential provisions ordered by a court. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 27, 2014

2SHB 2627 Prime Sponsor, Committee on Appropriations Subcommittee on Health & Human Services: Concerning the arrest of individuals who suffer from chemical dependency. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

February 27, 2014

E2SHB 2639 Prime Sponsor, Committee on Appropriations: Concerning state purchasing of mental health and chemical dependency treatment services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Hargrove.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 2674 Prime Sponsor, Representative Warnick: Concerning the processing of quick titles by subagents. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet; O'Ban and Rolfes.

Passed to Committee on Rules for second reading.

February 28, 2014

ESHB 2680 Prime Sponsor, Committee on Government Accountability & Oversight: Establishing a caterer's license to sell spirits, beer, and wine. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry, Chair.

Passed to Committee on Ways & Means.

February 27, 2014

HB 2682 Prime Sponsor, Representative Green: Modifying provisions governing the competitive bidding process of water-sewer districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member; McCoy and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dansel.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2691 Prime Sponsor, Committee on Judiciary: Regulating legal service contractors. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

SHB 2706 Prime Sponsor, Committee on Government Accountability & Oversight: Ensuring safe, responsible, and legal acquisition of marijuana by adults. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 27, 2014

ESHB 2711 Prime Sponsor, Committee on Transportation: Concerning public charging stations for electric vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Cleveland; Ericksen; Fain, Budget Leadership Cabinet; Litzow; O'Ban and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senators Angel; Brown and Dansel.

Passed to Committee on Rules for second reading.

February 27, 2014

HB 2741 Prime Sponsor, Representative Orcutt: Concerning requirements before issuance of an initial vehicle registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet; O'Ban and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senator Cleveland.

Passed to Committee on Rules for second reading.

February 28, 2014

HB 2744 Prime Sponsor, Representative Hunt, G.: Modifying certain provisions governing veteran-owned businesses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 27, 2014

EHB 2752 Prime Sponsor, Representative Walkinshaw: Creating Washington state tree special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Angel; Brown; Cleveland; Dansel; Ericksen; Fain, Budget Leadership Cabinet; Liias; Litzow; Mullet; O'Ban and Rolfes.

Passed to Committee on Rules for second reading.

February 28, 2014

EHB 2789 Prime Sponsor, Representative Taylor: Concerning technology-enhanced government surveillance. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair;

Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 28, 2014

SGA 9180 CHARLENE D STRONG, reappointed on June 18, 2012, for the term ending June 17, 2017, as Member of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

SGA 9213 HAROLD W HANSON, reappointed on March 11, 2013, for the term ending at the governor's pleasure, as Director of the Washington State Lottery Commission. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 28, 2014

SGA 9220 PETER W BOGDANOFF, appointed on January 16, 2013, for the term ending August 2, 2018, as Member of the Lottery Commission. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

February 28, 2014

SGA 9260 VITO R DE LA CRUZ, appointed on August 19, 2013, for the term ending June 17, 2018, as Member of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

SGA 9264 PATRICK ESCAMILLA, appointed on October 16, 2013, for the term ending August 2, 2016, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Rules for second reading.

February 28, 2014

SGA 9323

GEOFFREY H SIMPSON, appointed on August 26, 2013, for the term ending June 30, 2019, as Member of the Gambling Commission. Reported by Committee on Commerce & Labor

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa; Hewitt; King and Kohl-Welles.

Passed to Committee on Rules for second reading.

MOTION

Senator Fain moved that all measures listed on the Supplemental Standing Committee Report be referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 2680 which was to be referred to the Committee on Rules.

The President declared the question before the Senate to be the motion by Senator Fain that all measures listed on the Supplemental Standing Committee Report be referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 2680 which was to be referred to the Committee on Rules.

MOTION

On motion of Senator Rolfes and without objection, the question of referring the measures was divided and Senate Bill No. 6566 was made a separate question.

The President declared the question before the Senate to be the motion by Senator Fain that all measures listed on the Supplemental Standing Committee report, with the exception of Senate Bill No. 6566, be referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 2680 which was to be referred to the Committee on Rules.

The motion by Senator Fain carried and the measures listed on the Supplemental Standing Committee report, with the exception of Senate Bill No. 6555, were referred to the committees as previously designated without objection.

The President declared the question before the Senate to be the motion by Senator Fain that Senate Bill No. 6566 be referred to the Committee on Rules.

POINT OF ORDER

Senator Rolfes: "I would like to make a point regarding the referral of Senate Bill No. 6566. I object it to being moved to Rules and I would like it to be referred back to the committee from whence it came because it is subject to the cut off dates and so it's improperly before us."

REPLY BY THE PRESIDENT

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President Owen: "Senator Rolfes, the President believes that your objection is that Senate Bill No. 6566 is not necessary to implement the budget therefore is not property before us. Is that correct?"

cannot deal with it at this time and it will be referred back to committee."

Senator Rolfes: "That is correct."

MOTION

REPLY BY THE PRESIDENT

At 3:08 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 a.m. Monday, March 3, 2014.

President Owen: "The President believes that you are correct and that bill is not properly before us. Therefore we

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 3, 2014

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Sydney Morkert and Willow Morkert, presented the Colors. Dr. Casey Treat, Senior Pastor at Christian Faith Center of Federal Way offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6577 by Senators King and Tom

AN ACT Relating to transportation revenue; amending RCW 82.36.025, 82.38.030, 82.38.030, 46.68.090, 46.68.090, 46.09.520, 46.10.530, 79A.25.070, 46.17.355, 46.17.365, 46.17.323, 46.25.052, 46.25.060, 46.25.100, 46.20.202, 36.73.015, 36.73.020, 36.73.065, 82.14.045, 82.80.140, and 81.77.170; reenacting and amending RCW 43.84.092, 43.84.092, and 46.09.520; adding a new section to chapter 46.68 RCW; adding a new section to chapter 46.37 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 47.29 RCW; creating new sections; repealing RCW 82.36.029 and 82.38.083; prescribing penalties; providing contingent effective dates; providing an expiration date; and providing contingent expiration dates.

Referred to Committee on Transportation.

SB 6578 by Senators King and Tom

AN ACT Relating to additive transportation funding and appropriations; amending 2013 c 306 s 603 (uncodified); adding new sections to 2013 c 306 (uncodified); creating new sections; making appropriations; and providing a contingent effective date.

Referred to Committee on Transportation.

SB 6579 by Senators King and Tom

AN ACT Relating to authorizing bonds for transportation funding; adding new sections to chapter 47.10 RCW; and providing a contingent effective date.

Referred to Committee on Transportation.

SB 6580 by Senators Nelson, Fraser and Kohl-Welles

AN ACT Relating to providing clarification of activities that constitute official duties of statewide elected officials for purposes of ethics laws; reenacting and amending RCW 42.52.010; and creating a new section.

Referred to Committee on Governmental Operations.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

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

MOTION

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

MOTION

Senator King moved adoption of the following resolution:

SENATE RESOLUTION
8698

By Senators King, Cleveland, Schoesler, Billig, Angel, Fain, Parlette, Pearson, Baumgartner, Holmquist Newbry, Brown, Hewitt, Bailey, Pedersen, Becker, Keiser, Hasegawa, Hatfield, Eide, Kline, Darneille, Padden, Benton, Hobbs, Hill, Tom, Chase, Kohl-Welles, Dammeier, Roach, Frockt, Rivers, Ericksen, Hargrove, Sheldon, Fraser, Nelson, Honeyford, Litzow, and Liias

WHEREAS, J. A. Bricker had a long and distinguished career in Washington State government, serving the people of Washington State in various positions for over three decades; and

WHEREAS, In 1960, Mr. Bricker began his career as a Senior Budget Analyst for the Office of Financial Management and later went on to serve as the Director of the Washington State Senate Committee Services Division; and

WHEREAS, Mr. Bricker served as a senior advisor to Governor Rosellini, Governor Evans, Governor Spellman, and Governor Gardner; and

WHEREAS, Following his time in state government, J. A. Bricker continued to work with the Legislature on issues of transportation, education, insurance, and financial services as the Director of Government Affairs for PEMCO Mutual Insurance Company until his retirement in 2013; and

WHEREAS, Mr. Bricker has dedicated himself to community service with activities too numerous to mention, including years of service to the National Conference of State Legislatures, Partnership for Learning, Washington Research Council, the Washington Roundtable, Washington State Oral History Program, Western Governor's Association, and YMCA Youth and Government; and

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WHEREAS, As a gubernatorial appointee, Mr. Bricker is entrusted to serve on the State Board for Community and Technical Colleges; and

WHEREAS, Mr. Bricker was an adjunct Professor of Public Administration and The Legislative Process at Pacific Lutheran University and a Lecturer of Public Policy and Administration at the University of Puget Sound; and

WHEREAS, J. A. Bricker freely mentored many grateful colleagues, students, and friends with his extensive knowledge of the legislative process;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate and commemorate the distinguished and accomplished career of J. A. Bricker; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to J. A. Bricker.

Senators King, Sheldon, Hobbs, Fraser, Parlette, Hatfield, Schoesler, Bailey, Tom, Dammeier and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8698.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Jim Bricker who was accompanied by Mr. & Mrs. Steve and Robin Bricker; Mr. & Mrs. Larry and Lynn Dee Bricker; Ms. Joanne Seng; and Ms. Barbara Howard who were seated in the gallery.

REMARKS BY THE PRESIDENT

President Owen: “Jim, I would have had you down here to speak but they said we didn’t have enough time in the day for that. We certainly are grateful that you are here and for your years of service. Visit us.”

MOTION

Senator Mullet moved adoption of the following resolution:

SENATE RESOLUTION
8697

By Senators Mullet, Fain, Fraser, Frockt, Kohl-Welles, Kline, Hobbs, Hatfield, Eide, Keiser, Lias, McCoy, Ranker, Hasegawa, Chase, Conway, Darneille, McAuliffe, Cleveland, Billig, Rolfes, and Nelson

WHEREAS, The students of Tahoma High School who participate in the program known as "*We The People: The Citizen and the Constitution*" have exhibited exceptional knowledge of the Constitution of the United States and the lessons taught by our founding fathers; and

WHEREAS, The team from Tahoma High School won their fifth straight state *We The People* competition – the school's 19th state championship; and

WHEREAS, These students will represent our state at the 27th Annual *We The People* National Finals in Washington, D.C., from April 24 to 29, 2014, where they will aspire to uphold the standards of excellence for which Tahoma High School is known; and

WHEREAS, These students have immersed themselves in becoming experts in the principles and vision of the founding

fathers, and documents and texts of the United States Constitution and Bill of Rights; and

WHEREAS, The Tahoma team is coached by Gretchen Wulffing, who was named Washington's Civic Educator of the Year in 2011 and who continues to impress upon her students the importance of learning about American constitutional democracy and the contemporary relevance of the nation's founding documents and principles; and

WHEREAS, These students and their advisor were aided by countless hours of help from *We The People* alumni, former students who helped prepare this year's debaters by volunteering as guest judges; and

WHEREAS, Studies have shown that eighty percent of high school seniors in this program have registered to vote, compared to an average of thirty-seven percent among other high school seniors, proof that *We The People* promotes a greater interest in participating in government; and

WHEREAS, Tahoma High School has a distinguished record in competitions at the national level most recently having placed seventh in the nation in 2013, placing in the top ten in the nation in 2012, winning Best Unit 5 in 2011 and 2010, and capturing the Western Regional Award in 2008;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor these "warriors of the Constitution": Sarah Beasley, Emma Bingle, Fiona Cleary, Hunter Cooper, Marcus Coselman, Arthur Downer, Kazuhide Dreyer-Maruyama, Sarah Faulk, Nathan Goerke, Erin Horn, Michelle Kang, Nicholas Lawson, Sarah Lewis, Tyler Lincoln, Todd Link, Katelyn McNally, Alexandra Milat, Adilah Musaliar, Ashton Ohms, Nicholas Pennington, Henry Smith, Anna Sonnen, Kyra Thrush, and Sarah Wheeler; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of Tahoma High School's *We The People* Team, team advisor Gretchen Wulffing, and the principal of Tahoma High School, Terry Duty, to convey the respect of this body for a job well done and to wish them success in their endeavors.

Senators Mullet and Fain spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8697.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the Tahoma High School “We The People: The Citizen and the Constitution” participants led by their teacher, Ms. Gretchen Wulffing who were seated in the gallery.

MOTION

At 11:34 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 8:53 p.m. by the acting President Pro Tempore Senator Rolfes presiding.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 3, 2014

SB 5880 Prime Sponsor, Senator Hill: Relating to education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5880 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig; Conway; Fraser; Hargrove, Ranking Member; Hasegawa and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

March 3, 2014

SB 5887 Prime Sponsor, Senator Rivers: Concerning the medical use of cannabis. Reported by Committee on Ways & Means

MAJORITY recommendation: That Third Substitute Senate Bill No. 5887 be substituted therefor, and the third substitute bill do pass. Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Hewitt; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Hargrove, Ranking Member and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Hasegawa; Hatfield and Kohl-Welles.

Passed to Committee on Rules for second reading.

March 3, 2014

SB 6542 Prime Sponsor, Senator Kohl-Welles: Establishing the state cannabis industry coordinating committee. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6542 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Billig; Conway; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Kohl-Welles; Parlette; Rivers and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Capital Budget Chair and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Braun; Dammeier; Hewitt and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2014

2SHB 1072 Prime Sponsor, Committee on Appropriations: Creating the agricultural labor skills and safety grant program. Reported by Committee on Ways & Means

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Padden.

Passed to Committee on Rules for second reading.

March 3, 2014

SHB 1156 Prime Sponsor, Committee on Agriculture & Natural Resources: Consolidating designated forest lands and open space timber lands for ease of administration. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources & Parks. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Hargrove, Ranking Member; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Fraser and Hasegawa.

Passed to Committee on Rules for second reading.

March 3, 2014

ESHB 1287 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Billig; Braun; Dammeier; Frockt; Hargrove, Ranking Member; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Capital Budget Chair; Becker; Hatfield; Hewitt; Padden and Parlette.

Passed to Committee on Rules for second reading.

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SHB 1635 Prime Sponsor, Committee on Appropriations: Concerning disproportionate share hospital adjustments. Reported by Committee on Ways & Means

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt.

Passed to Committee on Rules for second reading.

March 3, 2014

E2SHB 1727 Prime Sponsor, Committee on Appropriations: Raising licensure limits to allow assisted living facilities to serve a higher acuity resident population. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health Care. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Padden.

Passed to Committee on Rules for second reading.

March 3, 2014

2SHB 1909 Prime Sponsor, Committee on Appropriations: Concerning veteran-owned businesses. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

March 3, 2014

SHB 2018 Prime Sponsor, Committee on Appropriations: Regarding additional contribution rates for employers of the Washington state retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun;

Conway; Dammeier; Hargrove, Ranking Member; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

March 3, 2014

E2SHB 2029 Prime Sponsor, Committee on Appropriations: Eliminating the economic development-related agencies, boards, and commissions. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

March 3, 2014

SHB 2146 Prime Sponsor, Committee on Labor & Workforce Development: Concerning department of labor and industries appeal bonds. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

March 3, 2014

ESHB 2246 Prime Sponsor, Committee on Environment: Regarding financing for stewardship of mercury-containing lights. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hewitt; Kohl-Welles; Parlette; Rivers and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hatfield; Padden and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2014

SHB 2310 Prime Sponsor, Committee on Health Care & Wellness: Concerning safety equipment for individual providers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Kohl-Welles; Padden; Rivers and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Capital Budget Chair; Becker; Hewitt and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2014

ESHB 2315 Prime Sponsor, Committee on Health Care & Wellness: Concerning suicide prevention. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health Care. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2014

HB 2436 Prime Sponsor, Representative Hunter: Creating the public employees' benefits board benefits account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Billig; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Kohl-Welles; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Capital Budget Chair and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Braun; Hewitt and Parlette.

Passed to Committee on Rules for second reading.

March 3, 2014

HB 2437 Prime Sponsor, Representative Hunter: Clarifying employee eligibility for benefits from the public employees' benefits board and conforming the eligibility provisions with federal law. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair;

Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

March 3, 2014

HB 2456 Prime Sponsor, Representative Gregerson: Correcting the expiration date of a definition of firefighter. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Kohl-Welles; Padden; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Capital Budget Chair.

Passed to Committee on Rules for second reading.

March 3, 2014

2SHB 2457 Prime Sponsor, Committee on Appropriations: Concerning derelict and abandoned vessels. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources & Parks. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Parlette; Rivers and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Schoesler.

Passed to Committee on Rules for second reading.

March 3, 2014

HB 2479 Prime Sponsor, Representative Green: Placing restrictions on retired law enforcement officers and firefighters employed in certain public positions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Billig; Braun; Conway; Dammeier; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Padden; Parlette; Rivers; Schoesler and Tom.

FIFTIETH DAY, MARCH 3, 2014

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MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker.

Passed to Committee on Rules for second reading.

March 3, 2014

E2SHB 2493 Prime Sponsor, Committee on Finance: Concerning current use valuation for land primarily used for commercial horticultural purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Agriculture, Water & Rural Economic Development. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2014

ESHB 2519 Prime Sponsor, Committee on Early Learning & Human Services: Concerning early education for children involved in the child welfare system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Parlette; Rivers and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

March 3, 2014

HB 2585 Prime Sponsor, Representative Walsh: Concerning income eligibility for temporary assistance for needy families benefits for a child. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

March 3, 2014

SHB 2612 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Changing provisions relating to the opportunity scholarship. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

March 3, 2014

SHB 2613 Prime Sponsor, Committee on Higher Education: Creating efficiencies for institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 3, 2014

2SHB 2616 Prime Sponsor, Committee on Appropriations: Concerning parents with intellectual or developmental disabilities involved in dependency proceedings. (REVISED FOR PASSED LEGISLATURE: Concerning parents with developmental disabilities involved in dependency proceedings.) Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

March 3, 2014

SHB 2725 Prime Sponsor, Committee on Appropriations: Concerning court review of involuntary treatment decisions. Reported by Committee on Ways & Means

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

MINORITY recommendation: Do not pass. Signed by Senators Frockt and Hasegawa.

Passed to Committee on Rules for second reading.

March 3, 2014

SHB 2739 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Requiring a report analyzing the correlation of certain family factors with academic and behavioral indicators of student success. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Kohl-Welles; Rivers and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Capital Budget Chair; Braun and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

At 8:55 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Tuesday, March 4, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 4, 2014

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Keiser and Liias.

The Sergeant at Arms Color Guard consisting of Pages Tevon Lautenbach and Sophia Leis-Altaras, presented the Colors. Chaplain Bill Adams from the Mason County Sherriff Office offered the prayer and accompanied by Mason County Sherriff Casey Salisbury.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 2014

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1574,

SUBSTITUTE HOUSE BILL NO. 2634,

HOUSE BILL NO. 2790,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6581 by Senators Bailey, Kohl-Welles and Rivers

AN ACT Relating to nonresident vessel permits and taxation; amending RCW 88.02.620, 82.08.700, and 82.12.700; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that Jack Burkman, Gubernatorial Appointment No. 9248, be confirmed as a member of the Board of Trustees, Clark Community College District No. 14.

Senator Cleveland spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senators Keiser and Liias were excused.

APPOINTMENT OF JACK BURKMAN

The President declared the question before the Senate to be the confirmation of Jack Burkman, Gubernatorial Appointment No. 9248, as a member of the Board of Trustees, Clark Community College District No. 14.

The Secretary called the roll on the confirmation of Jack Burkman, Gubernatorial Appointment No. 9248, as a member of the Board of Trustees, Clark Community College District No. 14 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Benton and Honeyford

Excused: Senators Keiser and Liias

Jack Burkman, Gubernatorial Appointment No. 9248, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clark Community College District No. 14.

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION

8699

By Senators Fain and Rolfes

WHEREAS, The Senate adopted permanent rules for the 2013-2015 biennium under Senate Resolution 8601; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied;

NOW, THEREFORE, BE IT RESOLVED, That Senate Rule 7 is amended as follows:

"Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time. Food and drink are prohibited within the senate chamber during floor session, except that members may drink water at their floor desks. The use of cellular or digital telephones is prohibited within the senate chamber during floor session and within a hearing room during a committee hearing.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)"

Senators Fain and Rolfes spoke in favor of adoption of the resolution.

POINT OF INQUIRY

Senator Padden: "Would Senator Rolfes yield to a question? Senator Rolfes, how will we be sure that this is only water that the members are drinking? How will this be enforced?"

Senator Rolfes: "I will leave that in the Lieutenant Governor's good hands."

REPLY BY THE PRESIDENT

President Owen: "The President will observe whether your eyes are dilated or not."

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8699.

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

REMARKS BY THE PRESIDENT

President Owen: "The President would make a couple of comments relative to this because I have held to a long-time tradition of not allowing drinks on the floor, long before I became

Lieutenant Governor. I did so because of your directions to me to enforce decorum, protocol and dignity of this establishment. I did not want to see us fall into a situation where we had Pepsi cups and styrofoam cups, plastic bottles on the desks. So, I believe that the appearance is incredibly important because this institution is to me one of the most important and distinguished bodies in this state. Therefore, the Presidents, interpretation of this rule would be to, and we've talked to the Secretary of the Senate., they went out and found these beautiful mugs, that we would ask that you use on your desk. That plastic bottle, Senator Hewitt, water bottles and styrofoam cups will not be, still not be, permitted on the floor, Pepsi cups, Coco Cola cups, etc. The President would appreciate it very much if you would honor that and use just these mugs and then we can maintain, what I believe what is incredibly important to the people of the State of Washington is, the dignity and the appearance of this great institution. Thank you very much for your tolerance."

MOTION

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

SECOND READING

SENATE BILL NO. 6572, by Senator Braun

Concerning the expenditure limit for the state universal communications services program.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 6572 was substituted for Senate Bill No. 6572 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 6572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and McCoy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6572.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6572 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Keiser and Liias

SUBSTITUTE SENATE BILL NO. 6572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTY FIRST DAY, MARCH 4, 2014

2014 REGULAR SESSION

SENATE BILL NO. 6573, by Senators Hargrove and Hill

Changing the effective date of modifications to the aged, blind, and disabled and the housing and essential needs programs.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6573 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6573.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6573 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Keiser and Lias

SENATE BILL NO. 6573, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6057, by Senators Brown, Chase, Rivers, King, Angel, Bailey, Becker, Honeyford, Conway, Hatfield, Kline and Roach

Concerning tax credits for hiring individuals with developmental disabilities.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6057 was substituted for Senate Bill No. 6057 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6057.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6057 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Lias

SUBSTITUTE SENATE BILL NO. 6057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6049, by Senators O'Ban, Angel, Baumgartner, Benton, Brown, Rolfes, Rivers, Bailey, King, Padden, Becker, Honeyford, Roach, Sheldon, Dammeier, Parlette and Conway

Providing a business and occupation tax credit for businesses that hire veterans.

MOTION

On motion of Senator O'Ban, Substitute Senate Bill No. 6049 was substituted for Senate Bill No. 6049 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following striking amendment by Senators O'Ban and Hill be adopted:

Strike everything after the enacting clause and insert the following:

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

(1) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers and create or retain jobs, as indicated in RCW 82.32.808(2) (a) and (c).

(2) It is the legislature's specific public policy objective to provide employment for unemployed veterans. It is the legislature's intent to provide employers a credit against the business and occupation tax or public utility tax for hiring unemployed veterans which would reduce an employer's tax burden thereby inducing employers to hire and create jobs for unemployed veterans. Pursuant to chapter 43.136 RCW, the joint legislative audit and review committee must review the business and occupation tax and public utility tax credit established under sections 2 and 3 of this act by December 31, 2021.

(3) If a review finds that the number of unemployed veterans decreased by thirty percent, then the legislature intends for the legislative auditor to recommend extending the expiration date of the tax preference.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the joint legislative audit and review committee should refer to the veteran unemployment rates available from the employment security department and the bureau of labor statistics.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) A person is allowed a credit against the tax due under this chapter as provided in this section. The credit equals twenty percent of wages and benefits paid up to a maximum of one thousand five hundred dollars for each qualified employee hired on or after October 1, 2015.

(2) No credit may be claimed under this section until a qualified employee has been employed for at least two consecutive full calendar quarters.

(3) Credits are available on a first-in-time basis. The department must keep a running total of all credits allowed under this section and section 3 of this act during each fiscal year. The department may not allow any credits that would cause the total credits allowed under this section and section 3 of this act to exceed one million dollars in any fiscal year. If all or part of a claim for credit is disallowed under this subsection, the disallowed portion is carried over to the next fiscal year. However, the carryover into the next fiscal year is only permitted to the extent that the cap for the next fiscal year is not exceeded. Priority must be given to credits carried over from a previous fiscal year. The department must provide written notice to any person who has claimed tax credits in excess of the limitation in this subsection. The notice must indicate the amount of tax due and provide that the tax be paid within thirty days from the date of the notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(4) The credit may be used against any tax due under this chapter, and may be carried over until used, except as provided in subsection (10) of this section. No refunds may be granted for credits under this section.

(5) If an employer discharges a qualified employee for whom the employer has claimed a credit under this section, the employer may not claim a new credit under this section for a period of one year from the date the qualified employee was discharged. However, this subsection (5) does not apply if the qualified employee was discharged for misconduct, as defined in RCW 50.04.294, connected with his or her work or discharged due to a felony or gross misdemeanor conviction.

(6) Credits earned under this section may be claimed only on returns filed electronically with the department using the department's online tax filing service or other method of electronic reporting as the department may authorize. No application is required to claim the credit, but the taxpayer must keep records necessary for the department to determine eligibility under this section including records establishing the person's status as a veteran and status as unemployed when hired by the taxpayer.

(7) No person may claim a credit against taxes due under both chapters 82.04 and 82.16 RCW for the same qualified employee.

(8) No employer may claim a credit under this section for a person whom any employer has previously claimed a credit for under this section.

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

(a)(i) "Qualified employee" means an unemployed veteran who is employed in a permanent full-time position for at least two consecutive full calendar quarters. For seasonal employers, "qualified employee" also includes the equivalent of a full-time employee in work hours for two consecutive full calendar quarters.

(ii) For purposes of this subsection (9)(a), "full time" means a normal work week of at least thirty-five hours.

(b) "Unemployed" means that the veteran was unemployed as defined in RCW 50.04.310 for at least thirty days immediately preceding the date that the veteran was hired by the person claiming credit under this section for hiring the veteran.

(c) "Veteran" means every person who has received an honorable discharge or received a discharge for medical reasons with an honorable record or is currently serving honorably, and who has served as a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves.

(10) Credits allowed under this section can be earned for tax reporting periods through June 30, 2021. No credits can be claimed after June 30, 2022.

(11) This section expires July 1, 2022.

NEW SECTION. Sec. 3. A new section is added to chapter 82.16 RCW to read as follows:

(1) A person is allowed a credit against the tax due under this chapter as provided in this section. The credit equals twenty percent of wages and benefits paid up to a maximum of one thousand five hundred dollars for each qualified employee hired on or after October 1, 2015.

(2) No credit may be claimed under this section until a qualified employee has been employed for at least two consecutive full calendar quarters.

(3) Credits are available on a first-in-time basis. The department must keep a running total of all credits allowed under this section and section 2 of this act during each fiscal year. The department may not allow any credits that would cause the total credits allowed under this section and section 2 of this act to exceed one million dollars in any fiscal year. If all or part of a claim for credit is disallowed under this subsection, the disallowed portion is carried over to the next fiscal year. However, the carryover into the next fiscal year is only permitted to the extent that the cap for the next fiscal year is not exceeded. Priority must be given to credits carried over from a previous fiscal year. The department must provide written notice to any person who has claimed tax credits in excess of the limitation in this subsection. The notice must indicate the amount of tax due and provide that the tax be paid within thirty days from the date of the notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(4) The credit may be used against any tax due under this chapter, and may be carried over until used, except as provided in subsection (10) of this section. No refunds may be granted for credits under this section.

(5) If an employer discharges a qualified employee for whom the employer has claimed a credit under this section, the employer may not claim a new credit under this section for a period of one year from the date the qualified employee was discharged. However, this subsection (5) does not apply if the qualified employee was discharged for misconduct, as defined in RCW 50.04.294, connected with his or her work or discharged due to a felony or gross misdemeanor conviction.

(6) Credits earned under this section may be claimed only on returns filed electronically with the department using the department's online tax filing service or other method of electronic reporting as the department may authorize. No application is required to claim the credit, but the taxpayer must keep records necessary for the department to determine eligibility under this section including records establishing the person's status as a veteran and status as unemployed when hired by the taxpayer.

(7) No person may claim a credit against taxes due under both chapters 82.04 and 82.16 RCW for the same qualified employee.

(8) No employer may claim a credit under this section for a person whom any employer has previously claimed a credit for under this section.

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

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(a)(i) "Qualified employee" means an unemployed veteran who is employed in a permanent full-time position for at least two consecutive full calendar quarters. For seasonal employers, "qualified employee" also includes the equivalent of a full-time employee in work hours for two consecutive full calendar quarters.

(ii) For purposes of this subsection (9)(a), "full time" means a normal work week of at least thirty-five hours.

(b) "Unemployed" means that the veteran was unemployed as defined in RCW 50.04.310 for at least thirty days immediately preceding the date that the veteran was hired by the person claiming credit under this section for hiring the veteran.

(c) "Veteran" means every person who has received an honorable discharge or received a discharge for medical reasons with an honorable record or is currently serving honorably, and who has served as a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves.

(10) Credits allowed under this section can be earned for tax reporting periods through June 30, 2021. No credits can be claimed after June 30, 2022.

(11) This section expires July 1, 2022.

NEW SECTION. **Sec. 4.** This act takes effect October 1, 2015."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators O'Ban and Hill to Substitute Senate Bill No. 6049.

The motion by Senator O'Ban carried and the striking amendment was adopted by voice vote.

MOTION

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

On page 1, beginning on line 2 of the title, after "veterans;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; providing an effective date; and providing expiration dates."

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute Senate Bill No. 6049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6049.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6049 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Nelson

ENGROSSED SUBSTITUTE SENATE BILL NO. 6049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senators Eide and Nelson were excused.

SECOND READING

SENATE BILL NO. 6515, by Senators Brown, Chase, Hewitt and Rivers

Creating a pilot program that provides incentives for investments in Washington state job creation and economic development.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6515 was substituted for Senate Bill No. 6515 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Chase and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6515.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6515 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Frockt and Pedersen

Excused: Senators Eide and Nelson

SUBSTITUTE SENATE BILL NO. 6515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6215, by Senators Mullet, Ericksen, Ranker, Litzow, Chase and Fain

Clarifying and correcting RCW 82.08.962 and 82.12.962 regarding the sales and use tax treatment of machinery and equipment purchases by companies producing pipeline-quality natural gas using landfill gas.

MOTIONS

On motion of Senator Mullet, Second Substitute Senate Bill No. 6215 was substituted for Senate Bill No. 6215 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Second Substitute Senate Bill No. 6215 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6215.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6215 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Hasegawa, Kline, Kohl-Welles and Pedersen

Excused: Senators Eide and Nelson

SECOND SUBSTITUTE SENATE BILL NO. 6215, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6505, by Senators Hargrove, Hill and Braun

Delaying the use of existing tax preferences by the marijuana industry to ensure a regulated and safe transition to the controlled and legal marijuana market in Washington.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6505 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6505.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6505 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette,

Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Eide and Nelson

SENATE BILL NO. 6505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6440, by Senators King, Eide and Kline

Imposing motor vehicle fuel taxes on compressed natural and liquefied natural gas used for transportation purposes. Revised for 1st Substitute: Imposing transportation taxes and fees on compressed natural gas and liquefied natural gas used for transportation purposes.

MOTION

On motion of Senator King, Substitute Senate Bill No. 6440 was substituted for Senate Bill No. 6440 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Beginning on page 4, line 19, after "(3)" strike all material through "(6)" on page 5, line 3 and insert "The department, in addition to the resulting fee, must charge an additional fee of five dollars as a handling charge for each license issued.

(4) The vehicle tonnage fee must be prorated so the annual license will correspond with the staggered vehicle licensing system.

(5) A decal or other identifying device issued upon payment of the annual fee must be displayed as prescribed by the department as authority to purchase this fuel.

(6) Persons selling or dispensing natural gas or propane may not sell or dispense this fuel for their own use or the use of others into tanks of vehicles powered by this fuel which do not display a valid decal or other identifying device.

(7) Commercial motor vehicles registered in a foreign jurisdiction under the provisions of the international registration plan are subject to the annual fee.

(8) Motor vehicles registered in a foreign jurisdiction, except those registered under the international registration plan under chapter 46.87 RCW, are exempt from this section.

(9)"

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

On page 18, line 37, after "act" insert "and is taxable by the state under chapters 82.08 and 82.12 RCW"

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Eide on page 4, line 19 to Substitute Senate Bill No. 6440.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike "imposing transportation taxes and fees on"

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MOTION

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

On page 18, line 37, after "act" insert "and is taxable by the state under chapters 82.08 and 82.12 RCW"

On page 1, line 1 of the title, after "Relating to" strike "imposing transportation taxes and fees on"

WITHDRAWAL OF AMENDMENT

On motion of Senator King, the amendment by Senators King and Eide on page 18, line 37 to Substitute Senate Bill No. 6440 was withdrawn.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 6440 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Hasegawa: "Would Senator King yield to a question? The fiscal note shows a 7.2 million dollar impact, negative impact, on cash receipts but apparently it's supposed to be replaced with a B & O tax which that doesn't show in the fiscal note. Is there a substitute for the 7.2 million being lowered?"

Senator King: "I do not know that but I would know if the bill doesn't pass there won't be. This will allow to use a facility that needs to be built and my understanding is that that would more than offset what we're losing in regards to this 7.2 million."

Senators Mullet, Liias and Baumgartner spoke in favor of passage of the bill

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6440.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6440 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Liias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Dansel, Frockt, Hasegawa, Kohl-Welles, Padden and Pedersen

Excused: Senators Eide and Nelson

ENGROSSED SUBSTITUTE SENATE BILL NO. 6440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6157, by Senators Hatfield, Padden, Hobbs, Schoesler, Hewitt and Ericksen

Concerning a hazardous substance tax exemption for certain hazardous substances defined under RCW 82.21.020(1)(c) that are used as agricultural crop protection products and warehoused but not otherwise used, manufactured, packaged, or sold in this state.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 6157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6157.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6157 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Conway, Dammeier, Dansel, Ericksen, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Mullet, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Darneille, Eide, Fain, Fraser, Frockt, Hasegawa, Hill, Keiser, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Pedersen, Ranker and Rolfes

Excused: Senator Nelson

SENATE BILL NO. 6157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5430, by Senators Hobbs, King, Eide, Honeyford, Schlicher and Cleveland

Modifying the distribution and use of aircraft excise taxes.

The measure was read the second time.

MOTION

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

On page 1, line 9, after "account" strike "in the transportation fund" and insert "~~((in the transportation fund))~~"

On page 1, after line 12, insert the following:

"**Sec. 2.** RCW 82.42.090 and 1995 c 170 s 1 are each amended to read as follows:

All moneys collected by the director from the aircraft fuel excise tax as provided in RCW 82.42.020 shall be transmitted to the state treasurer and shall be credited to the aeronautics account hereby created in the ~~((transportation fund of the))~~ state treasury. Moneys collected from the consumer or user of aircraft fuel from either the use tax imposed by RCW 82.12.020 or the retail sales tax

imposed by RCW 82.08.020 shall be transmitted to the state treasurer and credited to the state general fund.

Sec. 3. RCW 82.42.090 and 2013 c 225 s 305 are each amended to read as follows:

All taxes, interest, and penalties collected under this chapter must be deposited into the aeronautics account hereby created in the state treasury. All taxes, interest, and penalties collected from the consumer or user of aircraft fuel from either the use tax imposed by RCW 82.12.020 or the retail sales tax imposed by RCW 82.08.020 must be deposited into the state general fund.

NEW SECTION. Sec. 4. Section 2 of this act expires July 1, 2015.

NEW SECTION. Sec. 5. Section 3 of this act takes effect July 1, 2015."

Senator Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hobbs and others on page 1, line 9 to Senate Bill No. 5430.

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

MOTION

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

On page 1, line 2 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 82.48.090, 82.42.090, and 82.42.090; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Senate Bill No. 5430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5430.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5430 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Lias, Litzow, McAuliffe, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Frockt, Kohl-Welles, McCoy and Pedersen

Excused: Senator Nelson

ENGROSSED SENATE BILL NO. 5430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Frockt was excused.

SECOND READING

SENATE BILL NO. 6518, by Senator Chase

Transferring technology-based economic development programs from innovate Washington to the department of commerce. Revised for 2nd Substitute: Terminating the operations of innovate Washington and transferring property from innovate Washington to Washington State University and the department of commerce.

MOTION

On motion of Senator Chase, Second Substitute Senate Bill No. 6518 was substituted for Senate Bill No. 6518 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Billig moved that the following amendment by Senators Billig and Chase be adopted:

On page 12, line 6, after "provided in" insert "section 8 of this act and"

On page 13, after line 29, insert the following:

"NEW SECTION. Sec. 8. (1) The FAA center of excellence for alternative jet fuels and environment at Washington State University shall convene a sustainable aviation biofuels work group.

(2) The purpose of the work group is to:

(a) Further the development of sustainable aviation fuel as a productive industry in Washington, using as a foundation the regional assessment prepared by the collaborative known as the sustainable aviation fuels northwest;

(b) Facilitate communication and coordination among aviation biofuels stakeholders;

(c) Provide a forum for discussion and problem solving regarding potential and current barriers related to technology development, production, distribution, supply chain development, and commercialization of aviation biofuels; and

(d) Provide recommendations to the legislature on potential legislation that will facilitate the technology development, production, distribution, and commercialization of aviation biofuels.

(3) The FAA center of excellence for alternative jet fuels and environment at Washington State University, in consultation with the legislative members, shall designate work group members that represent sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group shall include but not be limited to representatives from the following:

(a) The Washington state senate;

(b) The Washington state house of representatives;

(c) An agriculture advocacy organization;

(d) An airline operator;

(e) An airplane manufacturer;

(f) An airport operator located in western Washington and an airport operator located in eastern Washington;

(g) Biofuels feedstock producers;

(h) Two biofuels producers;

(i) The department of agriculture;

(j) The department of commerce;

(k) The department of natural resources;

(l) A sustainable energy advocacy organization;

(m) The United States department of defense;

(n) The University of Washington;

(o) Washington State University; and

(p) The Pacific Northwest national laboratory.

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(4) The work group shall choose its chair from among its membership.

(5) The work group may not meet more than twice a year.

(6) The work group shall provide an update of its findings and recommendations to the governor and the appropriate committees of the legislature by December 1st of each even year through 2016.

(7) This section expires June 30, 2017."

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

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Billig and Chase on page 12, line 6 to Second Substitute Senate Bill No. 6518.

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

MOTION

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

On page 1, line 6 of the title, after "creating" strike "a new section" and insert "new sections"

On page 1, line 9 of the title, strike "and" and after "date" insert "; and providing an expiration date"

MOTION

Senator Chase moved that the following amendment by Senators Chase and Billig be adopted:

On page 13, line 5, after "University." strike "The department of commerce" and insert "Innovate Washington"

On page 13, line 14, after "that" strike all material through "Washington" and insert "innovate Washington provided services to"

On page 13, beginning on line 16, after "building" strike all material through "section" on line 18

Senator Chase spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Chase and Billig on page 13, line 5 to Second Substitute Senate Bill No. 6518.

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

MOTION

On motion of Senator Chase, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Chase and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6518.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6518 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Frockt and Nelson

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6570, by Senators Becker, Keiser, Hargrove, Braun, Hill and Ranker

Adjusting timelines relating to the hospital safety net assessment.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 6570 was substituted for Senate Bill No. 6570 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hill moved that the following amendment by Senators Hill and Hargrove be adopted:

On page 1, line 1, of the title, after "timelines", insert "for fiscal year 2014"

Senator Hill spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hill and Hargrove on page 1, line 1 to Substitute Senate Bill No. 6570.

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

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 6570 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6570.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6570 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Parlette, Pearson,

Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Baumgartner, Dansel, Ericksen, Holmquist Newbry and Padden

Excused: Senators Frockt and Nelson

ENGROSSED SUBSTITUTE SENATE BILL NO. 6570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:38 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:17 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2748, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McCoy moved that Betty J Cobbs, Gubernatorial Appointment No. 9255, be confirmed as a member of the Board of Trustees, Everett Community College District No. 5.

Senator McCoy spoke in favor of the motion.

APPOINTMENT OF BETTY J COBBS

The President declared the question before the Senate to be the confirmation of Betty J Cobbs, Gubernatorial Appointment No. 9255, as a member of the Board of Trustees, Everett Community College District No. 5.

The Secretary called the roll on the confirmation of Betty J Cobbs, Gubernatorial Appointment No. 9255, as a member of the Board of Trustees, Everett Community College District No. 5 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser,

Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Kohl-Welles

Betty J Cobbs, Gubernatorial Appointment No. 9255, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Everett Community College District No. 5.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Catherine P. D'Ambrosio, Gubernatorial Appointment No. 9257, be confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

Senator Chase spoke in favor of the motion.

MOTION

On motion of Senator Cleveland, Senator Kohl-Welles was excused.

APPOINTMENT OF CATHERINE P D'AMBROSIO

The President declared the question before the Senate to be the confirmation of Catherine P D'Ambrosio, Gubernatorial Appointment No. 9257, as a member of the Board of Trustees, Shoreline Community College District No. 7.

The Secretary called the roll on the confirmation of Catherine P D'Ambrosio, Gubernatorial Appointment No. 9257, as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Catherine P D'Ambrosio, Gubernatorial Appointment No. 9257, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

MOTION

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

SECOND READING

HOUSE BILL NO. 2119, by Representatives Schmick, Fagan, Haler and Moscoso

Designating Palouse falls as the state waterfall.

The measure was read the second time.

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MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Schoesler, Hasegawa and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2119.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2119 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Nelson, O'Ban, Padden, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler and Sheldon

Voting nay: Senators Mullet, Pearson and Tom

HOUSE BILL NO. 2119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2106, by Representatives Hawkins, Bergquist, Condotta, Fitzgibbon, Manweller, Pollet, S. Hunt, Wylie, Haler and Appleton

Concerning primaries for county offices.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Hasegawa and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2106.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2106 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

HOUSE BILL NO. 2106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2228, by Representatives Smith, Wylie, Seaquist, Ormsby, Haler, Moscoso, Johnson, Ryu and Pollet

Providing parity of consumer protection procedures for all students attending licensed private vocational schools.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 2228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2228.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2228 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Scott, Shea, Taylor, Short and Overstreet)

Concerning compliance with inspections of child care facilities.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute House Bill No. 2191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2191.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2191 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2567, by House Committee on Judiciary (originally sponsored by Representatives Zeiger, Morrell, Rodne and Jinkins)

Concerning the approval of minutes from annual meetings of homeowners' associations. Revised for 1st Substitute: Concerning the approval of minutes from meetings of homeowners' associations.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Substitute House Bill No. 2567 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2567.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2567 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2567, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2580, by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Tarleton, Haler, Fey, Wylie, Seauquist, Pollet, Ryu and Carlyle)

Fostering economic resilience and development in Washington by supporting the maritime industry and other manufacturing sectors.

The measure was read the second time.

MOTION

Senator Angel moved that the following committee striking amendment by the Committee on Trade & Economic Development be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes the important role of the maritime industry and other manufacturing sectors in creating and sustaining economic opportunities in Washington. The maritime industry and other manufacturing sectors account for forty percent of the gross domestic product in Washington. In looking to the state's future, the legislature finds that supporting the maritime industry and other manufacturing sectors is critical to building and sustaining a diverse and resilient economy in Washington.

(2) The maritime industry and other manufacturing sectors are interconnected with the public infrastructure, including ports, roads, railways, energy facilities, and water-sewer facilities. The protection and expansion of public infrastructure, including through urban planning and disaster recovery planning, is crucial to the success of the maritime industry and other manufacturing sectors.

(3) To that end, the legislature intends to engage in a collaborative process with state agencies, local governments, and private sector leaders to evaluate whether changes in state and local policies are necessary to foster resilience and growth in the maritime industry and other manufacturing sectors. Through the establishment of the joint select legislative task force, the legislature intends to take action to support and sustain the maritime industry and other manufacturing sectors as the region continues to recover from the national financial crisis and progresses toward a future of increased economic opportunity for all citizens of the state.

NEW SECTION. Sec. 2. (1)(a) A joint select legislative task force on the economic resilience of maritime and manufacturing in Washington is established, with members as provided in this subsection.

(i) The speaker of the house of representatives must appoint three members from each of the two largest caucuses of the house of representatives.

(ii) The president of the senate must appoint three members from each of the two largest caucuses of the senate.

(iii) The governor must appoint one member to represent the department of commerce.

(b) The legislative members of the task force must select cochairs from among the membership, one from the house of representatives and one from the senate.

(2)(a) The task force must develop recommendations that achieve the following objectives:

(i) Identify the maritime and manufacturing sectors of economic significance to the state;

(ii) Identify and assess the critical public infrastructure that supports and sustains the maritime and manufacturing sectors;

(iii) Identify the barriers to maintaining and expanding the maritime and manufacturing sectors;

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(iv) Identify and assess the educational resources and support services available to local governments with respect to supporting and sustaining the development of the maritime and manufacturing sectors;

(v) Promote regulatory consistency and certainty in the areas of urban planning, land use permitting, and business development in a manner that encourages the maritime and manufacturing industries in urban areas;

(vi) Encourage cooperation between the public and private sectors to foster economic growth;

(vii) Explore public-private sector collaborations that draw on Washington State University research centers and institutes with expertise on maritime interoperability and critical infrastructure resilience;

(viii) Identify aspects of state policy that have an impact on fostering resilience and growth in the maritime and manufacturing sectors, such as storm water policy and other food fish-related issues; and

(ix) Maximize the opportunities for employment in the maritime industry and other manufacturing sectors in Washington.

(b) The recommendations of the task force must include a short and long-term action plan for the legislature to support and sustain the maritime industry and other manufacturing sectors in Washington. The recommendations of the task force may also include specific legislative approaches, such as changes to state law, and nonlegislative approaches, such as action plans for state agencies and local governments.

(3)(a) The task force must consult with local governments and state agencies, which must include, but are not limited to: The department of commerce, the department of transportation, the office of regulatory assistance, the workforce training and education coordinating board, and associate development organizations.

(b) The legislative cochairs must appoint an advisory committee consisting of maritime and manufacturing business, labor, and other representatives to provide technical information and assistance in completing the objectives of the task force. Membership on the advisory committee must include, but are not limited to representatives from: Marine terminal operators, manufacturing, maritime businesses, local industrial councils, local labor trades councils, and chambers of commerce.

(4) The task force must submit to the governor and the appropriate committees of the legislature a work plan by December 1, 2014, and a report with the task force's final findings and recommendations by November 1, 2015.

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

(6) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) This section expires June 1, 2016."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Trade & Economic Development to Engrossed Second Substitute House Bill No. 2580.

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

MOTION

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

On page 1, line 3 of the title, after "sectors;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Angel, the rules were suspended, Engrossed Second Substitute House Bill No. 2580 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel, Hargrove and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2580 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2580 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2580 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2100, by Representatives Johnson, Rodne, Pollet, Zeiger, Tarleton, Senn, Habib, Moscoso, Goodman, Bergquist, Fey, Walkinshaw, Riccelli and Freeman

Creating Seattle University special license plates.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 2100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, King and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2100.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2100 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Sheldon and Tom

Voting nay: Senators Darneille, Holmquist Newbry and Schoesler

HOUSE BILL NO. 2100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1260, by House Committee on Capital Budget (originally sponsored by Representatives Warnick and Stanford)

Concerning public facilities' grants and loans.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following committee striking amendment by the Committee on Agriculture, Water & Rural Economic Development be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.160.010 and 2012 c 225 s 2 are each amended to read as follows:

(1) The legislature finds that it is the ((public)) policy of the state of Washington to ((direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment)) employ state and federal resources to foster economic development to promote private investment and to create or retain job opportunities for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless ((is)) are important for the economic welfare of the state.

(2) The legislature finds that a valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. ~~((A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:~~

~~—(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;~~

~~—(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;~~

~~—(c) Encouraging wider access to financial resources for both large and small industrial development projects;~~

~~—(d) Encouraging new economic development or expansions to maximize employment;~~

~~—(e) Encouraging the retention of viable existing firms and employment;~~

~~—(f) Providing incentives for expansion of employment~~

~~opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment; and~~

~~—(g) Enhancing job and business growth through facility development and other improvements in innovation partnership zones designated under RCW 43.330.270.~~

~~—(2))~~ (3) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways, county roads, or city streets for industries considering locating or expanding in this state.

((3)) (4) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

((4)) (5) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in the state.

((5)) (6) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that the construction or rehabilitation of public facilities ~~((which))~~ that result in private construction of processing or remanufacturing facilities for recyclable materials ~~((are))~~ is eligible for consideration from the board.

((6)) (7) The legislature finds that sharing economic growth statewide is important to the welfare of the state. The ability of communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure are critical ingredients for economic development. ~~((It is, therefore, the intent of the legislature to increase the amount of funding available through the community economic revitalization board and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.))~~

(8) It is, therefore, the intent of the legislature to create a community economic revitalization board to aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater stability of income and employment;

(c) Encouraging greater access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and promoting employment within these firms;

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment; and

(g) Enhancing job and business growth through facility development and other improvements in innovation partnership zones designated under RCW 43.330.270.

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NEW SECTION. Sec. 2. A new section is added to chapter 43.160 RCW to read as follows:

The legislature finds that the community economic revitalization board has successfully acted as an economic development infrastructure financier for local governments. It is, therefore, the intent of the legislature to authorize flexibility for the community economic revitalization board to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

Sec. 3. RCW 43.160.020 and 2012 c 225 s 3 are each amended to read as follows:

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

(1) "Board" means the community economic revitalization board.

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

(3) "Director" means the director of the department.

(4) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(5) "Planning project" means project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; and economic development industry cluster analysis.

(6) "Project" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of a public facility.

(7) "Public facilities" means ~~(a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of:)~~ bridges; roads; research, testing, training, and incubation facilities in areas designated as innovation partnership zones under RCW 43.330.270; buildings or structures; domestic and industrial water, earth stabilization, sanitary sewer, storm ~~(sewer)~~ water, railroad, electricity, broadband, telecommunications, transportation, natural gas, and port facilities ~~(; all for the purpose of job creation, job retention, or job expansion)).~~

(8) "Rural county" means a county with a population density of fewer than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

Sec. 4. RCW 43.160.030 and 2011 1st sp.s. c 21 s 25 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board ~~((shall))~~ **must** consist of one member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The board ~~((shall))~~ **must** also consist of the following members appointed by the director of commerce: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of a federally recognized Indian tribe; one representative of the public; ~~((one))~~ **four** representatives of small businesses ~~((each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades)),~~ **two from the area east of the Cascade range and two from the area west of the**

Cascade range; and two executives from large businesses, one from the area east of the Cascade range and one from the area west of the Cascade range. The appointive members ~~((shall))~~ **must** initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms ~~((which shall))~~ **that must** include the chair. Thereafter each succeeding term ~~((shall))~~ **must** be for three years. The chair of the board ~~((shall))~~ **must** be selected by the director of commerce. The members of the board ~~((shall))~~ **must** elect one of their members to serve as vice(-)chair. The director of commerce, the director of revenue, the commissioner of employment security, and the secretary of transportation ~~((shall))~~ **must** serve as nonvoting advisory members of the board.

(3) ~~((Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter.~~

(4) Members of the board ~~((shall))~~ **must** be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

~~((5))~~ (4) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the director of commerce ~~((shall))~~ **must** fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the director of commerce, under chapter 34.05 RCW.

~~((6))~~ (5) A member appointed by the director of commerce may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the director of commerce.

~~((7))~~ (6) A majority of members currently appointed constitutes a quorum.

Sec. 5. RCW 43.160.050 and 2008 c 327 s 4 are each amended to read as follows:

The board may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business.

(2) Adopt an official seal and alter the seal at its pleasure.

(3) Utilize the services of other governmental agencies.

(4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants.

(5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers.

(6) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter.

(7) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.

(8) Consistent with the guidelines issued by the office of financial management and in consultation with the department, prepare biennial operating and capital budgets and, as needed, update these budgets during the biennium.

(9) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

~~((9))~~ (10) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 43.160 RCW to read as follows:

Management services, including fiscal and contract services, must be provided by the department to assist the board in implementing this chapter.

NEW SECTION. Sec. 7. A new section is added to chapter 43.160 RCW to read as follows:

(1) In order to assist political subdivisions of the state and federally recognized Indian tribes in financing the cost of public facilities, the board:

(a) Must execute contracts or otherwise financially obligate funds from the public facilities construction loan revolving account for projects approved for funding by the board under the following programs:

- (i) Committed private sector partner construction;
- (ii) Prospective development construction;
- (iii) Planning; and
- (iv) Any other program authorized by the legislature.

(b) Must provide loans to political subdivisions and federally recognized Indian tribes for the purposes of financing the cost of public facilities.

(i) The board must determine the interest rate that loans bear. The interest rate may not exceed ten percent per annum.

(ii) The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural communities as defined by the board, or rural counties. The loans may not exceed twenty years in duration.

(c) May provide grants for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. The board must balance the need for grants with the need to sustain the public facilities construction loan revolving account.

(2) No more than twenty-five percent of all financial assistance approved by the board in any biennium may consist of grants to political subdivisions and federally recognized Indian tribes.

(3) Except as authorized to the contrary under subsection (4) of this section, from all funds available to the board for financial assistance in a biennium under this chapter, the board must approve at least seventy-five percent of the first twenty million dollars of funds available and at least fifty percent of any additional funds for financial assistance for projects in rural counties or board defined rural communities.

(4) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in rural counties or board defined rural communities are clearly insufficient to use up the allocations under subsection (3) of this section, the board must estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in rural counties or board defined rural communities.

(5) The board may elect to reserve up to one million dollars of its biennial appropriation to use as state match for federal grant awards. The purpose and use of the federal funds must be consistent with the board's purpose of financing economic development infrastructure. Reserved board funds must be matched, at a minimum, dollar for dollar by federal funds. If the set aside funds are not fully utilized for federal grant match by the 18th month of the biennium, the board may use those funds for other eligible projects as stated in this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 43.160 RCW to read as follows:

The board must:

(1) Establish and maintain collaborative relations with governmental, private, and other financing organizations, advocate groups, and other stakeholders associated with state economic development activities and policies;

(2) Provide information and advice to the governor and legislature on matters related to economic development; and

(3) At the direction of the governor, provide information and advocacy at the national level on matters related to economic development financing.

NEW SECTION. Sec. 9. A new section is added to chapter 43.160 RCW to read as follows:

(1) The board must prioritize awards for committed private sector partner construction and prospective development construction projects by considering at a minimum the following criteria:

(a) The number of jobs created by the expected business creation or expansion and the average wage of those expected jobs. In evaluating proposals for their job creation potential, the board may adjust the job estimates in applications based on the board's judgment of the credibility of the job estimates;

(b) The need for job creation based on the unemployment rate of the county or counties in which the project is located. In evaluating the average wages of the jobs created, the board must compare those wages to median wages of private sector jobs in the county or counties surrounding the project location. When evaluating the jobs created by the project, the board may consider the area labor supply and readily available skill sets of the labor pool in the county or counties surrounding the project location;

(c) How the expected business creation or expansion fits within the region's preferred economic growth strategy as indicated by the efforts of nearby innovation partnership zones, industry clusters, future export prospects, or local government equivalent if available;

(d) The speed with which the project can begin construction; and

(e) The extent that the project leverages nonstate funds, and achieves overall the greatest benefit in job creation at good wages for the amount of money provided.

(2) The board may not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion;

(b) For any project for which evidence exists that would result in a development or expansion that would displace jobs in any other community in the state;

(c) For a project the primary purpose of which is to facilitate or promote gambling; or

(d) For a project located outside the jurisdiction of the applicant political subdivision or federally recognized Indian tribe.

Sec. 10. RCW 43.160.076 and 2011 c 180 s 301 are each amended to read as follows:

((1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter, the board shall approve at least seventy-five percent of the first twenty million dollars of funds available and at least fifty percent of any additional funds for financial assistance for projects in rural counties.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in rural counties are clearly insufficient to use up the allocations under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in rural counties.

(3)) The board ((shall)) must solicit qualifying projects to plan, design, and construct public facilities needed to attract new industrial and commercial activities in areas impacted by the closure or potential closure of large coal-fired electric generation facilities, which for the purposes of this section means a facility that emitted more than one million tons of greenhouse gases in any calendar year prior to 2008. The projects should be consistent with any applicable plans for major industrial activity on lands formerly used

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or designated for surface coal mining and supporting uses under RCW 36.70A.368. When the board receives timely and eligible project applications from a political subdivision of the state for financial assistance for such projects, the board from available funds ((shall)) must give priority consideration to such projects.

Sec. 11. RCW 43.160.080 and 2010 1st sp.s. c 36 s 6011 are each amended to read as follows:

(1) There ((shall)) must be a fund in the state treasury known as the public facilities construction loan revolving account, which ((shall)) consists of all moneys collected under this chapter and any moneys appropriated to it by law. Disbursements from the revolving account ((shall)) must be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account ((shall be)) is subject in all respects to chapter 43.88 RCW. During the 2009-2011 biennium, sums in the public facilities construction loan revolving account may be used for community economic revitalization board export assistance grants and loans in section 1018, chapter 36, Laws of 2010 1st sp. sess. and for matching funds for the federal energy regional innovation cluster in section 1017, chapter 36, Laws of 2010 1st sp. sess.

(2) The moneys in the public facilities construction loan revolving account must be used solely to fulfill commitments arising from financial assistance authorized in this chapter. The total outstanding amount, which the board must dispense at any time pursuant to this section, may not exceed the moneys available from the account.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans must be paid into the public facilities construction loan revolving account.

Sec. 12. RCW 43.160.900 and 2008 c 327 s 9 are each amended to read as follows:

(1) The community economic revitalization board ((shall)) must conduct biennial outcome-based evaluations of the financial assistance provided under this chapter. The evaluations ((shall)) must include information on the number of applications for community economic revitalization board assistance; the number and types of projects approved; the grant or loan amount awarded each project; the projected number of jobs created or retained by each project; the actual number and cost of jobs created or retained by each project; the wages and health benefits associated with the jobs; the amount of state funds and total capital invested in projects; the number and types of businesses assisted by funded projects; the location of funded projects; the transportation infrastructure available for completed projects; the local match and local participation obtained; the number of delinquent loans; and the number of project terminations. The evaluations may also include additional performance measures and recommendations for programmatic changes.

(2)(a) By September 1st of each even-numbered year, the board ((shall)) must forward its draft evaluation to the Washington state economic development commission for review and comment((~~as required in section 10 of this act~~)). The board ((shall)) must provide any additional information as may be requested by the commission for the purpose of its review.

(b) Any written comments or recommendations provided by the commission as a result of its review ((shall)) must be included in the board's completed evaluation. The evaluation must be presented to the governor and appropriate committees of the legislature by December 31st of each even-numbered year. ((~~The initial evaluation must be submitted by December 31, 2010.~~))

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 43.160.060 (Loans and grants to political subdivisions and federally recognized Indian tribes for public facilities authorized--Application--Requirements for financial assistance) and 2012 c 196 s 10, 2008 c 327 s 5, 2007 c 231 s 3, & 2004 c 252 s 3;

(2) RCW 43.160.070 (Conditions) and 2008 c 327 s 6, 1999 c 164 s 104, 1998 c 321 s 27, 1997 c 235 s 721, 1996 c 51 s 6, 1990 1st ex.s. c 16 s 802, 1983 1st ex.s. c 60 s 4, & 1982 1st ex.s. c 40 s 7; and

(3) RCW 43.160.078 (Board to familiarize government officials and public with chapter provisions) and 1985 c 446 s 5."

Senators Hatfield and Honeyford spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water & Rural Economic Development to Substitute House Bill No. 1260.

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

MOTION

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

On page 1, line 1 of the title, after "loans;" strike the remainder of the title and insert "amending RCW 43.160.010, 43.160.020, 43.160.030, 43.160.050, 43.160.076, 43.160.080, and 43.160.900; adding new sections to chapter 43.160 RCW; and repealing RCW 43.160.060, 43.160.070, and 43.160.078."

MOTION

On motion of Senator Hatfield, the rules were suspended, Substitute House Bill No. 1260 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1260 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1260 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Liias

SUBSTITUTE HOUSE BILL NO. 1260 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2309, by House Committee on Finance (originally sponsored by Representatives Condotta, Shea, Overstreet and Taylor)

Providing fairness and flexibility in the payment of property taxes.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 2309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Hasegawa, Dansel and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2309.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2309 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Fraser, Holmquist Newbry, Honeyford and Liias

SUBSTITUTE HOUSE BILL NO. 2309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2363, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Muri, Seaquist, Zeiger, Morrell, Freeman, Christian, Kochmar, Dahlquist and Appleton)

Concerning home and community-based services programs for dependents of military service members.

The measure was read the second time.

MOTION

Senator Becker moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.04 RCW to read as follows:

(1) As used in this section:

(a) "Dependent" means a spouse, birth child, adopted child, or stepchild of a military service member.

(b) "Legal resident" means a person who maintains Washington as his or her principal establishment, home of record, or permanent home and to where, whenever absent due to military obligation, he or she intends to return.

(c) "Military service" means service in the armed forces, armed forces reserves, or membership in the Washington national guard.

(d) "Military service member," for the purposes of this section, is expanded to mean a person who is currently in military service or who has separated from military service in the previous eighteen months either through retirement or military separation.

(2) A dependent, who is a legal resident of the state, having previously been determined to be eligible for developmental disability services through the department, shall retain eligibility as long as he or she remains a legal resident of the state regardless of having left the state due to the military service member's military assignment outside the state. If the state eligibility requirements change, the dependent shall retain eligibility until a reeligibility determination is made.

(3) Upon assessment determination, the department shall direct that services be provided consistent with Title 71A RCW and appropriate rules if the dependent furnishes:

(a) A copy of the military service member's DD-214 or other equivalent discharge paperwork; and

(b) Proof of the military service member's legal residence in the state, as provided under RCW 46.16A.140.

(4) For dependents who received developmental disability services and who left the state due to the military service member's military assignment outside the state, upon the dependent's return to the state and when a request for services is made, the department must:

(a) Determine eligibility for services which may include request for waiver services;

(b) Provide notification for the service eligibility determination which includes notification for denial of services; and

(c) Provide due process through the appeals processes established by the department.

(5) To continue eligibility under subsection (2) of this section, the dependent is required to inform the department of his or her current address and provide updates as requested by the department.

(6) The secretary shall request a waiver from the appropriate federal agency if it is necessary to implement the provisions of this section.

(7) The department may adopt rules necessary to implement the provisions of this section."

Senator Becker spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to Substitute House Bill No. 2363.

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

MOTION

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

On page 1, line 2 of the title, after "members;" strike the remainder of the title and insert "and adding a new section to chapter 7404 RCW."

MOTION

On motion of Senator Becker, the rules were suspended, Substitute House Bill No. 2363 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

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The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2363 as amended by the Senate.

SECOND READING

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2363 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2363 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2057, by House Committee on Public Safety (originally sponsored by Representatives Hayes, Hurst, Klippert, Holy, Van De Wege and Hope)

Modifying arrest without warrant provisions.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 2057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2057.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2057 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 2057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680, by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Springer, Haler, Goodman and Freeman)

Establishing a caterer's license to sell spirits, beer, and wine.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed Substitute House Bill No. 2680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist Newbry spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2680.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2680 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Darneille, Hargrove, Holmquist Newbry and Pearson

Excused: Senator Kline

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1417, by House Committee on Local Government (originally sponsored by Representatives Manweller, Fagan and Warnick)

Regarding irrigation district administration.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Substitute House Bill No. 1417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Honeyford spoke in favor of passage of the bill.

SECOND READING

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1417.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1417 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Liias

Excused: Senator Kline

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2544, by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Holy, Bergquist, Ormsby, Manweller, Christian, Green, Pettigrew and Kretz)

Concerning newborn screening.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Substitute House Bill No. 2544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2544.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2544 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Kline

SUBSTITUTE HOUSE BILL NO. 2544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2130, by Representatives MacEwen, Orwall, Morrell, Seaquist, Haler, Appleton, Ross, Stanford, Green, Van De Wege, Ormsby and Freeman

Concerning the veterans innovations program.

The measure was read the second time.

MOTION

Senator Roach moved that the following committee striking amendment by the Committee on Governmental Operations be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.60A.160 and 2006 c 343 s 3 are each amended to read as follows:

(1) There is created in the department a veterans innovations program(~~(, which consists of the defenders' fund and the competitive grant program)~~). The purpose of the veterans innovations program is to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities.

(2) Subject to the availability of amounts appropriated for the specific purposes provided in this section, the department must:

(a) Establish a process to make veterans and those still serving in the national guard or armed forces reserve aware of the veterans innovations program;

(b) Develop partnerships to assist veterans, national guard, or reservists in completing the veterans innovations program application; and

(c) Provide funding to support eligible veterans, national guard members, or armed forces reserves for:

(i) Crisis and emergency relief; and

(ii) Education, training, and employment assistance.

Sec. 2. RCW 43.60A.175 and 2011 c 60 s 37 are each amended to read as follows:

(1) The department may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the ~~((defenders' fund and the competitive grant))~~ veterans innovations program and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17A.560.

(2) The department may adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of RCW 43.60A.160 through 43.60A.185.

(3) The department may perform all acts and functions as necessary or convenient to carry out the powers expressly granted or implied under chapter 343, Laws of 2006.

Sec. 3. RCW 43.60A.185 and 2010 1st sp.s. c 37 s 924 are each amended to read as follows:

The veterans innovations program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for purposes of the veterans innovations program. ~~((During the 2009-2011 fiscal biennium, the funds may be used for contracting for veterans' claims assistance services.))~~

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) RCW 43.60A.165 (Defenders' fund--Eligibility for assistance) and 2007 c 522 s 952 & 2006 c 343 s 4;

(2) RCW 43.60A.170 (Competitive grant program) and 2010 1st sp.s. c 7 s 115 & 2006 c 343 s 5;

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(3) RCW 43.131.405 (Veterans innovations program--Termination) and 2006 c 343 s 10; and

MOTION

(4) RCW 43.131.406 (Veterans innovations program--Repeal) and 2010 1st sp.s. c 37 s 925, 2010 1st sp.s. c 7 s 116, & 2006 c 343 s 11."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Governmental Operations to House Bill No. 2130.

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

MOTION

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

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.60A.160, 43.60A.175, and 43.60A.185; and repealing RCW 43.60A.165, 43.60A.170, 43.131.405, and 43.131.406."

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2130 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Conway and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2130 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2130 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2130 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6001, by Senators Eide and King

Making 2013-2015 supplemental transportation appropriations.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 6001 was substituted for Senate Bill No. 6001 and the substitute bill was placed on the second reading and read the second time.

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

On page 33, after line 11, insert the following:

"(10) As a condition of eligibility to receive grant funds under this section, a regional transit authority must:

(a) Consider the potential impacts of that facility on parking availability for residents nearby;

(b) Provide appropriate parking impact mitigation for residents, as determined by the authority in collaboration with the local government of the area in which the parking impacts occur. Parking impact mitigation may include, but is not limited to, subsidizing zoned residential parking permits in the vicinity of the facility; and

(c) Pay for the cost of the parking permits in the vicinity of the facility, if a local government implements zoned residential parking permits as a direct result of the parking impacts of the facility."

Senators Hasegawa, Kline, Conway, Sheldon, Dansel and Benton spoke in favor of adoption of the amendment.

Senators Lias, King, Eide and Mullet spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 33, after line 11 to Substitute Senate Bill No. 6001.

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

MOTION

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

On page 40, line 15, strike "\$1,313,555,000", and insert "\$1,287,502,000"

On page 40, line 28, strike "\$880,111,000", and insert "\$733,003,000"

On page 40, line 33, strike "\$3,572,584,000", and insert "\$3,399,423,000"

On page 41, beginning on line 17, strike all material through "applied" on line 21

On page 44, line 26, strike "\$165,175,000", and insert "\$139,122,000"

On page 44, line 29, strike "\$880,110,000", and insert "\$733,003,000"

On page 44, line 34, strike "\$354,411,000", and insert "\$374,039,000"

On page 45, beginning on line 10, strike all material through "5" on line 22, and insert "require that cost overruns for the project be borne by the property owners in the Medina area that benefit from the replacement of the existing SR 520 Floating Bridge"

On page 48, beginning on line 22, strike all material through "applied" on line 26

MOTION

Senator Baumgartner moved that the following amendment by Senator Baumgartner to the amendment be adopted:

On page 1, line 24 of the amendment, after "by" insert the following:

"the City of Seattle and"

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

Senator Baumgartner spoke in favor of adoption of the amendment to the amendment.

PARLIMENTARY INQUIRY

Senator Frockt: "Is this a tertiary amendment to the amendment to the striking amendment?"

REPLY BY THE PRESIDENT

President Owen: "No it is not. There is no striking amendment. It was a substitute bill. It's a senate bill, not a House bill. So it's a substitute bill so there is an amendment to the substitute and then an amendment to the amendment."

POINT OF ORDER

Senator Frockt: "Therefore, I assume the amendment is in order?"

RULING BY THE PRESIDENT

President Owen: "Yes, the amendment to Senator Pederson's amendment is in order."

Senator Pedersen spoke against adoption of the amendment to the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Baumgartner on page 1, line 24 to the amendment to Substitute Senate Bill No. 6001.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Pedersen and others on page 40, line 15 as amended to Substitute Senate Bill No. 6001.

Senator Pedersen spoke in favor of adoption of the amendment.

Senator King spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Liias: "Would Senator Pedersen yield to a question? Thank you Senator Pedersen. In the amendment it now reads that, if I can read from the amendment Mr. President? Properties in the City of Seattle and Medina area that benefit will pay for the cost over runs. This seems like a vague term that would be difficult to enforce. Could you help me understand what is the 'City of Seattle' and 'Medina area' and how would we enforce this provision?"

Senator Pedersen: "Well thank you Senator Liias for the question. I think that the Attorney General has already weighed in on this question and has found that the amendment is vague and unenforceable, that this language is vague and unenforceable. Personally I think the Medina area would probably include Hunt's Point, Clyde Hill, Redmond, Kirkland, Bellevue, maybe it stretches to Mercer Island. Medina is an important place. Thank you."

The motion by Senator Pedersen carried and the amendment as amended was adopted by a rising vote.

MOTION

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

On page 40, line 17, strike "\$69,478,000" and insert "\$230,487,000"

On page 40, line 19, strike "\$516,181,000" and insert "\$617,581,000"

On page 40, line 33, strike "\$3,572,584,000" and insert "\$3,834,984,000"

On page 41, beginning on line 25, strike all material through "(400506A)." on line 26 and insert "(However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).))"

On page 42, after line 2, insert the following:

"(7) \$161,000,000 of the motor vehicle account--state appropriation and \$101,400,000 of the motor vehicle account--federal appropriation is provided solely for constructing the preferred alternative replacement bridge with light rail, as specified in the record of decision by the federal highway administration and the federal transit administration on December 7, 2011, that best improves safety, travel reliability, freight mobility, and bridge structural stability and relieves congestion on Interstate 5 between Portland, Oregon and Vancouver, Washington. The legislature assumes that this project will cost no more than \$3,413,000,000 as provided in RCW 47.56.890, and that toll revenue, federal funds, and equal contributions from the states of Washington and Oregon will fund this project."

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 48, beginning on line 30, strike all material through "(400506A)." on line 31 and insert "(However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).))"

On page 64, line 31, after "act.", strike all material through "(400506A)." on line 32 and insert "(However, this section does not apply to the I-5/Columbia River Crossing project (400506A).))"

Senators Cleveland, Nelson, Fraser, Mullet and Eide spoke in favor of adoption of the amendment.

Senators Benton, King, Rivers and Ericksen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cleveland on page 40, line 17 to Substitute Senate Bill No. 6001.

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

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 6001 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2163, by House Committee on Public Safety (originally sponsored by Representatives Harris, Haler and Morrell)

Establishing dextromethorphan provisions.

The measure was read the second time.

MOTION

Senator Becker moved that the following committee striking amendment by the Committee on Health Care be adopted:

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Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Common carrier" means any person who holds himself or herself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

(2) "Finished drug product" means a drug legally marketed under the federal food, drug, and cosmetic act, 21 U.S.C. 321 et seq., that is in finished dosage form.

(3) "Proof of age" means any document issued by a governmental agency that contains a description or photograph of the person and gives the person's date of birth, including a passport, military identification card, or driver's license.

(4) "Unfinished dextromethorphan" means dextromethorphan in any form, compound, mixture, or preparation that is not a drug in finished dosage form.

NEW SECTION. Sec. 2. (1) A person making a retail sale of a finished drug product containing any quantity of dextromethorphan must require and obtain proof of age from the purchaser before completing the sale, unless from the purchaser's outward appearance the person making the sale would reasonably presume the purchaser to be twenty-five years of age or older.

(2) It is unlawful for any:

(a) Commercial entity to knowingly or willfully sell or trade a finished drug product containing any quantity of dextromethorphan to a person less than eighteen years of age; or

(b) Person who is less than eighteen years of age to purchase a finished drug product containing any quantity of dextromethorphan;

(3) Subsection (2)(a) and (b) of this section do not apply if an individual under eighteen years of age:

(a) Supplies proof at the time of sale that such individual is actively enrolled in the military and presents a valid military identification card; or

(b) Supplies proof of emancipation.

(4)(a) Any manufacturer, distributor, or retailer whose employee or representative, during the course of the employee's or representative's employment or association with that manufacturer, distributor, or retailer sells or trades dextromethorphan in violation of subsection (2)(a) of this section must be given a written warning by a law enforcement agency for the first offense. For any subsequent offense, the manufacturer, distributor, or retailer is guilty of a class 1 civil infraction as provided in RCW 7.80.120, except for any manufacturer, distributor, or retailer who demonstrates a good faith effort to comply with the requirements of this chapter.

(b) Any employee or representative of a manufacturer, distributor, or retailer who, during the course of the employee's or representative's employment or association with that manufacturer, distributor, or retailer sells or trades dextromethorphan in violation of subsection (2)(a) of this section must be given a written warning by a law enforcement agency for the first offense. For any subsequent offense, the employee or representative is guilty of a class 1 civil infraction as provided in RCW 7.80.120.

(c) Any person who purchases dextromethorphan in violation of subsection (2)(b) of this section must be given a written warning by a law enforcement agency for the first offense. For any subsequent offense, the person is guilty of a class 1 civil infraction as provided in RCW 7.80.120.

NEW SECTION. Sec. 3. The trade association representing manufacturers of dextromethorphan shall supply to the pharmacy quality assurance commission and requesting licensed retailers an

initial list of products containing dextromethorphan that its members market. This list shall be updated on an annual basis. The trade association representing manufacturers of dextromethorphan shall make other reasonable efforts to communicate the requirements of this act.

NEW SECTION. Sec. 4. (1) Nothing in this chapter is construed to impose any compliance requirement on a retail entity other than manually obtaining and verifying proof of age as a condition of sale, including placement of products in a specific place within a store, other restrictions on consumers' direct access to finished drug products, or the maintenance of transaction records.

(2) The provisions of this chapter do not apply to medication containing dextromethorphan that is sold pursuant to a valid prescription.

NEW SECTION. Sec. 5. This chapter preempts any ordinance regulating the sale, distribution, receipt, or possession of dextromethorphan enacted by a county, city, town, or other political subdivision of this state, and dextromethorphan is not subject to further regulation by such subdivisions.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 7. This act takes effect July 1, 2015." Senators Becker and Pedersen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to Second Substitute House Bill No. 2163.

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

MOTION

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

On page 1, line 1 of the title, after "dextromethorphan;" strike the remainder of the title and insert "adding a new chapter to Title 69 RCW; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Becker, the rules were suspended, Second Substitute House Bill No. 2163 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2163 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2163 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SECOND SUBSTITUTE HOUSE BILL NO. 2163 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2674, by Representatives Warnick and Sawyer

Concerning the processing of quick titles by subagents.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 2674 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2674.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2674 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2674, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2296, by Representatives Pike, Harris, Blake, Vick, Taylor, Overstreet, Farrell, S. Hunt and Pollet

Addressing duplicate signatures on petitions in cities, towns, and code cities.

The measure was read the second time.

MOTION

Senator Roach moved that the following committee striking amendment by the Committee on Governmental Operations be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that in *Filo Foods, LLC v. City of SeaTac*, No. 70758-2-I (Wash. Ct. Apps. Div. I, Feb. 10, 2014), the Washington court of appeals ruled that RCW 35A.01.040(7), requiring local certifying officers to strike all signatures of any person signing an optional municipal code city initiative petition two or more times, was unconstitutional. The

court held that the statute unduly burdened the first amendment rights of voters who expressed a view on a political matter by signing an initiative petition.

(2) The legislature intends to require local officers certifying city and town petitions to count one valid signature of a duplicate signer. This will ensure that a person inadvertently signing a city or town petition more than once will not be penalized for doing so.

Sec. 2. RCW 35.21.005 and 2008 c 196 s 1 are each amended to read as follows:

Wherever in this title petitions are required to be signed and filed, the following rules shall govern the sufficiency thereof:

(1) A petition may include any page or group of pages containing an identical text or prayer intended by the circulators, signers or sponsors to be presented and considered as one petition and containing the following essential elements when applicable, except that the elements referred to in (d) and (e) of this subsection are essential for petitions referring or initiating legislative matters to the voters, but are directory as to other petitions:

(a) The text or prayer of the petition which shall be a concise statement of the action or relief sought by petitioners and shall include a reference to the applicable state statute or city ordinance, if any;

(b) If the petition initiates or refers an ordinance, a true copy thereof;

(c) If the petition seeks the annexation, incorporation, withdrawal, or reduction of an area for any purpose, an accurate legal description of the area proposed for such action and if practical, a map of the area;

(d) Numbered lines for signatures with space provided beside each signature for the name and address of the signer and the date of signing;

(e) The warning statement prescribed in subsection (2) of this section.

(2) Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures shall contain the text or prayer of the petition and the following warning:

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Each signature shall be executed in ink or indelible pencil and shall be followed by the name and address of the signer and the date of signing.

(3) The term "signer" means any person who signs his or her own name to the petition.

(4) To be sufficient a petition must contain valid signatures of qualified registered voters or property owners, as the case may be, in the number required by the applicable statute or ordinance. Within three working days after the filing of a petition, the officer with whom the petition is filed shall transmit the petition to the county auditor for petitions signed by registered voters, or to the county assessor for petitions signed by property owners for determination of sufficiency. The officer or officers whose duty it is to determine the sufficiency of the petition shall proceed to make such a determination with reasonable promptness and shall file with the officer receiving the petition for filing a certificate stating the date upon which such determination was begun, which date shall be

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referred to as the terminal date. Additional pages of one or more signatures may be added to the petition by filing the same with the appropriate filing officer prior to such terminal date. Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the receiving officer prior to such terminal date. Such written request shall so sufficiently describe the petition as to make identification of the person and the petition certain. The name of any person seeking to withdraw shall be signed exactly the same as contained on the petition and, after the filing of such request for withdrawal, prior to the terminal date, the signature of any person seeking such withdrawal shall be deemed withdrawn.

(5) Petitions containing the required number of signatures shall be accepted as prima facie valid until their invalidity has been proved.

(6) A variation on petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names, or both, shall not invalidate the signature on the petition if the surname and handwriting are the same.

(7) ((Signatures, including the original, of any person who has signed a petition two or more times shall be stricken.)) If a person signs a petition more than once, all but the first valid signature must be rejected.

(8) Signatures followed by a date of signing which is more than six months prior to the date of filing of the petition shall be stricken.

(9) When petitions are required to be signed by the owners of property, the determination shall be made by the county assessor. Where validation of signatures to the petition is required, the following shall apply:

(a) The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse;

(b) In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse;

(c) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient, without the signature of his or her spouse;

(d) Any officer of a corporation owning land within the area involved who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority;

(e) When the petition seeks annexation, any officer of a corporation owning land within the area involved, who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign under oath on behalf of such corporation. If an officer signs the petition, he or she must attach an affidavit stating that he or she is duly authorized to sign the petition on behalf of such corporation;

(f) When property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property; and

(g) When a parcel of property is owned by multiple owners, the signature of an owner designated by the multiple owners is sufficient.

(10) The officer or officers responsible for determining the sufficiency of the petition shall do so in writing and transmit the written certificate to the officer with whom the petition was originally filed.

Sec. 3. RCW 35A.01.040 and 2008 c 196 s 2 are each amended to read as follows:

Wherever in this title petitions are required to be signed and filed, the following rules shall govern the sufficiency thereof:

(1) A petition may include any page or group of pages containing an identical text or prayer intended by the circulators, signers or sponsors to be presented and considered as one petition and containing the following essential elements when applicable, except that the elements referred to in (d) and (e) of this subsection are essential for petitions referring or initiating legislative matters to the voters, but are directory as to other petitions:

(a) The text or prayer of the petition which shall be a concise statement of the action or relief sought by petitioners and shall include a reference to the applicable state statute or city ordinance, if any;

(b) If the petition initiates or refers an ordinance, a true copy thereof;

(c) If the petition seeks the annexation, incorporation, withdrawal, or reduction of an area for any purpose, an accurate legal description of the area proposed for such action and if practical, a map of the area;

(d) Numbered lines for signatures with space provided beside each signature for the name and address of the signer and the date of signing;

(e) The warning statement prescribed in subsection (2) of this section.

(2) Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures shall contain the text or prayer of the petition and the following warning:

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Each signature shall be executed in ink or indelible pencil and shall be followed by the name and address of the signer and the date of signing.

(3) The term "signer" means any person who signs his or her own name to the petition.

(4) To be sufficient a petition must contain valid signatures of qualified registered voters or property owners, as the case may be, in the number required by the applicable statute or ordinance. Within three working days after the filing of a petition, the officer with whom the petition is filed shall transmit the petition to the county auditor for petitions signed by registered voters, or to the county assessor for petitions signed by property owners for determination of sufficiency. The officer or officers whose duty it is to determine the sufficiency of the petition shall proceed to make such a determination with reasonable promptness and shall file with the officer receiving the petition for filing a certificate stating the date upon which such determination was begun, which date shall be referred to as the terminal date. Additional pages of one or more signatures may be added to the petition by filing the same with the appropriate filing officer prior to such terminal date. Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the receiving officer prior to such terminal date. Such written request shall so sufficiently describe the petition as to make identification of the person and the petition certain. The name of any person seeking to withdraw shall be

signed exactly the same as contained on the petition and, after the filing of such request for withdrawal, prior to the terminal date, the signature of any person seeking such withdrawal shall be deemed withdrawn.

(5) Petitions containing the required number of signatures shall be accepted as prima facie valid until their invalidity has been proved.

(6) A variation on petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names, or both, shall not invalidate the signature on the petition if the surname and handwriting are the same.

(7) ((Signatures, including the original, of any person who has signed a petition two or more times shall be stricken.)) If a person signs a petition more than once, all but the first valid signature must be rejected.

(8) Signatures followed by a date of signing which is more than six months prior to the date of filing of the petition shall be stricken.

(9) When petitions are required to be signed by the owners of property, the determination shall be made by the county assessor. Where validation of signatures to the petition is required, the following shall apply:

(a) The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse;

(b) In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse;

(c) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient, without the signature of his or her spouse;

(d) Any officer of a corporation owning land within the area involved who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority;

(e) When the petition seeks annexation, any officer of a corporation owning land within the area involved, who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign under oath on behalf of such corporation. If an officer signs the petition, he or she must attach an affidavit stating that he or she is duly authorized to sign the petition on behalf of such corporation;

(f) When property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property; and

(g) When a parcel of property is owned by multiple owners, the signature of an owner designated by the multiple owners is sufficient.

(10) The officer or officers responsible for determining the sufficiency of the petition shall do so in writing and transmit the written certificate to the officer with whom the petition was originally filed."

Senator Roach spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Governmental Operations to House Bill No. 2296.

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

MOTION

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

On page 1, line 2 of the title, after "cities;" strike the remainder of the title and insert "amending RCW 35.21.005 and 35A.01.040; and creating a new section."

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2296 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2296 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2296 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2296 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2276, by Representatives Robinson, Lytton, Magendanz, Santos, Fagan, Liias, Reykdal and Ryu

Concerning the operation by educational service districts of educational programs for residents of residential schools.

The measure was read the second time.

MOTION

Senator Litzow moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.190 RCW to read as follows:

(1) For the purposes of this chapter, the term "school district" includes any educational service district that has entered into an agreement to provide a program of education for residential school residents or detention facility residents on behalf of the school district as a cooperative service program pursuant to RCW 28A.310.180.

(2) The provisions of RCW 13.04.145 apply throughout this chapter.

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Sec. 2. RCW 28A.190.010 and 1996 c 84 s 1 are each amended to read as follows:

A program of education shall be provided for by the department of social and health services and the several school districts of the state for common school age persons who have been admitted to facilities staffed and maintained or contracted pursuant to RCW 13.40.320 by the department of social and health services for the education and treatment of juveniles who have been diverted or who have been found to have committed a juvenile offense. The division of duties, authority, and liabilities of the department of social and health services and the several school districts of the state respecting the educational programs shall be the same in all respects as set forth in ~~((RCW 28A.190.030 through 28A.190.060))~~ this chapter respecting programs of education for state residential school residents. For the purposes of this section, the term "residential school" or "schools" as used in ~~((RCW 28A.190.030 through 28A.190.060))~~ this chapter shall be construed to mean a facility staffed and maintained by the department of social and health services or a program established under RCW 13.40.320, for the education and treatment of juvenile offenders on probation or parole. Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject to RCW 28A.310.180.

Sec. 3. RCW 28A.190.020 and 1990 c 33 s 171 are each amended to read as follows:

The term "residential school" as used in this chapter and RCW ~~((28A.190.020 through 28A.190.060,))~~ 72.01.200, 72.05.010, and 72.05.130 ~~((each as now or hereafter amended, shall))~~ means Green Hill school, Maple Lane school, Naselle Youth Camp, Cedar Creek Youth Camp, Mission Creek Youth Camp, Echo Glen, Lakeland Village, Rainier school, Yakima Valley school, Interlake school, Fircrest school, Francis Haddon Morgan Center, the Child Study and Treatment Center and Secondary School of Western State Hospital, and such other schools, camps, and centers as are now or hereafter established by the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts or for the care and treatment of persons who are exceptional in their needs by reason of mental and/or physical deficiency: PROVIDED, That the term shall not include the state schools for the deaf and blind or adult correctional institutions.

Sec. 4. RCW 28A.190.060 and 1990 c 33 s 175 are each amended to read as follows:

The department of social and health services shall provide written notice on or before April 15th of each school year to the superintendent of each school district conducting a program of education pursuant to ~~((RCW 28A.190.030 through 28A.190.050))~~ this chapter of any foreseeable residential school closure, reduction in the number of residents, or any other cause for a reduction in the school district's staff for the next school year. In the event the department of social and health services fails to provide notice as prescribed by this section, the department shall be liable and responsible for the payment of the salary and employment related costs for the next school year of each school district employee whose contract the school district would have nonrenewed but for the failure of the department to provide notice.

Sec. 5. RCW 13.04.145 and 1990 c 33 s 551 are each amended to read as follows:

A program of education shall be provided for by the several counties and school districts of the state for common school age persons confined in each of the detention facilities staffed and maintained by the several counties of the state under this chapter and chapters 13.16 and 13.20 RCW. The division of duties, authority, and liabilities of the several counties and school districts of the state respecting the educational programs is the same in all respects as set

forth in chapter 28A.190 RCW ~~((28A.190.030 through 28A.190.060))~~ respecting programs of education for state residential school residents. For the purposes of this section, the terms "department of social and health services," "residential school" or "schools," and "superintendent or chief administrator of a residential school" as used in chapter 28A.190 RCW ~~((28A.190.030 through 28A.190.060))~~ shall be respectively construed to mean "the several counties of the state," "detention facilities," and "the administrator of juvenile court detention services." Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject to RCW 28A.310.180."

Senator Litzow spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to House Bill No. 2276.

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

MOTION

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

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.190.010, 28A.190.020, 28A.190.060, and 13.04.145; and adding a new section to chapter 28A.190 RCW."

MOTION

On motion of Senator Litzow, the rules were suspended, House Bill No. 2276 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2276 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2276 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2276 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2262, by House Committee on Environment (originally sponsored by Representatives Short, Fagan and Magendanz)

Concerning the use of science to support significant agency actions.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, Substitute House Bill No. 2262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, McCoy and Dansel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2262.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2262 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Dansel: "Thank you Mr. President. I would ask for your indulgence and forgiveness and those of the members of this body by referring to the other chamber. I apologize."

SECOND READING

HOUSE BILL NO. 2547, by Representatives Ormsby, Manweller, Riccelli, Warnick and Parker

Providing for the creation of a less than countywide port district within a county containing no port districts.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 2547 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2547.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2547 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Padden

HOUSE BILL NO. 2547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1634, by House Committee on Finance (originally sponsored by Representatives Warnick and Manweller)

Including the value of solar, biomass, and geothermal facilities in the property tax levy limit calculation.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Substitute House Bill No. 1634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1634.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1634 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2261, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Short, Fagan and Magendanz)

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Concerning the use of science to support significant agency actions.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 2261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2261.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2261 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2448, by House Committee on Business & Financial Services (originally sponsored by Representatives Fey, Orcutt and Ryu)

Transferring the insurance and financial responsibility program.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2448.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2448 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser,

Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE HOUSE BILL NO. 2448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2733, by Representatives Haler and Magendanz

Designating certain hydroelectric generation from a generation facility located in irrigation canals and certain pipes as an eligible renewable resource under chapter 19.285 RCW.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed House Bill No. 2733 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2733.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2733 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Fraser, Frockt, Keiser, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Nelson and Pedersen

ENGROSSED HOUSE BILL NO. 2733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1292, by House Committee on Public Safety (originally sponsored by Representatives Orwall, Goodman, Roberts, Appleton, Green, Hope, Kochmar, Moscoso, Jinkins, Upthegrove and Ryu)

Vacating prostitution convictions.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.96.060 and 2012 c 183 s 5 and 2012 c 142 s 2 are each reenacted and amended to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion vacate the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court;

(b) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(c) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense;

(d) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses);

(e) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has previously had a conviction for domestic violence. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(f) For any offense other than those described in (e) of this subsection, less than three years have passed since the person

completed the terms of the sentence, including any financial obligations;

(g) The offender has been convicted of a new crime in this state, another state, or federal court since the date of conviction;

(h) The applicant has ever had the record of another conviction vacated; or

(i) The applicant is currently restrained, or has been restrained within five years prior to the vacation application, by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party.

(3) Subject to section 2 of this act, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or

(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction ~~(or~~

~~—(e) The applicant has ever had the record of another prostitution conviction vacated).~~

(4) Once the court vacates a record of conviction under subsection (1) of this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under subsection (1) of this section may state that he or she has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(5) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(6) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9.96 RCW to read as follows:

(1) In order to vacate a record of conviction for a prostitution offense pursuant to RCW 9.96.060(3) as a result of being a victim of trafficking, RCW 9A.40.100, the applicant must prove each of the following elements by a preponderance of the evidence:

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(a)(i) The applicant was recruited, harbored, transported, provided, obtained, bought, purchased, or received by another person;

(ii) The person who committed any of the acts in (a)(i) of this subsection against the applicant acted knowingly or in reckless disregard for the fact that force, fraud, or coercion would be used to cause the applicant to engage in a sexually explicit act or commercial sex act; and

(iii) The applicant's conviction record for prostitution resulted from such acts; or

(b)(i) The applicant was recruited, harbored, transported, provided, obtained, bought, purchased, or received by another person;

(ii) The person who committed any of the acts in (b)(i) of this subsection against the applicant acted knowingly or in reckless disregard for the fact that the applicant had not attained the age of eighteen and would be caused to engage in a sexually explicit act or commercial sex act; and

(iii) The applicant's record of conviction for prostitution resulted from such acts.

(2) In order to vacate a record of conviction for a prostitution offense pursuant to RCW 9.96.060(3) as a result of being a victim of promoting prostitution in the first degree, RCW 9A.88.070, the applicant must prove each of the following elements by a preponderance of the evidence:

(a)(i) The applicant was compelled by threat or force to engage in prostitution;

(ii) The person who compelled the applicant acted knowingly; and

(iii) The applicant's conviction record for prostitution resulted from the compulsion; or

(b)(i) The applicant has a mental incapacity or developmental disability that renders the applicant incapable of consent;

(ii) The applicant was compelled to engage in prostitution;

(iii) The person who compelled the applicant acted knowingly; and

(iv) The applicant's record of conviction for prostitution resulted from the compulsion.

(3) In order to vacate a record of conviction for a prostitution offense pursuant to RCW 9.96.060(3) as a result of being a victim of promoting commercial sexual abuse of a minor, RCW 9.68A.101, the applicant must prove each of the following elements by a preponderance of the evidence:

(a)(i) The applicant had not attained the age of eighteen at the time of the prostitution offense;

(ii) A person advanced commercial sexual abuse or a sexually explicit act of the applicant at the time he or she had not attained the age of eighteen;

(iii) The person committing the acts in (a)(ii) of this subsection acted knowingly; and

(iv) The applicant's record of conviction for prostitution resulted from any of the acts in (a)(ii) of this subsection.

(b) For purposes of this subsection (3), a person:

(i) "Advanced commercial sexual abuse" of the applicant if, acting other than as a minor receiving compensation for personally rendered sexual conduct or as a person engaged in commercial sexual abuse of a minor, he or she causes or aids a person to commit or engage in commercial sexual abuse of a minor, procures or solicits customers for commercial sexual abuse of a minor, provides persons or premises for the purposes of engaging in commercial sexual abuse of a minor, operates or assists in the operation of a house or enterprise for the purposes of engaging in commercial sexual abuse of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of commercial sexual abuse of a minor;

(ii) "Advanced a sexually explicit act" of the applicant if he or she causes or aids a sexually explicit act of a minor, procures or solicits customers for a sexually explicit act of a minor, provides persons or premises for the purposes of a sexually explicit act of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate a sexually explicit act of a minor.

(4) In order to vacate a record of conviction for a prostitution offense pursuant to RCW 9.96.060(3) as a result of being a victim of trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., the applicant must prove each of the following elements by a preponderance of the evidence:

(a) The applicant was induced by force, fraud, or coercion to engage in a commercial sex act and the record of conviction for prostitution resulted from the inducement; or

(b) The applicant was induced to engage in a commercial sex act prior to reaching the age of eighteen and the record of conviction for prostitution resulted from the inducement."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1292.

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

MOTION

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

On page 1, line 1 of the title, after "convictions;" strike the remainder of the title and insert "reenacting and amending RCW 9.96.060; and adding a new section to chapter 9.96 RCW."

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1292 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1292 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1292 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE HOUSE BILL NO. 1292 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:57 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 8:31 p.m. by President Owen.

The Senate resumed consideration of Substitute Senate Bill No. 6001 which had been deferred earlier in the day.

MOTION

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

On page 43, line 11, after "(8)" insert "(a)"

On page 43, after line 17, insert the following:

"(b) Any delays that result in cost overruns that exceed the total project cost for the SR 99/Alaskan Way Viaduct - Replacement project (809936Z) as listed in LEAP Transportation Document 2014-1 as developed February 24, 2014, that cannot be recovered from the contractors must be paid for by the responsible parties as listed in RCW 47.01.402 (6)(b)."

WITHDRAWAL OF AMENDMENT

On motion of Senator Baumgartner, the amendment by Senator Baumgartner and others on page 43, line 11 to Substitute Senate Bill No. 6001 was withdrawn.

MOTION

Senator Fain, having voted on the prevailing side, moved the rules be suspended and that the vote by which the amendment by Senator Pedersen and others on page 40, line 15 to Substitute Senate Bill No. 6001 was adopted by the Senate be immediately reconsidered.

The President declared the question before the Senate to be the motion by Senator Fain that the rules be suspended and the senate immediately reconsider the vote by which the amendment by Senator Pedersen and others on page 40, line 15 to Substitute Senate Bill No. 6001 was adopted.

The motion by Senator Fain carried and the vote by which the amendment by Senator Pedersen and others was adopted was immediately reconsidered by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pedersen and others on page 40, line 15 to Substitute Senate Bill No. 6001 on immediate reconsideration.

The motion by Senator Pedersen did not carry and the amendment was not adopted by a voice vote.

MOTION

Senator O'Ban moved that the following amendment by Senator O'Ban be adopted:

On page 66, after line 9, insert the following:

"**NEW SECTION, Sec. 602** A new section is added to 2013 c 306 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

(1) For the 2013-15 fiscal biennium, the department of transportation shall submit a report to the transportation committees of the legislature detailing engineering errors on highway construction projects resulting in project cost increases in excess of

five hundred thousand dollars. The department must submit an initial report of an engineering error within thirty days of the engineering error occurring. A full report must be submitted within ninety days of the engineering error occurring.

(2) The department's full report must include an assessment and review of:

(a) How the engineering error happened;

(b) The department of the employee or employees responsible for the engineering error, without disclosing the name of the employee or employees;

(c) What corrective action was taken;

(d) The estimated total cost of the engineering error and how the department plans to mitigate that cost;

(e) Whether the cost of the engineering error will impact the overall project financial plan; and

(f) What action the secretary has recommended to avoid similar engineering errors in the future. If the legislature finds that the actions taken by the secretary were inadequate, the legislature may take additional action to correct the problem.

(3) Within ninety days of the effective date of this section, a report must be submitted on engineering errors that have occurred on projects that are currently under construction and not yet operationally complete."

Senators O'Ban and Eide spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 66, after line 9 to Substitute Senate Bill No. 6001.

The motion by Senator O'Ban carried and the amendment was adopted by voice vote.

MOTION

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

On page 1, at the beginning of line 6 of the title, strike "adding a new section", and insert "adding new sections"

MOTION

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

On page 66, after line 9, insert the following:

"MISCELLANEOUS 2013-2015 FISCAL BIENNIUM

Sec. 701. RCW 90.03.525 and 2005 c 319 s 140 are each amended to read as follows:

(1) The rate charged by a local government utility to the department of transportation with respect to state highway right-of-way or any section of state highway right-of-way for the construction, operation, and maintenance of storm water control facilities under chapters 35.67, 35.92, 36.89, 36.94, 57.08, and 86.15 RCW, shall be thirty percent of the rate for comparable real property, except as otherwise provided in this section. The rate charged to the department with respect to state highway right-of-way or any section of state highway right-of-way within a local government utility's jurisdiction shall not, however, exceed the rate charged for comparable city street or county road right-of-way within the same jurisdiction. The legislature finds that the aforesaid rates are presumptively fair and equitable because of the traditional and continuing expenditures of the department of transportation for the construction, operation, and maintenance of storm water control facilities designed to control surface water or storm water runoff from state highway rights-of-way.

(2) Charges paid under subsection (1) of this section by the department of transportation must be used solely for storm water

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control facilities that directly reduce (~~state highway~~) runoff impacts or implementation of best management practices that will reduce the need for such facilities. ~~By January 1st of each year, beginning with calendar year 1997, the local government utility, in coordination with the department, shall develop a plan for the expenditure of the charges for that calendar year. The plan must be consistent with the objectives identified in RCW 90.78.010. In addition, beginning with the submittal for 1998, the utility shall provide a progress report on the use of charges assessed for the prior year. No charges may be paid until the plan and report have been submitted to the department.~~)

(3) The utility imposing the charge and the department of transportation may, however, agree to either higher or lower rates with respect to the construction, operation, or maintenance of any specific storm water control facilities (~~based upon the annual plan prescribed in subsection (2) of this section~~). If, after mediation, the local government utility and the department of transportation cannot agree upon the proper rate, either may commence an action in the superior court for the county in which the state highway right-of-way is located to establish the proper rate. The court in establishing the proper rate shall take into account the extent and adequacy of storm water control facilities constructed by the department and the actual benefits to the sections of state highway rights-of-way from storm water control facilities constructed, operated, and maintained by the local government utility. Control of surface water runoff and storm water runoff from state highway rights-of-way shall be deemed an actual benefit to the state highway rights-of-way. The rate for sections of state highway right-of-way as determined by the court shall be set forth in terms of the percentage of the rate for comparable real property, but shall in no event exceed the rate charged for comparable city street or county road right-of-way within the same jurisdiction.

(4) The legislature finds that the federal clean water act (national pollutant discharge elimination system, 40 C.F.R. parts 122- 124), the state water pollution control act, chapter 90.48 RCW, and the highway runoff program under chapter 90.71 RCW, mandate the treatment and control of storm water runoff from state highway rights-of-way owned by the department of transportation. Appropriations made by the legislature to the department of transportation for the construction, operation, and maintenance of storm water control facilities are intended to address applicable federal and state mandates related to storm water control and treatment. This section is not intended to limit opportunities for sharing the costs of storm water improvements between cities, counties, and the state."

On page 66, after line 10, insert the following:

"NEW SECTION. Sec. 801. Section 701 of this act expires June 30, 2015."

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

Senators Benton and Ranker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton and others on page 66, after line 4 to Substitute Senate Bill No. 6001.

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

MOTION

There being no objection, the following title amendments were adopted:

On page 1, at the beginning of line 2 of the title, insert "amending RCW 90.03.525;"

On page 1, beginning on line 8 of the title, insert "providing an expiration date;"

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

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 6001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6001.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6001 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Angel, Dinsel, Kline, McAuliffe and Padden

ENGROSSED SUBSTITUTE SENATE BILL NO. 6001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:41 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, March 5, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 5, 2014

The Senate was called to order at 10:00 a.m. by the President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Hargrove and McAuliffe.

The Sergeant at Arms Color Guard consisting of Pages Jennifer Grossman and Sunielove McBride, presented the Colors. Pastor Jack Keith of Hood Canal Community Church of Hoodspport offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2762,

ENGROSSED HOUSE BILL NO. 2797,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1574 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Ryu and Pollet)

AN ACT Relating to investigative costs for residential services and supports programs; adding new sections to chapter 71A.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

SHB 2634 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kagi, Tharinger and Freeman)

AN ACT Relating to enforcement standards for residential services and support providers; amending RCW 71A.12.270; adding a new section to chapter 71A.12 RCW; creating a new section; and recodifying RCW 71A.12.270.

Referred to Committee on Health Care.

ESHB 2748 by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representative Hudgins)

AN ACT Relating to fees assessed by the department of agriculture; amending RCW 15.36.051, 15.36.081, 15.36.491, 15.36.525, 15.36.551, and 69.07.040; adding a new section to chapter 15.36 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Ways & Means.

HB 2790 by Representatives Hunter, Chandler and Cody

AN ACT Relating to adjusting timelines regarding the hospital safety net assessment; and amending RCW 74.60.030, 74.60.120, and 74.60.130.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Conway moved that Lillian Hunter, Gubernatorial Appointment No. 9276, be confirmed as a member of the Board of Trustees, Bates Technical College District No. 28.

Senator Conway spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator McAuliffe was excused.

APPOINTMENT OF LILLIAN HUNTER

The President Pro Tempore declared the question before the Senate to be the confirmation of Lillian Hunter, Gubernatorial Appointment No. 9276, as a member of the Board of Trustees, Bates Technical College District No. 28.

The Secretary called the roll on the confirmation of Lillian Hunter, Gubernatorial Appointment No. 9276, as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Frasier, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette,

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Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Hargrove
Excused: Senator McAuliffe

Lillian Hunter, Gubernatorial Appointment No. 9276, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bates Technical College District No. 28.

MOTION

On motion of Senator Billig, Senator Hargrove was excused.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that John Jessop, Gubernatorial Appointment No. 9278, be confirmed as a member of the Board of Trustees, Edmonds Community College District No. 23.

Senator Chase spoke in favor of the motion.

APPOINTMENT OF JOHN JESSOP

The President Pro Tempore declared the question before the Senate to be the confirmation of John Jessop, Gubernatorial Appointment No. 9278, as a member of the Board of Trustees, Edmonds Community College District No. 23.

The Secretary called the roll on the confirmation of John Jessop, Gubernatorial Appointment No. 9278, as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Hargrove and McAuliffe

John Jessop, Gubernatorial Appointment No. 9278, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Edmonds Community College District No. 23.

MOTION

At 10:25 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 12:05 p.m. by the Vice President Pro Tempore.

MOTION

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

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

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

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8700

By Senator Liias

WHEREAS, Former Mayor Don Gough has honorably served the city of Lynnwood and the state of Washington; and

WHEREAS, Don Gough served for 10 years on the Lynnwood City Council and 8 years as Mayor; and

WHEREAS, Don Gough has a long history of community service, working as a past liaison to the Fire, Police, Community Development, Library, and Parks departments, and as the Medic 7 representative for six years and Southwest Snohomish County Communications Agency (SNOCOM) alternate for nine years; and

WHEREAS, Don Gough led the work to organize the city council and was elected the first Council President and Mayor Pro-tem during 2000 and 2001; and

WHEREAS, Don Gough served diligently on the finance committee and public safety committee for the city of Lynnwood; and

WHEREAS, He has written, sponsored, and worked with council members to successfully pass many improvements for the city; and

WHEREAS, His efforts as Mayor focused on protecting neighborhoods and promoting improvements and progress for the city of Lynnwood;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize former Lynnwood Mayor, Don Gough, for his service to the Lynnwood community and his commitment to its continued growth and development.

Senator Liias spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8700.

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

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8701

By Senator Liias

WHEREAS, Joe Marine served as Mayor of Mukilteo from 2006 to 2013 and spent his time restoring and building a strong community; and

WHEREAS, During his tenure, the city built the Rosehill Community Center and a new LEED Gold Certified City Hall, which enhanced the city's appearance and provided spaces for community involvement; and

WHEREAS, Joe Marine contributed in developing new anticrime events, watch groups, and other community assisted programs to support unity within the Mukilteo community; and

WHEREAS, His efforts to increase transparency between local government and the community led to the implementation of a new data system that is cost-effective and improves sharing ability; and

WHEREAS, Joe Marine worked with community members, volunteers, and eagle scouts to complete a two-mile walking trail along one of Mukilteo's largest ravines, a popular dog park, and a transformation of the popular Lighthouse Park; and

WHEREAS, He embraced Mukilteo's relationship with local tribes by inviting the tribes to use Mukilteo as a landing spot for the Intertribal Canoe journey, which was the first time Native Americans had a major gathering in Mukilteo since the Point Elliot Treaty in 1855; and

WHEREAS, He was voted a top five 2013 finalist for best Mayor from KING 5 Best of Western Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize former Mukilteo Mayor, Joe Marine, for his service to the Mukilteo community and his commitment to its continued growth and development.

Senator Liias spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8701.

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

MOTION

Senator Baumgartner moved adoption of the following resolution:

SENATE RESOLUTION 8704

By Senators Schoesler, Baumgartner, Billig, Dandel, Brown, Dammeier, and Padden

WHEREAS, Washington Water Power was originally incorporated on March 15, 1889, to meet the increasing demand for electricity in the growing city of Spokane Falls, Washington; and

WHEREAS, In 1890, the company built its first hydroelectric generating facility at Monroe Street, and in 1903 it built the world's longest transmission line, which traveled from Spokane to Burke, Idaho; and

WHEREAS, The company once boasted the highest spillway in the world with the completion of the Long Lake hydroelectric facility in 1915; and

WHEREAS, Washington Water Power employees' legacy of innovation began with their development of the first temperature control for the electric stove and the first heating coil for the home water heater; and

WHEREAS, Washington Water Power began serving natural gas customers with the purchase of the Spokane Natural Gas Company in 1958; and

WHEREAS, The company built the country's first stand-alone wood waste-fired electric generating facility in Kettle Falls, Washington, in 1983; and

WHEREAS, Washington Water Power began doing business as Avista Corp. on January 1, 1999; and

WHEREAS, Avista built upon its legacy of clean, renewable power generation with the purchase of power from the Palouse Wind project beginning in December 2012; and

WHEREAS, Avista has a diversified mix of generating resources and now owns and operates eight hydroelectric facilities and seven thermal generating facilities with a total generating capacity of more than 1,844 megawatts; and

WHEREAS, The company owns 21,000 miles of distribution and transmission lines in its 30,000 square-mile service territory; and

WHEREAS, Avista has been repeatedly honored for its environmental stewardship, receiving five national awards as an "Outstanding Steward of America's Waters," as well as the Association of Washington Businesses 2001 Environmental Excellence Award and special recognition as one of the greenest companies in Washington by Seattle Business magazine in 2012; and

WHEREAS, Avista and the Avista Foundation contribute more than \$1 million per year to nonprofit organizations, and the company has been named in the top 25 in the Puget Sound Business Journal's list of top Washington philanthropists for the past four years; and

WHEREAS, Avista employees annually perform approximately 50,000 hours of volunteer service to more than 1,000 organizations in their communities; and

WHEREAS, Avista has provided safe, reliable energy services for 125 years, surviving the Spokane fire of 1889, the ice storm of 1996, Y2K, and the Western energy crisis in 2001;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize and honor Avista Corp. and its employees on the company's 125th anniversary of incorporation.

Senator Baumgartner spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8704.

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

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION 8708

By Senators Parlette, Hatfield, Becker, Hewitt, and Schoesler

WHEREAS, It is the policy of the Senate of the State of Washington to honor the achievements and talents of Washington's artists and to recognize their contribution to their communities; and

WHEREAS, Bonnie "Guitar" Buckingham is one of the biggest stars to emerge from the Pacific Northwest's music scene; and

WHEREAS, Buckingham produced songs that established her as an early "crossover" artist; and

WHEREAS, The multitalented artist devoted her skills as a unique female session instrumentalist, talent scout, record label executive, audio engineer, and session producer to the success of many aspiring young talents; and

WHEREAS, Buckingham will be remembered as a female pioneer in a music industry traditionally dominated by male artists; and

WHEREAS, Buckingham was one of the few female singers in country music during her fame and is one of the few country singers

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to have had a hit on the *Billboard* Magazine's Country charts and Pop charts simultaneously during the late 1950s; and

WHEREAS, Buckingham performed for the Grand Ole Opry at Nashville's Ryman Auditorium numerous times and was offered a regular spot on the Grand Ole Opry, but declined; and

WHEREAS, In the late 1950s, Buckingham formed her own record label called Dolton Records, formerly called Dolphin Records, with cofounder Bob Reisdorff; and

WHEREAS, Buckingham is credited as one of the people who helped launch The Fleetwoods as well as The Ventures upon signing the two groups to Dolton Records during the late 1950s; and

WHEREAS, Buckingham made television appearances on Dick Clark's American Bandstand as well as West Coast programs like the Ranch Party and Gene Autry's Melody Ranch show; and

WHEREAS, Buckingham resumed her own music career and charted for the first time in many years in 1980 with the single "Honey on the Moon"; and

WHEREAS, Seattle's Northwest Area Music Association recognized how Buckingham's talents had significantly impacted the recording arts in the Pacific Northwest and inducted her into their NAMA Hall of Fame in 1989; and

WHEREAS, Upon retiring in 1996, Buckingham has called Soap Lake, Washington home and continues to give back to her community through her musical talent and warm generosity; and

WHEREAS, This body recognizes the effect Buckingham and her music have on the viability, well-being, and economy of local communities and this state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington express its appreciation of Washington's very own Bonnie "Guitar" Buckingham for her continued efforts in producing music, her dedication to music and her community, and her contribution to the success of other performing artists and groups; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Bonnie "Guitar" Buckingham.

Senator Parlette spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8708.

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

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8709

By Senators Kohl-Welles, Fraser, Mullet, Pedersen, Nelson, Eide, Tom, Ericksen, Holmquist Newbry, Rolfes, Liias, Frockt, Bailey, and Parlette

WHEREAS, People of all ethnic and cultural heritage live in Washington State, sharing their traditions, histories, and cultures with the citizens of our state; and

WHEREAS, The State of Washington recognizes the great cultural contributions made by the many generations and individuals of Norwegian descent residing in our state, particularly in Ballard; and

WHEREAS, Since 1889, the greater Seattle area and beyond have joined in celebrating Norway's Constitution Day on the 17th of May by hosting a 17th of May, or "Syttende Mai," Festival and parade in Ballard to honor the day in 1814 when Norway declared

its independence by signing its constitution, and this is the 125th anniversary of the Festival; and

WHEREAS, The Ballard May 17th parade is one of the largest ethnic parades in the United States and the largest May 17th parade outside of Oslo, Norway; and

WHEREAS, On the 17th of May, the Ballard community will join together to participate in a wide range of cultural festivities and events in celebration of all that is Norwegian;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Norway's Constitution Day, May 17, 2014, and encourage all citizens of Washington State to join in celebrating the culture and heritage of Norway; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Norwegian 17th of May Committee and to the Nordic Heritage Museum.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8709.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8710

By Senators Kohl-Welles, Ranker, Hatfield, Fraser, Mullet, Pedersen, Nelson, Eide, Bailey, Ericksen, Cleveland, Hargrove, and Rolfes

WHEREAS, The Washington state commercial fishing fleet begins leaving in March for the Pacific and Alaskan waters, and the Blessing of the Fleet will occur March 9, 2014, at Fisherman's Terminal in Ballard; and

WHEREAS, This is the 86th year that the Ballard First Lutheran Church has held the blessing, and the 18th year that Pastor Erik Wilson Weiberg has offered the blessing; and

WHEREAS, The Washington state commercial fishing fleet begins leaving Blaine waters in May, and this is the 31st year that the Blessing of the Fleet will occur in Blaine Harbor, this year at Blaine Boating Center on May 4, 2014; and

WHEREAS, The Washington state commercial fishing fleet begins leaving Bellingham waters in May, and this is the 39th year that the Blessing of the Fleet will occur in Bellingham, this year at Zuanich Point Park in Squalicum Harbor on May 10, 2014; and

WHEREAS, The Washington state commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people and is one of the largest industries in Washington state; and

WHEREAS, The harvest annually contributes significantly to the Washington state economy; and

WHEREAS, The life of a fisher is fraught with danger and hardship that most people will never face; and

WHEREAS, A fisher chooses to work on the sea, braving the elements in order to harvest the ocean's resources; and

WHEREAS, The men and women who work on fishing boats, at times in dangerous circumstances, deserve our admiration, thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers lose their lives, devastating not only the close-knit community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and express its hope that all of our fishers will return home safely to their families, friends, and communities.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8710.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

Senator Dammeier moved adoption of the following resolution:

SENATE RESOLUTION 8711

By Senator Dammeier

WHEREAS, The Washington State Fair in Puyallup welcomes over 1,000,000 guests every year to the biggest party in the state; and

WHEREAS, The Washington State Fair annually supports youth agricultural programs and dedicates over \$1,000,000 in cash and services to them; and

WHEREAS, The Washington State Fair serves over 1,000,000 scones during the 17-day event; and

WHEREAS, The Washington State Fair has donated over \$1,000,000 for educational programs through the White Hat program since 1999; and

WHEREAS, The Washington State Fair hosts over 1,000,000 visitors to its web site during fair season; and

WHEREAS, The Washington State Fair in Puyallup provides the largest and greatest fair experience in the Pacific Northwest, creating millions of smiles and millions of memories for its patrons since 1900;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Washington State Fair in Puyallup.

Senator Dammeier spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8711.

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

MOTION

At 12:18 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:09 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1417,
HOUSE BILL NO. 1607,
HOUSE BILL NO. 2100,
HOUSE BILL NO. 2106,
HOUSE BILL NO. 2119,
HOUSE BILL NO. 2140,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,
SUBSTITUTE HOUSE BILL NO. 2195,
HOUSE BILL NO. 2228,
SUBSTITUTE HOUSE BILL NO. 2309,
HOUSE BILL NO. 2446,
HOUSE BILL NO. 2515,
SUBSTITUTE HOUSE BILL NO. 2544,
SUBSTITUTE HOUSE BILL NO. 2567,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1634,
SUBSTITUTE HOUSE BILL NO. 2057,
SUBSTITUTE HOUSE BILL NO. 2261,
SUBSTITUTE HOUSE BILL NO. 2262,
SUBSTITUTE HOUSE BILL NO. 2448,
HOUSE BILL NO. 2547,
HOUSE BILL NO. 2674,
ENGROSSED HOUSE BILL NO. 2733,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND READING

HOUSE BILL NO. 2208, by Representatives Haigh and Buys

Concerning heavy civil construction projects.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of House Bill No. 2208.

reading considered the third and the bill was placed on final passage.

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2208 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Dammeier

HOUSE BILL NO. 2208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1417,
- HOUSE BILL NO. 1607,
- SUBSTITUTE HOUSE BILL NO. 1634,
- SUBSTITUTE HOUSE BILL NO. 2057,
- HOUSE BILL NO. 2100,
- HOUSE BILL NO. 2106,
- HOUSE BILL NO. 2119,
- HOUSE BILL NO. 2140,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,
- SUBSTITUTE HOUSE BILL NO. 2195,
- HOUSE BILL NO. 2228,
- SUBSTITUTE HOUSE BILL NO. 2261,
- SUBSTITUTE HOUSE BILL NO. 2262,
- SUBSTITUTE HOUSE BILL NO. 2309,
- HOUSE BILL NO. 2446,
- SUBSTITUTE HOUSE BILL NO. 2448,
- HOUSE BILL NO. 2515,
- SUBSTITUTE HOUSE BILL NO. 2544,
- HOUSE BILL NO. 2547,
- SUBSTITUTE HOUSE BILL NO. 2567,
- HOUSE BILL NO. 2674,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680,
- ENGROSSED HOUSE BILL NO. 2733.

SECOND READING

HOUSE BILL NO. 2583, by Representative Dahlquist

Adding charter school chief executive officers to the list of individuals who may file complaints of unprofessional conduct regarding certificated employees.

The measure was read the second time.

MOTION

On motion of Senator Litzow, the rules were suspended, House Bill No. 2583 was advanced to third reading, the second

MOTION

On motion of Senator Rolfes, Senator Ranker was excused.

POINT OF ORDER

Senator Hasegawa: "I was just wondering if this requires a two-thirds vote?"

REMARKS BY THE PRESIDENT

President Owen: "Senator Hasegawa, it will take a moment to check."

MOTION

On motion of Senator Fain, further consideration of House Bill No. 2583 was deferred and the bill held its place on the third reading calendar.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 5, 2014."

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through March 5, 2014 by voice vote.

SECOND READING

SENATE BILL NO. 6220, by Senators Braun, Mullet, Sheldon, Ericksen, Hobbs and Parlette

Concerning retail license fees for retailers when selling for resale.

The measure was read the second time.

MOTION

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

On page 1, at the beginning of line 6, insert "(1)"

On page 1, after line 9, insert the following:

"(2) This section does not apply to sales of spirits by retail licensees to on-premise licensees that are located in a county with a population of two hundred fifty thousand or more."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 6 to Senate Bill No. 6220.

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

MOTION

Senator Cleveland moved that the following amendment by Senators Cleveland and Conway be adopted:

On page 1, at the beginning of line 6, insert "(1)"

On page 1, after line 9, insert the following:

"(2) In order to qualify for the exception in subsection (1) of this section, retailers must produce a monthly report to the board reporting the amount of theft of spirits from their premises. Quarterly, retailers must identify the amount of theft by brand."

Senators Cleveland and Conway spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Cleveland and Conway on page 1, line 6 to Senate Bill No. 6220.

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

MOTION

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

On page 1, at the beginning of line 6, insert "(1)"

On page 1, after line 9, insert the following:

"(2) This section does not apply to retail licensees that require membership or the payment of membership fees by its customers in order to patronize the retail outlet of the spirits retail licensee."

Senators Chase and Conway spoke in favor of adoption of the amendment.

Senators Mullet and Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Chase on page 1, line 6 to Senate Bill No. 6220.

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

MOTION

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

On page 1, line 8, after "licensee", insert "with total retail sales of under 1 million dollars per year"

Senator Nelson spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 1, line 8 to Senate Bill No. 6220.

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

MOTION

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

On page 1, line 8, after "licensee", insert "with retail space under 15,000 square feet"

Senator Nelson spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Nelson on page 1, line 8 to Senate Bill No. 6220.

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

MOTION

Senator Conway moved that the following amendment by Senators Conway and Hewitt be adopted:

On page 1, after line 9, insert the following:

"Sec. 2. RCW 66.24.055 and 2013 2nd sp.s. c 12 s 1 are each amended to read as follows:

(1) There is a license for spirits distributors to (a) sell spirits purchased from manufacturers, distillers, or suppliers including, without limitation, licensed Washington distilleries, licensed spirits importers, other Washington spirits distributors, or suppliers of foreign spirits located outside of the United States, to spirits retailers including, without limitation, spirits retail licensees, special occasion license holders, interstate common carrier license holders, restaurant spirits retailer license holders, spirits, beer, and wine private club license holders, hotel license holders, sports entertainment facility license holders, and spirits, beer, and wine nightclub license holders, and to other spirits distributors; and (b) export the same from the state.

(2) By January 1, 2012, the board must issue spirits distributor licenses to all applicants who, upon December 8, 2011, have the right to purchase spirits from a spirits manufacturer, spirits distiller, or other spirits supplier for resale in the state, or are agents of such supplier authorized to sell to licensees in the state, unless the board determines that issuance of a license to such applicant is not in the public interest.

(3)(a) As limited by (b) and (c) of this subsection and subject to ((~~(e)~~)) (d) of this subsection, each spirits distributor licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee calculated as follows:

(i) In each of the first twenty-seven months of licensure, ten percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively; and

(ii) In the twenty-eighth month of licensure and each month thereafter, five percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively.

(b) The fee required under this subsection (3) is calculated only on sales of items which the licensee was the first spirits distributor in the state to have received:

(i) In the case of spirits manufactured in the state, from the distiller; or

(ii) In the case of spirits manufactured outside the state, from an authorized out-of-state supplier.

(c) The fee required under this subsection (3) is only required to be paid by the spirits distributor that is the first in the state to possess the spirits.

(d) By March 31, 2013, all persons holding spirits distributor licenses on or before March 31, 2013, must have paid collectively one hundred fifty million dollars or more in spirits distributor license fees. If the collective payment through March 31, 2013, totals less than one hundred fifty million dollars, the board must, according to rules adopted by the board for the purpose, collect by May 31, 2013, as additional spirits distributor license fees the difference between one hundred fifty million dollars and the actual receipts, allocated among persons holding spirits distributor licenses at any time on or before March 31, 2013, ratably according to their spirits sales made during calendar year 2012. Any amount by which such payments exceed one hundred fifty million dollars by March 31, 2013, must

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be credited to future license issuance fee obligations of spirits distributor licensees according to rules adopted by the board.

~~((d))~~ (e) A retail licensee selling for resale must pay a distributor license fee under the terms and conditions in this section on resales of spirits the licensee has purchased on which no other distributor license fee has been paid. The board must establish rules setting forth the frequency and timing of such payments and reporting of sales dollar volume by the licensee, with payments due quarterly in arrears.

~~((e))~~ (f) No spirits inventory may be subject to calculation of more than a single spirits distributor license issuance fee.

(4) In addition to the payment set forth in subsection (3) of this section, each spirits distributor licensee renewing its annual license must pay an annual license renewal fee of one thousand three hundred twenty dollars for each licensed location.

(5) There is no minimum facility size or capacity for spirits distributor licenses, and no limit on the number of such licenses issued to qualified applicants. License applicants must provide physical security of the product that is substantially as effective as the physical security of the distribution facilities currently operated by the board with respect to preventing pilferage. License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing distributor premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits distributor licenses."

On page 1, line 1 of the title, after "retail" strike the remainder of the title and insert "and spirits distributor license fees; amending RCW 66.24.055; and adding a new section to chapter 66.24 RCW."

POINT OF INQUIRY

Senator Conway: "Would Senator Braun yield to a question? I just want to make sure that this particular impact of this amendment is included in another amendment that he has?"

Senator Braun: "So, to answer your question is yes. The, you have two amendments that deal with the same issue, 525 and 568. 568 is the newer and more refined language. They serve the same purpose and that language is included in the compromise amendment."

WITHDRAWAL OF AMENDMENT

On motion of Senator Conway, the amendment by Senator Conway on page 1, line 9 to Senate Bill No. 6220 was withdrawn.

MOTION

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

On page 1, after line 9, insert the following:

"Sec. 2. RCW 66.24.055 and 2013 2nd sp.s. c 12 s 1 are each amended to read as follows:

(1) There is a license for spirits distributors to (a) sell spirits purchased from manufacturers, distillers, or suppliers including, without limitation, licensed Washington distilleries, licensed spirits importers, other Washington spirits distributors, or suppliers of foreign spirits located outside of the United States, to spirits retailers including, without limitation, spirits retail licensees, special occasion license holders, interstate common carrier license holders, restaurant spirits retailer license holders, spirits, beer, and wine

private club license holders, hotel license holders, sports entertainment facility license holders, and spirits, beer, and wine nightclub license holders, and to other spirits distributors; and (b) export the same from the state.

(2) By January 1, 2012, the board must issue spirits distributor licenses to all applicants who, upon December 8, 2011, have the right to purchase spirits from a spirits manufacturer, spirits distiller, or other spirits supplier for resale in the state, or are agents of such supplier authorized to sell to licensees in the state, unless the board determines that issuance of a license to such applicant is not in the public interest.

(3)(a) As limited by (b) of this subsection and subject to (c) of this subsection, each spirits distributor licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee calculated as follows:

(i) In each of the first twenty-seven months of licensure, ten percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively; and

(ii) In the twenty-eighth month of licensure and each month thereafter, five percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively.

(b) The fee required under this subsection (3) is calculated only on sales of items which the licensee was the first spirits distributor in the state to have received:

(i) In the case of spirits manufactured in the state, from the distiller; or

(ii) In the case of spirits manufactured outside the state, from an authorized out-of-state supplier.

(c) By March 31, 2013, all persons holding spirits distributor licenses on or before March 31, 2013, must have paid collectively one hundred fifty million dollars or more in spirits distributor license fees. If the collective payment through March 31, 2013, totals less than one hundred fifty million dollars, the board must, according to rules adopted by the board for the purpose, collect by May 31, 2013, as additional spirits distributor license fees the difference between one hundred fifty million dollars and the actual receipts, allocated among persons holding spirits distributor licenses at any time on or before March 31, 2013, ratably according to their spirits sales made during calendar year 2012. Any amount by which such payments exceed one hundred fifty million dollars by March 31, 2013, must be credited to future license issuance fee obligations of spirits distributor licensees according to rules adopted by the board.

(d) A retail licensee selling for resale must pay a distributor license fee under the terms and conditions in this section on resales of spirits the licensee has purchased on which no other distributor license fee has been paid. The board must establish rules setting forth the frequency and timing of such payments and reporting of sales dollar volume by the licensee, with payments due quarterly in arrears.

(e) No spirits inventory may be subject to calculation of more than a single spirits distributor license issuance fee.

(4) In addition to the payment set forth in subsection (3) of this section, each spirits distributor licensee renewing its annual license must pay an annual license renewal fee of one thousand three hundred twenty dollars for each licensed location.

(5) There is no minimum facility size or capacity for spirits distributor licenses, and no limit on the number of such licenses issued to qualified applicants. License applicants must provide physical security of the product that is substantially as effective as the physical security of the distribution facilities currently operated by the board with respect to preventing pilferage. License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public,

churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing distributor premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits distributor licenses.

(6) A retailer may not deliver spirits to a restaurant, unless the retailer is also licensed as a spirits distributor under this section."

On page 1, line 1 of the title, after "retail" strike the remainder of the title and insert "and spirits distributor license fees; amending RCW 66.24.055; and adding a new section to chapter 66.24 RCW."

Senators Keiser, Conway and Frockt spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 1, after line 9 to Senate Bill No. 6220.

The motion by Senator Keiser failed and the amendment was not adopted by a rising vote.

MOTION

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

On page 1, after line 9, insert the following:

"**Sec. 2.** RCW 66.24.055 and 2013 2nd sp.s. c 12 s 1 are each amended to read as follows:

(1) There is a license for spirits distributors to (a) sell spirits purchased from manufacturers, distillers, or suppliers including, without limitation, licensed Washington distilleries, licensed spirits importers, other Washington spirits distributors, or suppliers of foreign spirits located outside of the United States, to spirits retailers including, without limitation, spirits retail licensees, special occasion license holders, interstate common carrier license holders, restaurant spirits retailer license holders, spirits, beer, and wine private club license holders, hotel license holders, sports entertainment facility license holders, and spirits, beer, and wine nightclub license holders, and to other spirits distributors; and (b) export the same from the state.

(2) By January 1, 2012, the board must issue spirits distributor licenses to all applicants who, upon December 8, 2011, have the right to purchase spirits from a spirits manufacturer, spirits distiller, or other spirits supplier for resale in the state, or are agents of such supplier authorized to sell to licensees in the state, unless the board determines that issuance of a license to such applicant is not in the public interest.

(3)(a) As limited by (b) and (c) of this subsection and subject to ~~((e))~~ (d) of this subsection, each spirits distributor licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee calculated as follows:

(i) In each of the first twenty-seven months of licensure, ten percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively; and

(ii) In the twenty-eighth month of licensure and each month thereafter, five percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively.

(b) The fee required under this subsection (3) is calculated only on sales of items which the licensee was the first spirits distributor or other licensee in the state to have received:

(i) In the case of spirits manufactured in the state, from the distiller; or

(ii) In the case of spirits manufactured outside the state, from an authorized out-of-state supplier.

(c) The fee required under this subsection (3) is required to be paid by the spirits distributor or other licensee that is the first in the

state to possess the spirits.

(d) By March 31, 2013, all persons holding spirits distributor licenses on or before March 31, 2013, must have paid collectively one hundred fifty million dollars or more in spirits distributor license fees. If the collective payment through March 31, 2013, totals less than one hundred fifty million dollars, the board must, according to rules adopted by the board for the purpose, collect by May 31, 2013, as additional spirits distributor license fees the difference between one hundred fifty million dollars and the actual receipts, allocated among persons holding spirits distributor licenses at any time on or before March 31, 2013, ratably according to their spirits sales made during calendar year 2012. Any amount by which such payments exceed one hundred fifty million dollars by March 31, 2013, must be credited to future license issuance fee obligations of spirits distributor licensees according to rules adopted by the board.

~~((d))~~ (e) A retail licensee selling for resale must pay a distributor license fee under the terms and conditions in this section on resales of spirits the licensee has purchased on which no other distributor license fee has been paid. The board must establish rules setting forth the frequency and timing of such payments and reporting of sales dollar volume by the licensee, with payments due quarterly in arrears.

~~((e))~~ (f) No spirits inventory may be subject to calculation of more than a single spirits distributor license issuance fee.

(4) In addition to the payment set forth in subsection (3) of this section, each spirits distributor licensee renewing its annual license must pay an annual license renewal fee of one thousand three hundred twenty dollars for each licensed location.

(5) There is no minimum facility size or capacity for spirits distributor licenses, and no limit on the number of such licenses issued to qualified applicants. License applicants must provide physical security of the product that is substantially as effective as the physical security of the distribution facilities currently operated by the board with respect to preventing pilferage. License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing distributor premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits distributor licenses."

On page 1, line 1 of the title, after "retail" strike the remainder of the title and insert "and spirits distributor license fees; amending RCW 66.24.055; and adding a new section to chapter 66.24 RCW."

Senator Conway spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Keiser: "Would Senator Braun yield to a question? Senator, I think I just heard you say in your substitute that the distributor fee is going to be paid by all sellers, is that correct?"

Senator Braun: "That is correct. It is under current law paid. There is some question about the enforceability of that law so we take the language include it in amendment 568 and enroll it into the compromise amendment. So, this is an issue that we've agreed to. This amendment is not necessary. It will be included in an amendment we get to in a little bit."

Senator Keiser spoke in favor of adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senator Conway on page 1, after line 9 to Senate Bill No. 6220.

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

MOTION

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

On page 1, after line 9, insert the following:

"**Sec. 2.** RCW 66.24.055 and 2013 2nd sp.s. c 12 s 1 are each amended to read as follows:

(1) There is a license for spirits distributors to:

(a) Sell spirits purchased from manufacturers, distillers, or suppliers including, without limitation, licensed Washington distilleries, licensed spirits importers, other Washington spirits distributors, or suppliers of foreign spirits located outside of the United States, to spirits retailers including, without limitation, spirits retail licensees, special occasion license holders, interstate common carrier license holders, restaurant spirits retailer license holders, spirits, beer, and wine private club license holders, hotel license holders, sports entertainment facility license holders, and spirits, beer, and wine nightclub license holders, and to other spirits distributors; (~~and~~)

(b) Sell spirits in their original containers to consumers from the distributors' licensed premises; and

(c) Export the same from the state.

(2) By January 1, 2012, the board must issue spirits distributor licenses to all applicants who, upon December 8, 2011, have the right to purchase spirits from a spirits manufacturer, spirits distiller, or other spirits supplier for resale in the state, or are agents of such supplier authorized to sell to licensees in the state, unless the board determines that issuance of a license to such applicant is not in the public interest.

(3)(a) As limited by (b) of this subsection and subject to (c) of this subsection, each spirits distributor licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee calculated as follows:

(i) In each of the first twenty-seven months of licensure, ten percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively; and

(ii) In the twenty-eighth month of licensure and each month thereafter, five percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively.

(b) The fee required under this subsection (3) is calculated only on sales of items which the licensee was the first spirits distributor in the state to have received:

(i) In the case of spirits manufactured in the state, from the distiller; or

(ii) In the case of spirits manufactured outside the state, from an authorized out-of-state supplier.

(c) By March 31, 2013, all persons holding spirits distributor licenses on or before March 31, 2013, must have paid collectively one hundred fifty million dollars or more in spirits distributor license fees. If the collective payment through March 31, 2013, totals less than one hundred fifty million dollars, the board must, according to rules adopted by the board for the purpose, collect by May 31, 2013, as additional spirits distributor license fees the difference between one hundred fifty million dollars and the actual receipts, allocated among persons holding spirits distributor licenses at any time on or before March 31, 2013, ratably according to their spirits sales made during calendar year 2012. Any amount by which such payments exceed one hundred fifty million dollars by March 31, 2013, must

be credited to future license issuance fee obligations of spirits distributor licensees according to rules adopted by the board.

(d) A retail licensee selling for resale must pay a distributor license fee under the terms and conditions in this section on resales of spirits the licensee has purchased on which no other distributor license fee has been paid. The board must establish rules setting forth the frequency and timing of such payments and reporting of sales dollar volume by the licensee, with payments due quarterly in arrears.

(e) No spirits inventory may be subject to calculation of more than a single spirits distributor license issuance fee.

(4) In addition to the payment set forth in subsection (3) of this section, each spirits distributor licensee renewing its annual license must pay an annual license renewal fee of one thousand three hundred twenty dollars for each licensed location.

(5) There is no minimum facility size or capacity for spirits distributor licenses, and no limit on the number of such licenses issued to qualified applicants. License applicants must provide physical security of the product that is substantially as effective as the physical security of the distribution facilities currently operated by the board with respect to preventing pilferage. License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing distributor premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits distributor licenses."

On page 1, line 2, after "resale;" insert "amending RCW 66.24.055;"

Senators Honeyford, Keiser and Conway spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, after line 9 to Senate Bill No. 6220.

The motion by Senator Honeyford failed and the amendment was not adopted by a rising vote.

PARLIAMENTARY INQUIRY

Senator Hargrove: "If I move in and out can I count two or three times too?"

REPLY BY THE PRESIDENT

President Owen: "I have something to say so bad...No."

MOTION

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

On page 1, after line 9, insert the following:

"**NEW SECTION. Sec. 2.** A new section is added to chapter 66.24 RCW to read as follows:

Retail licensees that sell to on-premise licensees are required to pay any shortfall between the amount that the ten-percent distributor fee generated in 2013, exclusive of payments made by distributors under RCW 66.24.055(3)(c), and the amount that the distributor fee generates in the first year beginning on the effective date of this section and each year thereafter, as calculated by the board. For purposes of making the calculation under this section, the distributor fee is assumed to be ten percent. Any shortfall must be paid

annually on a pro rata basis by all retail licensees that sell to on-premise licensees based on the proportional revenue generated by such sales by each retail licensee."

On page 1, line 2 of the title, after "adding;" strike "a new section" and insert "new sections"

Senators Keiser and Nelson spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 1, after line 9 to Senate Bill No. 6220.

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

MOTION

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

On page 1, after line 9, insert the following:

"**NEW SECTION. Sec. 2.** (1) Section 1 of this act expires on January 1st of the first year in which the number of spirits thefts at all retail licensee stores are not equal to or lower than the actual reported spirits thefts in 2011 (the last year before the effective date of Initiative Measure No. 1183).

(2) The state liquor control board must provide written notice of the date on which the contingency in subsection (1) of this section occurs to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the board."

On page 1, line 2 of the title, after "resale;" strike the remainder of the title and insert "adding a new section to chapter 66.24 RCW; and providing a contingent expiration date."

Senators Keiser and Chase spoke in favor of adoption of the amendment.

Senators Sheldon, Schoesler and Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 1, after line 9 to Senate Bill No. 6220.

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

MOTION

Senator Braun moved that the following amendment by Senators Braun and Mullet be adopted:

On page 1, after line 9, insert the following:

"**Sec. 2.** RCW 66.24.055 and 2013 2nd sp.s. c 12 s 1 are each amended to read as follows:

(1) There is a license for spirits distributors to (a) sell spirits purchased from manufacturers, distillers, or suppliers including, without limitation, licensed Washington distilleries, licensed spirits importers, other Washington spirits distributors, or suppliers of foreign spirits located outside of the United States, to spirits retailers including, without limitation, spirits retail licensees, special occasion license holders, interstate common carrier license holders, restaurant spirits retailer license holders, spirits, beer, and wine private club license holders, hotel license holders, sports entertainment facility license holders, and spirits, beer, and wine nightclub license holders, and to other spirits distributors; and (b) export the same from the state.

(2) By January 1, 2012, the board must issue spirits distributor licenses to all applicants who, upon December 8, 2011, have the right to purchase spirits from a spirits manufacturer, spirits distiller,

or other spirits supplier for resale in the state, or are agents of such supplier authorized to sell to licensees in the state, unless the board determines that issuance of a license to such applicant is not in the public interest.

(3)(a) As limited by (b) ~~and~~ (c) of this subsection and subject to ~~((e))~~ (d) of this subsection, each spirits distributor licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee calculated as follows:

(i) In each of the first twenty-seven months of licensure, ten percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively; and

(ii) In the twenty-eighth month of licensure and each month thereafter, five percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively.

(b) The fee required under this subsection (3) is calculated only on sales of items which the licensee was the first spirits distributor or other licensee in the state to have received:

(i) In the case of spirits manufactured in the state, from the distiller; or

(ii) In the case of spirits manufactured outside the state, from an authorized out-of-state supplier.

(c) The fee required under this subsection (3) is only required to be paid by the spirits distributor that is the first in the state to possess the spirits.

(d) By March 31, 2013, all persons holding spirits distributor licenses on or before March 31, 2013, must have paid collectively one hundred fifty million dollars or more in spirits distributor license fees. If the collective payment through March 31, 2013, totals less than one hundred fifty million dollars, the board must, according to rules adopted by the board for the purpose, collect by May 31, 2013, as additional spirits distributor license fees the difference between one hundred fifty million dollars and the actual receipts, allocated among persons holding spirits distributor licenses at any time on or before March 31, 2013, ratably according to their spirits sales made during calendar year 2012. Any amount by which such payments exceed one hundred fifty million dollars by March 31, 2013, must be credited to future license issuance fee obligations of spirits distributor licensees according to rules adopted by the board.

~~((e))~~ (e) A retail licensee selling for resale must pay a distributor license fee under the terms and conditions in this section on resales of spirits the licensee has purchased on which no other distributor license fee has been paid. The board must establish rules setting forth the frequency and timing of such payments and reporting of sales dollar volume by the licensee, with payments due quarterly in arrears.

~~((e))~~ (f) No spirits inventory may be subject to calculation of more than a single spirits distributor license issuance fee.

(4) In addition to the payment set forth in subsection (3) of this section, each spirits distributor licensee renewing its annual license must pay an annual license renewal fee of one thousand three hundred twenty dollars for each licensed location.

(5) There is no minimum facility size or capacity for spirits distributor licenses, and no limit on the number of such licenses issued to qualified applicants. License applicants must provide physical security of the product that is substantially as effective as the physical security of the distribution facilities currently operated by the board with respect to preventing pilferage. License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing distributor premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits distributor licenses.

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Sec. 3. RCW 66.24.630 and 2012 2nd sp.s. c 6 s 401 are each amended to read as follows:

(1) There is a spirits retail license to: Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders; sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses, although ~~((no single sale may exceed twenty four))~~ sales by a single spirits retail licensee to a single retailer licensed to sell for consumption on the premises on any business day may not exceed sixty liters, unless the sale is by a licensee that was a contract liquor store manager of a contract liquor store at the location of its spirits retail licensed premises from which it makes such sales; and export spirits. Until July 1, 2016, sales made to retailers licensed to sell spirits for consumption on the premises must be made at the location of the spirits retail licensed premises and may not be delivered to a retailer licensed to sell spirits for consumption on the premises.

(2) For the purposes of this title, a spirits retail license is a retail license, and a sale by a spirits retailer is a retail sale only if not for resale. Nothing in this title authorizes sales by on-sale licensees to other retail licensees. The board must establish by rule an obligation of on-sale spirits retailers to:

(a) Maintain a schedule by stock-keeping unit of all their purchases of spirits from spirits retail licensees, indicating the identity of the seller and the quantities purchased; and

(b) Provide, not more frequently than quarterly, a report for each scheduled item containing the identity of the purchasing on-premise licensee and the quantities of that scheduled item purchased since any preceding report to:

(i) A distributor authorized by the distiller to distribute a scheduled item in the on-sale licensee's geographic area; or

(ii) A distiller acting as distributor of the scheduled item in the area.

(3)(a) Except as otherwise provided in (c) of this subsection, the board may issue spirits retail licenses only for premises comprising at least ten thousand square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only to applicants that the board determines will maintain systems for inventory management, employee training, employee supervision, and physical security of the product substantially as effective as those of stores currently operated by the board with respect to preventing sales to or pilferage by underage or inebriated persons.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing grocery premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits retail licenses.

(c) The board may not deny a spirits retail license to an otherwise qualified contract liquor store at its contract location or to the holder of former state liquor store operating rights sold at auction under RCW 66.24.620 on the grounds of location, nature, or size of the premises to be licensed. The board may not deny a spirits retail license to applicants that are not contract liquor stores or operating rights holders on the grounds of the size of the premises to be licensed, if such applicant is otherwise qualified and the board determines that:

(i) There is no retail spirits license holder in the trade area that the applicant proposes to serve;

(ii) The applicant meets, or upon licensure will meet, the operational requirements established by the board by rule; and

(iii) The licensee has not committed more than one public safety violation within the three years preceding application.

(d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section:

(i) To other retailer premises licensed to sell spirits for consumption on the licensed premises;

(ii) To other registered facilities; or

(iii) To lawful purchasers outside the state. The facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.

(4)(a) Except as otherwise provided in (b) of this subsection, each spirits retail licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to seventeen percent of all spirits sales revenues under the license, exclusive of taxes collected by the licensee and of sales of items on which a license fee payable under this section has otherwise been incurred. The board must establish rules setting forth the timing of such payments and reporting of sales dollar volume by the licensee, with payments required quarterly in arrears. The first payment is due October 1, 2012.

(b) This subsection (4) does not apply to craft distilleries.

(5) In addition to the payment required under subsection (4) of this section, each licensee must pay an annual license renewal fee of one hundred sixty-six dollars. The board must periodically review and adjust the renewal fee as may be required to maintain it as comparable to annual license renewal fees for licenses to sell beer and wine not for consumption on the licensed premises. If required by law at the time, any increase of the annual renewal fee becomes effective only upon ratification by the legislature.

(6) As a condition to receiving and renewing a retail spirits license the licensee must provide training as prescribed by the board by rule for individuals who sell spirits or who manage others who sell spirits regarding compliance with laws and regulations regarding sale of spirits, including without limitation the prohibitions against sale of spirits to individuals who are underage or visibly intoxicated. The training must be provided before the individual first engages in the sale of spirits and must be renewed at least every five years. The licensee must maintain records documenting the nature and frequency of the training provided. An employee training program is presumptively sufficient if it incorporates a "responsible vendor program" promulgated by the board.

(7) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by retail spirits licensees.

(8)(a) The board must promulgate regulations concerning the adoption and administration of a compliance training program for spirits retail licensees, to be known as a "responsible vendor program," to reduce underage drinking, encourage licensees to adopt specific best practices to prevent sales to minors, and provide licensees with an incentive to give their employees ongoing training in responsible alcohol sales and service.

(b) Licensees who join the responsible vendor program under this section and maintain all of the program's requirements are not subject to the doubling of penalties provided in this section for a single violation in any period of twelve calendar months.

(c) The responsible vendor program must be free, voluntary, and self-monitoring.

(d) To participate in the responsible vendor program, licensees must submit an application form to the board. If the application establishes that the licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(e) A licensee participating in the responsible vendor program must at a minimum:

- (i) Provide ongoing training to employees;
- (ii) Accept only certain forms of identification for alcohol sales;
- (iii) Adopt policies on alcohol sales and checking identification;
- (iv) Post specific signs in the business; and
- (v) Keep records verifying compliance with the program's requirements."

Senators Braun and Mullet spoke in favor of adoption of the amendment.

Senators Ranker and Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Braun and Mullet on page 1, after line 9 to Senate Bill No. 6220.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "spirits retailers when selling for resale; amending RCW 66.24.055 and 66.24.630; and adding a new section to chapter 66.24 RCW."

MOTION

Senator Ranker moved that the following amendment by Senators Ranker and Frockt be adopted:

On page 1, after line 9, insert the following:

"**Sec. 2.** RCW 66.24.055 and 2013 2nd sp.s. c 12 s 1 are each amended to read as follows:

(1) There is a license for spirits distributors to (a) sell spirits purchased from manufacturers, distillers, or suppliers including, without limitation, licensed Washington distilleries, licensed spirits importers, other Washington spirits distributors, or suppliers of foreign spirits located outside of the United States, to spirits retailers including, without limitation, spirits retail licensees, special occasion license holders, interstate common carrier license holders, restaurant spirits retailer license holders, spirits, beer, and wine private club license holders, hotel license holders, sports entertainment facility license holders, and spirits, beer, and wine nightclub license holders, and to other spirits distributors; and (b) export the same from the state.

(2) By January 1, 2012, the board must issue spirits distributor licenses to all applicants who, upon December 8, 2011, have the right to purchase spirits from a spirits manufacturer, spirits distiller, or other spirits supplier for resale in the state, or are agents of such supplier authorized to sell to licensees in the state, unless the board determines that issuance of a license to such applicant is not in the public interest.

(3)(a) As limited by (b) and (c) of this subsection and subject to ~~((e))~~ (d) of this subsection, each spirits distributor licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee calculated as follows:

(i) In each of the first twenty-seven months of licensure, ten percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively; and

(ii) In the twenty-eighth month of licensure and each month thereafter, five percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively.

(b) The fee required under this subsection (3) is calculated only on sales of items which the licensee was the first spirits distributor or other licensee in the state to have received:

(i) In the case of spirits manufactured in the state, from the distiller; or

(ii) In the case of spirits manufactured outside the state, from an authorized out-of-state supplier.

(c) The fee required under this subsection (3) is only required to be paid by the spirits distributor that is the first in the state to possess the spirits.

(d) By March 31, 2013, all persons holding spirits distributor licenses on or before March 31, 2013, must have paid collectively one hundred fifty million dollars or more in spirits distributor license fees. If the collective payment through March 31, 2013, totals less than one hundred fifty million dollars, the board must, according to rules adopted by the board for the purpose, collect by May 31, 2013, as additional spirits distributor license fees the difference between one hundred fifty million dollars and the actual receipts, allocated among persons holding spirits distributor licenses at any time on or before March 31, 2013, ratably according to their spirits sales made during calendar year 2012. Any amount by which such payments exceed one hundred fifty million dollars by March 31, 2013, must be credited to future license issuance fee obligations of spirits distributor licensees according to rules adopted by the board.

~~((e))~~ (e) A retail licensee selling for resale must pay a distributor license fee under the terms and conditions in this section on resales of spirits the licensee has purchased on which no other distributor license fee has been paid. The board must establish rules setting forth the frequency and timing of such payments and reporting of sales dollar volume by the licensee, with payments due quarterly in arrears.

~~((e))~~ (f) No spirits inventory may be subject to calculation of more than a single spirits distributor license issuance fee.

(4) In addition to the payment set forth in subsection (3) of this section, each spirits distributor licensee renewing its annual license must pay an annual license renewal fee of one thousand three hundred twenty dollars for each licensed location.

(5) There is no minimum facility size or capacity for spirits distributor licenses, and no limit on the number of such licenses issued to qualified applicants. License applicants must provide physical security of the product that is substantially as effective as the physical security of the distribution facilities currently operated by the board with respect to preventing pilferage. License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing distributor premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits distributor licenses.

Sec. 3. RCW 66.24.630 and 2012 2nd sp.s. c 6 s 401 are each amended to read as follows:

(1) There is a spirits retail license to: Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders; sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses, although ~~((no single sale may exceed twenty four))~~ sales by a single spirits retail licensee to a single retailer licensed to sell for consumption on the premises on any business day may not exceed

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sixty liters, unless the sale is by a licensee that was a contract liquor store manager of a contract liquor store at the location of its spirits retail licensed premises from which it makes such sales; and export spirits. Sales made to retailers licensed to sell spirits for consumption on the premises must be made at the location of the spirits retail licensed premises and may not be delivered to a retailer licensed to sell spirits for consumption on the premises.

(2) For the purposes of this title, a spirits retail license is a retail license, and a sale by a spirits retailer is a retail sale only if not for resale. Nothing in this title authorizes sales by on-sale licensees to other retail licensees. The board must establish by rule an obligation of on-sale spirits retailers to:

(a) Maintain a schedule by stock-keeping unit of all their purchases of spirits from spirits retail licensees, indicating the identity of the seller and the quantities purchased; and

(b) Provide, not more frequently than quarterly, a report for each scheduled item containing the identity of the purchasing on-premise licensee and the quantities of that scheduled item purchased since any preceding report to:

(i) A distributor authorized by the distiller to distribute a scheduled item in the on-sale licensee's geographic area; or

(ii) A distiller acting as distributor of the scheduled item in the area.

(3)(a) Except as otherwise provided in (c) of this subsection, the board may issue spirits retail licenses only for premises comprising at least ten thousand square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only to applicants that the board determines will maintain systems for inventory management, employee training, employee supervision, and physical security of the product substantially as effective as those of stores currently operated by the board with respect to preventing sales to or pilferage by underage or inebriated persons.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing grocery premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits retail licenses.

(c) The board may not deny a spirits retail license to an otherwise qualified contract liquor store at its contract location or to the holder of former state liquor store operating rights sold at auction under RCW 66.24.620 on the grounds of location, nature, or size of the premises to be licensed. The board may not deny a spirits retail license to applicants that are not contract liquor stores or operating rights holders on the grounds of the size of the premises to be licensed, if such applicant is otherwise qualified and the board determines that:

(i) There is no retail spirits license holder in the trade area that the applicant proposes to serve;

(ii) The applicant meets, or upon licensure will meet, the operational requirements established by the board by rule; and

(iii) The licensee has not committed more than one public safety violation within the three years preceding application.

(d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section:

(i) To other retailer premises licensed to sell spirits for consumption on the licensed premises;

(ii) To other registered facilities; or

(iii) To lawful purchasers outside the state. The facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.

(4)(a) Except as otherwise provided in (b) of this subsection, each spirits retail licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to seventeen percent of all spirits sales revenues under the license, exclusive of taxes collected by the licensee and of sales of items on which a license fee payable under this section has otherwise been incurred. The board must establish rules setting forth the timing of such payments and reporting of sales dollar volume by the licensee, with payments required quarterly in arrears. The first payment is due October 1, 2012.

(b) This subsection (4) does not apply to craft distilleries.

(5) In addition to the payment required under subsection (4) of this section, each licensee must pay an annual license renewal fee of one hundred sixty-six dollars. The board must periodically review and adjust the renewal fee as may be required to maintain it as comparable to annual license renewal fees for licenses to sell beer and wine not for consumption on the licensed premises. If required by law at the time, any increase of the annual renewal fee becomes effective only upon ratification by the legislature.

(6) As a condition to receiving and renewing a retail spirits license the licensee must provide training as prescribed by the board by rule for individuals who sell spirits or who manage others who sell spirits regarding compliance with laws and regulations regarding sale of spirits, including without limitation the prohibitions against sale of spirits to individuals who are underage or visibly intoxicated. The training must be provided before the individual first engages in the sale of spirits and must be renewed at least every five years. The licensee must maintain records documenting the nature and frequency of the training provided. An employee training program is presumptively sufficient if it incorporates a "responsible vendor program" promulgated by the board.

(7) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by retail spirits licensees.

(8)(a) The board must promulgate regulations concerning the adoption and administration of a compliance training program for spirits retail licensees, to be known as a "responsible vendor program," to reduce underage drinking, encourage licensees to adopt specific best practices to prevent sales to minors, and provide licensees with an incentive to give their employees ongoing training in responsible alcohol sales and service.

(b) Licensees who join the responsible vendor program under this section and maintain all of the program's requirements are not subject to the doubling of penalties provided in this section for a single violation in any period of twelve calendar months.

(c) The responsible vendor program must be free, voluntary, and self-monitoring.

(d) To participate in the responsible vendor program, licensees must submit an application form to the board. If the application establishes that the licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(e) A licensee participating in the responsible vendor program must at a minimum:

(i) Provide ongoing training to employees;

(ii) Accept only certain forms of identification for alcohol sales;

(iii) Adopt policies on alcohol sales and checking identification;

- (iv) Post specific signs in the business; and
- (v) Keep records verifying compliance with the program's requirements.

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "spirits retailers when selling for resale; amending RCW 66.24.055 and 66.24.630; and adding a new section to chapter 66.24 RCW."

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

Senator Ranker spoke in favor of adoption of the amendment.
Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ranker and Frockt on page 1, after line 9 to Senate Bill No. 6220.

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

MOTION

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

On page 1, after line 9, insert the following:

"**Sec. 2.** RCW 66.24.630 and 2012 2nd sp.s. c 6 s 401 are each amended to read as follows:

(1) There is a spirits retail license to: Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders; sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses, although no single sale may exceed twenty-four liters, unless the sale is by a licensee that was a contract liquor store manager of a contract liquor store at the location of its spirits retail licensed premises from which it makes such sales; and export spirits.

(2) For the purposes of this title, a spirits retail license is a retail license, and a sale by a spirits retailer is a retail sale only if not for resale. Nothing in this title authorizes sales by on-sale licensees to other retail licensees. The board must establish by rule an obligation of on-sale spirits retailers to:

(a) Maintain a schedule by stock-keeping unit of all their purchases of spirits from spirits retail licensees, indicating the identity of the seller and the quantities purchased; and

(b) Provide, not more frequently than quarterly, a report for each scheduled item containing the identity of the purchasing on-premise licensee and the quantities of that scheduled item purchased since any preceding report to:

(i) A distributor authorized by the distiller to distribute a scheduled item in the on-sale licensee's geographic area; or

(ii) A distiller acting as distributor of the scheduled item in the area.

(3)(a) Except as otherwise provided in (c) of this subsection, the board may issue spirits retail licenses only for premises comprising at least ten thousand square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only to applicants that the board determines will maintain systems for inventory management, employee training, employee supervision, and physical security of the product substantially as effective as those of stores currently operated by the board with respect to preventing sales to or pilferage by underage or inebriated persons.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However,

existing grocery premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits retail licenses.

(c) The board may not deny a spirits retail license to an otherwise qualified contract liquor store at its contract location or to the holder of former state liquor store operating rights sold at auction under RCW 66.24.620 on the grounds of location, nature, or size of the premises to be licensed. The board may not deny a spirits retail license to applicants that are not contract liquor stores or operating rights holders on the grounds of the size of the premises to be licensed, if such applicant is otherwise qualified and the board determines that:

(i) There is no retail spirits license holder in the trade area that the applicant proposes to serve;

(ii) The applicant meets, or upon licensure will meet, the operational requirements established by the board by rule; and

(iii) The licensee has not committed more than one public safety violation within the three years preceding application.

(d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section:

(i) To other retailer premises licensed to sell spirits for consumption on the licensed premises;

(ii) To other registered facilities; or

(iii) To lawful purchasers outside the state. The facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.

(4)(a) Except as otherwise provided in RCW 66.24.632 and in (b) and (c) of this subsection, each spirits retail licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to seventeen percent of all spirits sales revenues under the license, exclusive of taxes collected by the licensee and of sales of items on which a license fee payable under this section has otherwise been incurred. The board must establish rules setting forth the timing of such payments and reporting of sales dollar volume by the licensee, with payments required quarterly in arrears. The first payment is due October 1, 2012.

(b) Those licensees who are owners of former contract liquor stores, and are licensed under subsection (3)(c) of this section, are subject to the following requirements regarding the payment of license issuance fees:

(i) Licensees with monthly gross receipts of fifty thousand dollars or less shall pay a license issuance fee of four percent of its retail spirit sales revenues;

(ii) Licensees with monthly gross receipts greater than fifty thousand dollars and less than one hundred thousand dollars shall pay a license issuance fee of seven percent of its retail spirit sales revenues; and

(iii) Licensees with monthly gross receipts of one hundred thousand dollars or more shall pay a license issuance fee of seventeen percent of its retail spirits sales revenues.

(c) This subsection (4) does not apply to craft distilleries.

(5) In addition to the payment required under subsection (4) of this section, each licensee must pay an annual license renewal fee of one hundred sixty-six dollars. The board must periodically review and adjust the renewal fee as may be required to maintain it as comparable to annual license renewal fees for licenses to sell beer and wine not for consumption on the licensed premises. If required by law at the time, any increase of the annual renewal fee becomes effective only upon ratification by the legislature.

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(6) As a condition to receiving and renewing a retail spirits license the licensee must provide training as prescribed by the board by rule for individuals who sell spirits or who manage others who sell spirits regarding compliance with laws and regulations regarding sale of spirits, including without limitation the prohibitions against sale of spirits to individuals who are underage or visibly intoxicated. The training must be provided before the individual first engages in the sale of spirits and must be renewed at least every five years. The licensee must maintain records documenting the nature and frequency of the training provided. An employee training program is presumptively sufficient if it incorporates a "responsible vendor program" promulgated by the board.

(7) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by retail spirits licensees.

(8)(a) The board must promulgate regulations concerning the adoption and administration of a compliance training program for spirits retail licensees, to be known as a "responsible vendor program," to reduce underage drinking, encourage licensees to adopt specific best practices to prevent sales to minors, and provide licensees with an incentive to give their employees ongoing training in responsible alcohol sales and service.

(b) Licensees who join the responsible vendor program under this section and maintain all of the program's requirements are not subject to the doubling of penalties provided in this section for a single violation in any period of twelve calendar months.

(c) The responsible vendor program must be free, voluntary, and self-monitoring.

(d) To participate in the responsible vendor program, licensees must submit an application form to the board. If the application establishes that the licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(e) A licensee participating in the responsible vendor program must at a minimum:

- (i) Provide ongoing training to employees;
- (ii) Accept only certain forms of identification for alcohol sales;
- (iii) Adopt policies on alcohol sales and checking identification;
- (iv) Post specific signs in the business; and
- (v) Keep records verifying compliance with the program's requirements."

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

Senators Honeyford, Nelson and Conway spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, after line 9 to Senate Bill No. 6220.

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

MOTION

Senator Conway moved that the following striking amendment by Senator Conway be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A task force is established to study all spirits taxes and fees as provided in this section. The task force must review and make recommendations on the development of a comprehensive tax and fee structure for the state in consideration of the laws enacted by Initiative Measure No. 1183.

(2) The task force must consist of a total of eight members, appointed as follows:

(a) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(b) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives.

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

(4) By December 1, 2014, and in compliance with RCW 43.01.036, the task force must submit a report to the legislature that details its findings and recommendations under this section to the appropriate legislative committees."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "creating a task force to study the development of a comprehensive spirits tax and fee structure; and creating a new section."

Senators Conway and Nelson spoke in favor of adoption of the striking amendment.

Senator Braun spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Conway to Senate Bill No. 6220.

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

MOTION

Senator Lias moved that the following striking amendment by Senators Lias and Conway be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.08.150 and 2012 c 2 s 106 are each amended to read as follows:

(1) There is levied and collected a tax upon each retail sale of spirits in the original package at the rate of:

(a) Fifteen percent of the selling price, until July 1, 2016;

(b) 17.5 percent of the selling price, beginning July 1, 2016, until July 1, 2018;

(c) 14.5 percent of the selling price, beginning July 1, 2018, until July 1, 2020; and

(d) 11.5 percent of the selling price, beginning July 1, 2020, until July 1, 2022.

(2)(a) Until July 1, 2016, there is levied and collected a tax upon each sale of spirits in the original package at the rate of ten percent of the selling price on sales by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to restaurant spirits retailers.

(b) Beginning July 1, 2016, until July 1, 2018, there is levied and collected a tax upon each sale of spirits in the original package at the rate of 11.7 percent of the selling price on sales by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to restaurant spirits retailers.

(c) Beginning July 1, 2018, until July 1, 2020, there is levied and collected a tax upon each sale of spirits in the original package at the rate of 9.7 percent of the selling price on sales by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to restaurant spirits retailers.

(d) Beginning July 1, 2020, until July 1, 2022, there is levied and collected a tax upon each sale of spirits in the original package at the rate of 7.7 percent of the selling price on sales by a spirits

distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to restaurant spirits retailers.

(3) There is levied and collected an additional tax upon each sale of spirits in the original package by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to a restaurant spirits retailer and upon each retail sale of spirits in the original package by a licensee of the board at the rate of one dollar and seventy-two cents per liter.

(4)(a) Until July 1, 2016, an additional tax is imposed equal to fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(b) Beginning July 1, 2016, an additional tax is imposed equal to fourteen percent multiplied by the taxes payable under subsection (3) of this section.

(5) An additional tax is imposed upon each sale of spirits in the original package by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to a restaurant spirits retailer and upon each retail sale of spirits in the original package by a licensee of the board at the rate of seven cents per liter. All revenues collected during any month from this additional tax must be deposited in the state general fund by the twenty-fifth day of the following month.

(6)(a) Until July 1, 2016, an additional tax is imposed upon retail sale of spirits in the original package at the rate of three and four-tenths percent of the selling price.

(b) Until July 1, 2016, an additional tax is imposed upon retail sale of spirits in the original package to a restaurant spirits retailer at the rate of two and three-tenths percent of the selling price.

(c) An additional tax is imposed upon each sale of spirits in the original package by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to a restaurant spirits retailer and upon each retail sale of spirits in the original package by a licensee of the board at the rate of forty-one cents per liter.

(d) All revenues collected during any month from additional taxes under this subsection must be deposited in the state general fund by the twenty-fifth day of the following month.

(7)(a) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of one dollar and thirty-three cents per liter.

(b) All revenues collected during any month from additional taxes under this subsection must be deposited by the twenty-fifth day of the following month into the general fund.

(8) Until July 1, 2022, the tax imposed in RCW 82.08.020 does not apply to sales of spirits in the original package. Beginning July 1, 2022, the state and local sales taxes imposed in RCW 82.08.020 and 82.14.030 apply to sales of spirits in the original package.

(9) The taxes imposed in this section must be paid by the buyer to the seller, and each seller must collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller must be stated separately from the selling price, and for purposes of determining the tax due from the buyer to the seller, it is conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section. Sellers must report and return all taxes imposed in this section in accordance with rules adopted by the department.

(10) As used in this section, the terms, "spirits" and "package" have the same meaning as provided in chapter 66.04 RCW.

NEW SECTION. Sec. 2. This act takes effect July 1, 2015."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "providing a comprehensive spirits sales tax reduction for all consumers in both on-premise and off-premise settings; amending RCW 82.08.150; and providing an effective date."

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

POINT OF ORDER

Senator Braun: "Thank you Mr. President. I believe the amendment offered, 602, is beyond the scope and object of the underlying bill. Senate Bill No. 6220 relates to the retail license fees for retailers selling spirits for re sale. This is a very narrow bill whos effect, if implemented, would simply remove the seventeen percent retail licensee spirit sales for resale. By contrast the purpose of this amendment is to reduce the sales tax on spirits which is addressed in entirely different chapter of the code. The amendment also mirrors Senate Bill No. 6547 which was heard in the Commerce & Labor Committee and not moved. Thank you Mr. President."

Senator Lias spoke against the point of order.

MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 6220 was deferred and the bill held its place on the second reading calendar.

Senator Sheldon, President Pro Tempore assumed the chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2298, by House Committee on Local Government (originally sponsored by Representatives Pike, Takko, Vick, Harris, Blake, Rodne and Farrell)

Changing the definition of capital projects to include technology infrastructure.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute House Bill No. 2298 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Kohl-Welles was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2298.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2298 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser,

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Froct, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

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

Excused: Senator Kohl-Welles

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Nelson, Senator Ranker was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2137.

SECOND READING

ROLL CALL

HOUSE BILL NO. 2744, by Representatives G. Hunt, Appleton, Tarleton and Freeman

The Secretary called the roll on the final passage of House Bill No. 2137 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Modifying certain provisions governing veteran-owned businesses.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Froct, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

The measure was read the second time.

MOTION

Voting nay: Senators Dinsel and Padden

Excused: Senators Kohl-Welles and Ranker

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 2744 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

HOUSE BILL NO. 2137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

SECOND READING

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2744.

ROLL CALL

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2192, by House Committee on Appropriations (originally sponsored by Representatives Smith, Hansen, Haler, Buys, Hayes, Parker, Short, Seaquist, Pike, Scott, Zeiger, Hargrove, Manweller, Holy, Magendanz, Vick and Wilcox)

The Secretary called the roll on the final passage of House Bill No. 2744 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Promoting economic development through enhancing transparency and predictability of state agency permitting and review processes.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Froct, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

The measure was read the second time.

Excused: Senator Kohl-Welles

HOUSE BILL NO. 2744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SECOND READING

On motion of Senator Brown, the rules were suspended, Engrossed Second Substitute House Bill No. 2192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Froct and Chase spoke in favor of passage of the bill.

HOUSE BILL NO. 2137, by Representatives Johnson, Moscoso, Hayes, Takko, Klippert, Haler, Ross and Ryu

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2192.

Modifying provisions governing commercial motor vehicles.

ROLL CALL

The measure was read the second time.

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2192 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

MOTION

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Froct, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Lias,

On motion of Senator King, the rules were suspended, House Bill No. 2137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Kohl-Welles

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Hargrove was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2105, by House Committee on Government Operations & Elections (originally sponsored by Representatives Hawkins, Bergquist, Buys, S. Hunt, Holy, Orwall, Ross, Reykdal, Hayes, Pollet, Kochmar, Hudgins, Magendanz, Moscoso, Vick, Riccelli, Klippert, Stonier, Nealey, Tarleton, Scott, Pike, Fagan, Fey, Seaquist, Chandler, Farrell, Haigh, Fitzgibbon, Sawyer, Moeller, Gregerson, Johnson, Haler, Appleton, Carlyle, Morrell, Goodman, Van De Wege and Freeman)

Promoting transparency in government by requiring public agencies with governing bodies to post their agendas online in advance of meetings.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 2105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2105.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2105 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dansel, Ericksen, Holmquist Newbry, Honeyford, Padden and Pearson

Absent: Senator Kline

Excused: Senator Kohl-Welles

SUBSTITUTE HOUSE BILL NO. 2105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2146, by House Committee on Labor & Workforce Development (originally sponsored by Representative Condotta)

Concerning department of labor and industries appeal bonds.

The measure was read the second time.

MOTION

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

On page 5, after line 14, insert the following:

"NEW SECTION. **Sec. 6.** This act takes effect July 1, 2015."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Substitute House Bill No. 2146.

The motion by Senator Holmquist Newbry carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute House Bill No. 2146 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2146 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2146 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2146 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1841, by House Committee on Capital Budget (originally sponsored by Representatives Stonier, Warnick, Dunshee, Morrell, Ryu and Freeman)

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Authorizing electronic competitive bidding for state public works contracting.

Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

The measure was read the second time.

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

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1841 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Roach and Hasegawa spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1841.

SECOND READING

ROLL CALL

HOUSE BILL NO. 1785, by Representatives S. Hunt, Kristiansen and Ryu

The Secretary called the roll on the final passage of Substitute House Bill No. 1841 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Authorizing de minimis use of state resources to provide information about programs that may be authorized payroll deductions.

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

The measure was read the second time.

SUBSTITUTE HOUSE BILL NO. 1841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SECOND READING

On motion of Senator Roach, the rules were suspended, House Bill No. 1785 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1090, by House Committee on Local Government (originally sponsored by Representatives Shea, Reykdal, Crouse, Holy, Springer and Dahlquist)

Senators Roach and Hasegawa spoke in favor of passage of the bill.

Increasing the dollar amount for construction of a dock that does not qualify as a substantial development under the shoreline management act.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1785.

ROLL CALL

The measure was read the second time.

The Secretary called the roll on the final passage of House Bill No. 1785 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

MOTION

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute House Bill No. 1090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting nay: Senator Frockt

Senators Pearson, Lias and Padden spoke in favor of passage of the bill.

HOUSE BILL NO. 1785, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1090.

The President resumed the chair.

SECOND READING

ROLL CALL

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643, by House Committee on Technology & Economic Development (originally sponsored by Representatives Fey, Short, Upthegrove, Nealey, Pollet, Lias, Ormsby, Ryu and Moscoso)

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1090 and the bill passed the

Regarding energy conservation under the energy independence act.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Substitute House Bill No. 1643 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1643.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1643 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2080, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Sawyer, Zeiger, Appleton, Angel, DeBolt, Blake, Haler, McCoy, Wilcox, Fitzgibbon, Hurst, Freeman, S. Hunt, Santos and Ryu)

Vacating convictions for certain tribal fishing activities.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 2080 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Kline, Lias, McCoy, Sheldon, Hasegawa, Conway and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2080.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2080 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1742, by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Wylie, Ryu, Hunter, S. Hunt and Moscoso)

Allowing sales of growlers of wine.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute House Bill No. 1742 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist Newbry spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1742.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1742 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Danel, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dammeier, Darneille, Hargrove, O'Ban, Padden and Pearson

SUBSTITUTE HOUSE BILL NO. 1742, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF ORDER

Senator Dammeier: "Mr. President, I appreciate the fact that you have allowed us to change Rule Seven and that we can drink water on the senate floor now and remain hydrated. I appreciate the guidance that you have provided to preserve the decorum of the senate and specifically you've precluded plastic bottles, styrofoam cups, paper cups but we can use our mugs provided by the Secretary of the Senate. In light of the theme of a lot of recent legislation Mr. President I was wondering if I could drink water on the senate floor from my growler provided by Senator Lias?"

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REPLY BY THE PRESIDENT

President Owen: "I suggest you try it and see what happens!"

PERSONAL PRIVILEGE

Senator Liias: "Thank you Mr. President. I appreciate Senator Dammeier reminding folks about the growlers that we gave out earlier this session and I am admonished, about Senator Pearson's comments, that my first speech was like that empty growler. I just wanted for the members information let them know that if they drop their empty growler by my office by Monday evening that they will get a full growler of wonderful beer in the days to come after that. So, just want to let folks know that I'm fulfilling my promise to Senator Pearson to make my speech and my growler full for you. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "The President feels a responsibility to remind my members that you are still limited to water on the floor even after receiving the growler."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1791, by House Committee on Public Safety (originally sponsored by Representatives Parker, Orwall, Fagan, Riccelli, Ryu, Haler, Moscoso and Santos)

Concerning trafficking.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Padden be adopted:

On page 6, after line 13, insert the following:

"Sec. 3. RCW 9.68A.120 and 2009 c 479 s 12 are each amended to read as follows:

The following are subject to seizure and forfeiture:

(1) All visual or printed matter that depicts a minor engaged in sexually explicit conduct.

(2) All raw materials, equipment, and other tangible personal property of any kind used or intended to be used to manufacture or process any visual or printed matter that depicts a minor engaged in sexually explicit conduct, and all conveyances, including aircraft, vehicles, or vessels that are used or intended for use to transport, or in any manner to facilitate the transportation of, visual or printed matter in violation of RCW 9.68A.050 or 9.68A.060, but:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(b) No property is subject to forfeiture under this section by reason of any act or omission established by the owner of the property to have been committed or omitted without the owner's knowledge or consent;

(c) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(d) When the owner of a conveyance has been arrested under this chapter the conveyance may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest.

(3) All personal property, moneys, negotiable instruments, securities, or other tangible or intangible property furnished or intended to be furnished by any person in exchange for visual or printed matter depicting a minor engaged in sexually explicit conduct, or constituting proceeds traceable to any violation of this chapter.

(4) Property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(c) A law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(5) In the event of seizure under subsection (4) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(6) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of seized items within forty-five days of the seizure, the item seized shall be deemed forfeited.

(7) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of seized items within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The hearing before an administrative law judge and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the seized items. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is lawfully entitled to possession thereof of the seized items.

(8) If property is sought to be forfeited on the ground that it constitutes proceeds traceable to a violation of this chapter, the seizing law enforcement agency must prove by a preponderance of the evidence that the property constitutes proceeds traceable to a violation of this chapter.

(9) When property is forfeited under this chapter the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release the property to that agency for the exclusive use of enforcing this chapter or chapter 9A.88 RCW;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public(~~—The proceeds and all moneys forfeited under this chapter shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Fifty percent of the money remaining after payment of these expenses shall be deposited in the state general fund and fifty percent shall be deposited in the general fund of the state, county, or city of the seizing law enforcement agency~~); or

(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law.

(10)(a) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the prostitution prevention and intervention account under RCW 43.63A.740.

(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to an independent selling agency.

(c) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure determined when possible by reference to an applicable commonly used index. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(11) Forfeited property and net proceeds not required to be paid to the state treasurer under this chapter shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after payment of these expenses shall be retained by the seizing law enforcement agency for the exclusive use of enforcing the provisions of this chapter or chapter 9A.88 RCW.

Sec. 4. RCW 9A.88.150 and 2012 c 140 s 1 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture and no property right exists in them:

(a) Any property or other interest acquired or maintained in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in

charge of the conveyance is a consenting party or privy to a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(c) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(d) All proceeds traceable to or derived from an offense defined in RCW 9.68A.100, 9.68A.101, or 9A.88.070 and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense;

(e) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(f) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070. A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission. No personal property may be forfeited under this subsection (1)(f), to the extent of the interest of an owner, by reason of any act or omission, which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(g) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, if a substantial nexus exists between the violation and the real property. However:

(i) No property may be forfeited pursuant to this subsection (1)(g), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(2) Real or personal property subject to forfeiture under this section may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis

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pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding; or

(c) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070.

(3) In the event of seizure pursuant to subsection (2) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement, or a certificate of title, shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including, but not limited to, service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The notice of claim may be served by any method authorized by law or court rule including, but not limited to, service by first-class mail. Service by mail shall be deemed complete upon mailing within the forty-five day period following service of the notice of seizure in the case of personal property and within the ninety day period following service of the notice of seizure in the case of real property. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing

agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In all cases, the burden of proof is upon the law enforcement agency to establish, by a preponderance of the evidence, that the property is subject to forfeiture.

The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (1) of this section.

(6) In any proceeding to forfeit property under this title, where the claimant substantially prevails, the claimant is entitled to reasonable attorneys' fees reasonably incurred by the claimant. In addition, in a court hearing between two or more claimants to the article or articles involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees.

(7) When property is forfeited under this chapter, the seizing law enforcement agency ~~((shall sell the property that is not required to be destroyed by law and that is not harmful to the public)) may:~~

(a) Retain it for official use or upon application by any law enforcement agency of this state release the property to that agency for the exclusive use of enforcing this chapter or chapter 9.68A RCW;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public; or

(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law.

(8)(a) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.

(b) Each seizing agency shall retain records of forfeited property for at least seven years.

(c) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.

(d) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(9)(a) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the prostitution prevention and intervention account under RCW 43.63A.740.

(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is

subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection ~~((44))~~ (12) of this section.

(c) The value of sold forfeited property is the sale price. The value of destroyed property and retained firearms or illegal property is zero.

(10) Net proceeds not required to be paid to the state treasurer shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after payment of these expenses shall be retained by the seizing law enforcement agency for the exclusive use of enforcing the provisions of this chapter or chapter 9.68A RCW.

(11) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

~~((44))~~ (12) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (9) of this section, only if:

(a) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence;

(b) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section:

(i) Only if the funds applied under (b) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;

(ii) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty day period. Nothing in this section requires the claim to be paid by the end of the sixty day or thirty day period; and

(c) For any claim filed under (b) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

~~((42))~~ (13) The landlord's claim for damages under subsection ~~((44))~~ (12) of this section may not include a claim for loss of business and is limited to:

(a) Damage to tangible property and clean-up costs;

(b) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(c) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (9) of this section; and

(d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection ~~((44))~~ (12) of this section.

~~((43))~~ (14) Subsections ~~((44))~~ (12) and ~~((42))~~ (13) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection ~~((44))~~ (12) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency."

Correct the title.

Senators Kohl-Welles and Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Padden on page 6, after line 13 to Substitute House Bill No. 1791.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1791 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1791 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1791 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1791 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6472, by Senators Hill, Keiser and Fraser

Simplifying the taxation of amusement, recreation, and physical fitness services.

MOTION

On motion of Senator Hill, Substitute Senate Bill No. 6472 was substituted for Senate Bill No. 6472 and the substitute bill was placed on the second reading and read the second time.

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MOTION

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

On page 11, line 8, after "(ii)" strike "Ballooning, hang" and insert "Hang"

On page 11, line 8, after "gliding, indoor" strike "or outdoor"
"Renummer the remaining sections consecutively and correct any internal references accordingly.

Senator Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hobbs on page 11, line 8 to Substitute Senate Bill No. 6472.

The motion by Senator Hobbs carried and the amendment was adopted by a rising vote.

MOTION

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

On page 11, beginning on line 8, strike all of subsection (15)(a)(ii) and insert the following:

"(ii) Hang gliding, indoor sky diving, paragliding, parasailing, and similar activities:"

WITHDRAWAL OF AMENDMENT

On motion of Senator Schoesler, the amendment by Senator Schoesler on page 11, line 8 to Substitute Senate Bill No. 6472 was withdrawn.

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed Substitute Senate Bill No. 6472 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Hargrove, Billig and Liias spoke in favor of passage of the bill.

Senators McAuliffe, Hasegawa, Frockt and Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6472.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6472 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Dansel, Eide, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Conway, Darneille, Fraser, Frockt, Hasegawa, Kline, McAuliffe, McCoy, Nelson, Pedersen and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 6472, having received the constitutional majority, was declared passed.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 2108, by Representatives Ross, Moeller and Johnson

Concerning hearing instrument fitter/dispensers.

The measure was read the second time.

MOTION

Senator Becker moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of health with the board of hearing and speech, and representatives from the community and technical colleges, must review the opportunity to establish an interim work-based learning permit, or similar apprenticeship opportunity, to provide an additional licensing pathway for hearing aid specialist applicants.

(2) The group shall consider the following areas:

(a) The opportunity to provide a work-based learning permit for applicants that either have a two-year or four-year degree in a field of study approved by the board from an accredited institution of higher education, or are currently enrolled in a two-year or four-year degree program in a field of study approved by the board in an accredited institution of higher education with no more than one full-time academic year remaining in his or her course of study;

(b) The criteria for providing a designation of a board-approved licensed hearing aid specialist or board-approved licensed audiologist to act as the applicant's supervisor;

(c) The recommended duration of an interim work-based learning permit or apprenticeship;

(d) Recommendations for a work-based learning permit or apprenticeship and opportunities to offer a program through a partnership with a private business and/or through a partnership with accredited institutions of higher education and a sponsoring private business;

(e) Recommendations for the learning pathways or academic components that should be required in any work-based learning program, including the specific training elements that must be completed, including, but not limited to, audiometric testing, counseling regarding hearing examinations, hearing instrument selection, ear mold impressions, hearing instrument fitting and follow-up care, and business practices including ethics, regulations, and sanitation and infection control; and

(f) Recommendations for the direct supervision of a work-based learning permit or apprenticeship, including the number of persons a hearing aid specialist or audiologist may supervise, and other considerations.

(3) The work group must submit recommendations to the health committees of the legislature by December 1, 2014.

Sec. 2. RCW 18.35.010 and 2009 c 301 s 2 are each amended to read as follows:

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

(1) "Assistive listening device or system" means an amplification system that is specifically designed to improve the signal to noise ratio for the listener, reduce interference from noise in the background, and enhance hearing levels at a distance by picking up sound from as close to source as possible and sending it

directly to the ear of the listener, excluding hearing instruments as defined in this chapter.

(2) "Audiology" means the application of principles, methods, and procedures related to hearing and the disorders of hearing and to related language and speech disorders, whether of organic or nonorganic origin, peripheral or central, that impede the normal process of human communication including, but not limited to, disorders of auditory sensitivity, acuity, function, processing, or vestibular function, the application of aural habilitation, rehabilitation, and appropriate devices including fitting and dispensing of hearing instruments, and cerumen management to treat such disorders.

(3) "Board" means the board of hearing and speech.

(4) "Department" means the department of health.

(5) "Direct supervision" means the supervising speech-language pathologist, hearing aid specialist, or audiologist is on-site and in view during the procedures or tasks. The board shall develop rules outlining the procedures or tasks allowable under direct supervision.

(6) "Establishment" means any permanent site housing a person engaging in the practice of fitting and dispensing of hearing instruments by a hearing (~~(instrument fitter/dispenser)~~) aid specialist or audiologist; where the client can have personal contact and counsel during the firm's business hours; where business is conducted; and the address of which is given to the state for the purpose of bonding.

(7) "Facility" means any permanent site housing a person engaging in the practice of speech-language pathology and/or audiology, excluding the sale, lease, or rental of hearing instruments.

(8) "Fitting and dispensing of hearing instruments" means the sale, lease, or rental or attempted sale, lease, or rental of hearing instruments together with the selection and modification of hearing instruments and the administration of nondiagnostic tests as specified by RCW 18.35.110 and the use of procedures essential to the performance of these functions; and includes recommending specific hearing instrument systems, specific hearing instruments, or specific hearing instrument characteristics, the taking of impressions for ear molds for these purposes, the use of nondiagnostic procedures and equipment to verify the appropriateness of the hearing instrument fitting, and hearing instrument orientation. The fitting and dispensing of hearing instruments as defined by this chapter may be equally provided by a licensed hearing (~~(instrument fitter/dispenser)~~) aid specialist or licensed audiologist.

(9) "Good standing" means a licensed hearing (~~(instrument fitter/dispenser)~~) aid specialist, licensed audiologist, licensed speech-language pathologist, or certified speech-language pathology assistant whose license or certification has not been subject to sanctions pursuant to chapter 18.130 RCW or sanctions by other states, territories, or the District of Columbia in the last two years.

(10) "Hearing aid specialist" means a person who is licensed to engage in the practice of fitting and dispensing of hearing instruments and meets the qualifications of this chapter.

(11) "Hearing health care professional" means an audiologist or hearing (~~(instrument fitter/dispenser)~~) aid specialist licensed under this chapter or a physician specializing in diseases of the ear licensed under chapter 18.71 RCW.

~~((H))~~ (12) "Hearing instrument" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories of such an instrument or device, excluding batteries and cords, ear molds, and assistive listening devices.

~~((I))~~ (12) "Hearing instrument fitter/dispenser" means a person who is licensed to engage in the practice of fitting and dispensing of hearing instruments and meets the qualifications of this chapter.)

(13) "Indirect supervision" means the procedures or tasks are performed under the speech-language pathologist(~~(s)~~), the hearing aid specialist, or the audiologist's overall direction and control, but the speech-language pathologist(~~(s)~~), hearing aid specialist, or audiologist's presence is not required during the performance of the procedures or tasks. The board shall develop rules outlining the procedures or tasks allowable under indirect supervision.

(14) "Interim permit holder" means a person who holds the permit created under RCW 18.35.060 and who practices under the supervision of a licensed hearing (~~(instrument fitter/dispenser)~~) aid specialist, licensed speech-language pathologist, or licensed audiologist.

(15) "Licensed audiologist" means a person who is licensed by the department to engage in the practice of audiology and meets the qualifications in this chapter.

(16) "Licensed speech-language pathologist" means a person who is licensed by the department to engage in the practice of speech-language pathology and meets the qualifications of this chapter.

(17) "Secretary" means the secretary of health.

(18) "Speech-language pathology" means the application of principles, methods, and procedures related to the development and disorders, whether of organic or nonorganic origin, that impede oral, pharyngeal, or laryngeal sensorimotor competencies and the normal process of human communication including, but not limited to, disorders and related disorders of speech, articulation, fluency, voice, verbal and written language, auditory comprehension, cognition/communication, and the application of augmentative communication treatment and devices for treatment of such disorders.

(19) "Speech-language pathology assistant" means a person who is certified by the department to provide speech-language pathology services under the direction and supervision of a licensed speech-language pathologist or speech-language pathologist certified as an educational staff associate by the superintendent of public instruction, and meets all of the requirements of this chapter.

Sec. 3. RCW 18.35.020 and 2006 c 263 s 801 are each amended to read as follows:

(1) No person shall engage in the fitting and dispensing of hearing instruments or imply or represent that he or she is engaged in the fitting and dispensing of hearing instruments unless he or she is a licensed hearing (~~(instrument fitter/dispenser)~~) aid specialist, or a licensed audiologist or holds an interim permit issued by the department as provided in this chapter and is an owner or employee of an establishment that is bonded as provided by RCW 18.35.240. The owner or manager of an establishment that dispenses hearing instruments is responsible under this chapter for all transactions made in the establishment name or conducted on its premises by agents or persons employed by the establishment engaged in fitting and dispensing of hearing instruments. Every establishment that fits and dispenses shall have in its employ at least one licensed hearing (~~(instrument fitter/dispenser)~~) aid specialist or licensed audiologist at all times, and shall annually submit proof that all testing equipment at that establishment that is required by the board to be calibrated has been properly calibrated.

(2) Effective January 1, 2003, no person shall engage in the practice of audiology or imply or represent that he or she is engaged in the practice of audiology unless he or she is a licensed audiologist or holds an audiology interim permit issued by the department as provided in this chapter. Audiologists who are certified as educational staff associates by the Washington professional educator standards board are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed audiologist.

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(3) Effective January 1, 2003, no person shall engage in the practice of speech-language pathology or imply or represent that he or she is engaged in the practice of speech-language pathology unless he or she is a licensed speech-language pathologist or holds a speech-language pathology interim permit issued by the department as provided in this chapter. Speech-language pathologists who are certified as educational staff associates by the state board of education are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed speech-language pathologist.

Sec. 4. RCW 18.35.040 and 2009 c 301 s 3 are each amended to read as follows:

(1) An applicant for licensure as a hearing ~~((instrument fitter/dispenser))~~ aid specialist must have the following minimum qualifications and shall pay a fee determined by the secretary as provided in RCW 43.70.250. An applicant shall be issued a license under the provisions of this chapter if the applicant has not committed unprofessional conduct as specified by chapter 18.130 RCW, and:

(a)(i) Satisfactorily completes the hearing ~~((instrument fitter/dispenser))~~ aid specialist examination required by this chapter; and

(ii) Satisfactorily completes;

(A) A minimum of a two-year degree program in hearing ~~((instrument fitter/dispenser))~~ aid specialist instruction. The program must be approved by the board;

(B) A two-year or four-year degree in a field of study approved by the board from an accredited institution, a nine-month board-approved certificate program offered by a board-approved hearing aid specialist program and the practical examination approved by the board. The practical examination must be given at least quarterly, as determined by the board. The department may hire licensed industry experts approved by the board to proctor the examination; or

(b) Holds a current, unsuspended, unrevoked license from another jurisdiction if the standards for licensing in such other jurisdiction are substantially equivalent to those prevailing in this state as provided in (a) of this subsection; or

(c)(i) Holds a current, unsuspended, unrevoked license from another jurisdiction, has been actively practicing as a licensed hearing aid ~~((fitter/dispenser))~~ specialist in another jurisdiction for at least forty-eight of the last sixty months, and submits proof of completion of advance certification from either the international hearing society or the national board for certification in hearing instrument sciences; and

(ii) Satisfactorily completes the hearing ~~((instrument fitter/dispenser))~~ aid specialist examination required by this chapter or a substantially equivalent examination approved by the board.

The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board.

(2)(a) An applicant for licensure as a speech-language pathologist or audiologist must have the following minimum qualifications:

(i) Has not committed unprofessional conduct as specified by the uniform disciplinary act;

(ii) Has a master's degree or the equivalent, or a doctorate degree or the equivalent, from a program at a board-approved institution of higher learning, which includes completion of a supervised clinical practicum experience as defined by rules adopted by the board; and

(iii) Has completed postgraduate professional work experience approved by the board.

(b) All qualified applicants must satisfactorily complete the speech-language pathology or audiology examinations required by this chapter.

(c) The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board.

(3) An applicant for certification as a speech-language pathology assistant shall pay a fee determined by the secretary as provided in RCW 43.70.250 and must have the following minimum qualifications:

(a) An associate of arts or sciences degree, or a certificate of proficiency, from a speech-language pathology assistant program from an institution of higher education that is approved by the board, as is evidenced by the following:

(i) Transcripts showing forty-five quarter hours or thirty semester hours of speech-language pathology coursework; and

(ii) Transcripts showing forty-five quarter hours or thirty semester hours of general education credit; or

(b) A bachelor of arts or bachelor of sciences degree, as evidenced by transcripts, from a speech, language, and hearing program from an institution of higher education that is approved by the board.

Sec. 5. RCW 18.35.050 and 2002 c 310 s 5 are each amended to read as follows:

Except as otherwise provided in this chapter an applicant for license shall appear at a time and place and before such persons as the department may designate to be examined by written or practical tests, or both. Examinations in hearing ~~((instrument fitting/dispersing))~~ aid specialist, speech-language pathology, and audiology shall be held within the state at least once a year. The examinations shall be reviewed annually by the board and the department, and revised as necessary. The examinations shall include appropriate subject matter to ensure the competence of the applicant. Nationally recognized examinations in the fields of fitting and dispensing of hearing instruments, speech-language pathology, and audiology may be used to determine if applicants are qualified for licensure. An applicant who fails an examination may apply for reexamination upon payment of a reexamination fee. The hearing ~~((instrument fitting/dispersing))~~ aid specialist reexamination fee for hearing ~~((instrument fitter/dispensers))~~ aid specialists and audiologists shall be set by the secretary under RCW 43.70.250.

Sec. 6. RCW 18.35.070 and 1996 c 200 s 8 are each amended to read as follows:

The hearing ~~((instrument fitter/dispenser))~~ aid specialist written or practical examination, or both, provided in RCW 18.35.050 shall consist of:

(1) Tests of knowledge in the following areas as they pertain to the fitting of hearing instruments:

(a) Basic physics of sound;

(b) The human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders; and

(c) Structure and function of hearing instruments.

(2) Tests of proficiency in the following areas as they pertain to the fitting of hearing instruments:

(a) Pure tone audiometry, including air conduction testing and bone conduction testing;

(b) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;

(c) Effective masking;

(d) Recording and evaluation of audiograms and speech audiometry to determine hearing instrument candidacy;

(e) Selection and adaptation of hearing instruments and testing of hearing instruments; and

(f) Taking ear mold impressions.

(3) Evidence of knowledge regarding the medical and rehabilitation facilities for children and adults that are available in the area served.

(4) Evidence of knowledge of grounds for revocation or suspension of license under the provisions of this chapter.

(5) Any other tests as the board may by rule establish.

Sec. 7. RCW 18.35.095 and 2009 c 301 s 4 are each amended to read as follows:

(1) A hearing (~~(instrument fitter/dispenser)~~) aid specialist licensed under this chapter and not actively practicing may be placed on inactive status by the department at the written request of the licensee. The board shall define by rule the conditions for inactive status licensure. In addition to the requirements of RCW 43.24.086, the licensing fee for a licensee on inactive status shall be directly related to the costs of administering an inactive license by the department. A hearing (~~(instrument fitter/dispenser)~~) aid specialist on inactive status may be voluntarily placed on active status by notifying the department in writing, paying the remainder of the licensing fee for the licensing year, and complying with subsection (2) of this section.

(2) Hearing (~~(instrument fitter/dispenser)~~) aid specialist inactive licensees applying for active licensure shall comply with the following: A licensee who has not fitted or dispensed hearing instruments for more than five years from the expiration of the licensee's full fee license shall retake the practical or the written, or both, hearing (~~(instrument fitter/dispenser)~~) aid specialist examinations required under this chapter and other requirements as determined by the board. Persons who have inactive status in this state but who are actively licensed and in good standing in any other state shall not be required to take the hearing (~~(instrument fitter/dispenser)~~) aid specialist practical examination, but must submit an affidavit attesting to their knowledge of the current Washington Administrative Code rules and Revised Code of Washington statutes pertaining to the fitting and dispensing of hearing instruments.

(3) A speech-language pathologist or audiologist licensed under this chapter, or a speech-language pathology assistant certified under this chapter, and not actively practicing either speech-language pathology or audiology may be placed on inactive status by the department at the written request of the license or certification holder. The board shall define by rule the conditions for inactive status licensure or certification. In addition to the requirements of RCW 43.24.086, the fee for a license or certification on inactive status shall be directly related to the cost of administering an inactive license or certification by the department. A person on inactive status may be voluntarily placed on active status by notifying the department in writing, paying the remainder of the fee for the year, and complying with subsection (4) of this section.

(4) Speech-language pathologist, speech-language pathology assistant, or audiologist inactive license or certification holders applying for active licensure or certification shall comply with requirements set forth by the board, which may include completion of continuing competency requirements and taking an examination.

Sec. 8. RCW 18.35.100 and 2002 c 310 s 10 are each amended to read as follows:

(1) Every hearing (~~(instrument fitter/dispenser)~~) aid specialist, audiologist, speech-language pathologist, or interim permit holder, who is regulated under this chapter, shall notify the department in writing of the regular address of the place or places in the state of Washington where the person practices or intends to practice more than twenty consecutive business days and of any change thereof within ten days of such change. Failure to notify the department in

writing shall be grounds for suspension or revocation of the license or interim permit.

(2) The department shall keep a record of the places of business of persons who hold licenses or interim permits.

(3) Any notice required to be given by the department to a person who holds a license or interim permit may be given by mailing it to the address of the last establishment or facility of which the person has notified the department, except that notice to a licensee or interim permit holder of proceedings to deny, suspend, or revoke the license or interim permit shall be by certified or registered mail or by means authorized for service of process.

Sec. 9. RCW 18.35.105 and 2002 c 310 s 11 are each amended to read as follows:

Each licensee and interim permit holder under this chapter shall keep records of all services rendered for a minimum of three years. These records shall contain the names and addresses of all persons to whom services were provided. Hearing (~~(instrument fitter/dispenser)~~) aid specialists, audiologists, and interim permit holders shall also record the date the hearing instrument warranty expires, a description of the services and the dates the services were provided, and copies of any contracts and receipts. All records, as required pursuant to this chapter or by rule, shall be owned by the establishment or facility and shall remain with the establishment or facility in the event the licensee changes employment. If a contract between the establishment or facility and the licensee provides that the records are to remain with the licensee, copies of such records shall be provided to the establishment or facility.

Sec. 10. RCW 18.35.110 and 2002 c 310 s 12 are each amended to read as follows:

In addition to causes specified under RCW 18.130.170 and 18.130.180, any person licensed or holding an interim permit under this chapter may be subject to disciplinary action by the board for any of the following causes:

(1) For unethical conduct in dispensing hearing instruments. Unethical conduct shall include, but not be limited to:

(a) Using or causing or promoting the use of, in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is false, misleading or deceptive;

(b) Failing or refusing to honor or to perform as represented any representation, promise, agreement, or warranty in connection with the promotion, sale, dispensing, or fitting of the hearing instrument;

(c) Advertising a particular model, type, or kind of hearing instrument for sale which purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing and where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type, or kind than that advertised;

(d) Falsifying hearing test or evaluation results;

(e)(i) Whenever any of the following conditions are found or should have been found to exist either from observations by the licensee or interim permit holder or on the basis of information furnished by the prospective hearing instrument user prior to fitting and dispensing a hearing instrument to any such prospective hearing instrument user, failing to advise that prospective hearing instrument user in writing that the user should first consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to any duly licensed physician:

(A) Visible congenital or traumatic deformity of the ear, including perforation of the eardrum;

(B) History of, or active drainage from the ear within the previous ninety days;

(C) History of sudden or rapidly progressive hearing loss within the previous ninety days;

(D) Acute or chronic dizziness;

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(E) Any unilateral hearing loss;

(F) Significant air-bone gap when generally acceptable standards have been established as defined by the food and drug administration;

(G) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal;

(H) Pain or discomfort in the ear; or

(I) Any other conditions that the board may by rule establish. It is a violation of this subsection for any licensee or that licensee's employees and putative agents upon making such required referral for medical opinion to in any manner whatsoever disparage or discourage a prospective hearing instrument user from seeking such medical opinion prior to the fitting and dispensing of a hearing instrument. No such referral for medical opinion need be made by any licensed hearing (~~(instrument fitter/dispenser)~~) aid specialist, licensed audiologist, or interim permit holder in the instance of replacement only of a hearing instrument which has been lost or damaged beyond repair within twelve months of the date of purchase. The licensed hearing (~~(instrument fitter/dispenser)~~) aid specialist, licensed audiologist, or interim permit holder or their employees or putative agents shall obtain a signed statement from the hearing instrument user documenting the waiver of medical clearance and the waiver shall inform the prospective user that signing the waiver is not in the user's best health interest: **PROVIDED**, That the licensed hearing (~~(instrument fitter/dispenser)~~) aid specialist, licensed audiologist, or interim permit holder shall maintain a copy of either the physician's statement showing that the prospective hearing instrument user has had a medical evaluation within the previous six months or the statement waiving medical evaluation, for a period of three years after the purchaser's receipt of a hearing instrument. Nothing in this section required to be performed by a licensee or interim permit holder shall mean that the licensee or interim permit holder is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited under the laws of this state;

(ii) Fitting and dispensing a hearing instrument to any person under eighteen years of age who has not been examined and cleared for hearing instrument use within the previous six months by a physician specializing in otolaryngology except in the case of replacement instruments or except in the case of the parents or guardian of such person refusing, for good cause, to seek medical opinion: **PROVIDED**, That should the parents or guardian of such person refuse, for good cause, to seek medical opinion, the licensed hearing (~~(instrument fitter/dispenser)~~) aid specialist or licensed audiologist shall obtain from such parents or guardian a certificate to that effect in a form as prescribed by the department;

(iii) Fitting and dispensing a hearing instrument to any person under eighteen years of age who has not been examined by an audiologist who holds at least a master's degree in audiology for recommendations during the previous six months, without first advising such person or his or her parents or guardian in writing that he or she should first consult an audiologist who holds at least a master's degree in audiology, except in cases of hearing instruments replaced within twelve months of their purchase;

(f) Representing that the services or advice of a person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathic medicine and surgery under chapter 18.57 RCW or of a clinical audiologist will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing instruments when that is not true, or using the word "doctor," "clinic," or other like words, abbreviations, or symbols which tend to connote a medical or osteopathic medicine and surgery profession when such use is not accurate;

(g) Permitting another to use his or her license or interim permit;

(h) Stating or implying that the use of any hearing instrument will restore normal hearing, preserve hearing, prevent or retard progression of a hearing impairment, or any other false, misleading, or medically or audiotically unsupported claim regarding the efficiency of a hearing instrument;

(i) Representing or implying that a hearing instrument is or will be "custom-made," "made to order," "prescription made," or in any other sense specially fabricated for an individual when that is not the case; or

(j) Directly or indirectly offering, giving, permitting, or causing to be given, money or anything of value to any person who advised another in a professional capacity as an inducement to influence that person, or to have that person influence others to purchase or contract to purchase any product sold or offered for sale by the hearing (~~(instrument fitter/dispenser)~~) aid specialist, audiologist, or interim permit holder, or to influence any person to refrain from dealing in the products of competitors.

(2) Engaging in any unfair or deceptive practice or unfair method of competition in trade within the meaning of RCW 19.86.020.

(3) Aiding or abetting any violation of the rebating laws as stated in chapter 19.68 RCW.

Sec. 11. RCW 18.35.140 and 2002 c 310 s 14 are each amended to read as follows:

The powers and duties of the department, in addition to the powers and duties provided under other sections of this chapter, are as follows:

(1) To provide space necessary to carry out the examination set forth in RCW 18.35.070 of applicants for hearing (~~(instrument fitter/dispenser)~~) aid specialist licenses or audiology licenses.

(2) To authorize all disbursements necessary to carry out the provisions of this chapter.

(3) To require the periodic examination of testing equipment, as defined by the board, and to carry out the periodic inspection of facilities or establishments of persons who are licensed under this chapter, as reasonably required within the discretion of the department.

(4) To appoint advisory committees as necessary.

(5) To keep a record of proceedings under this chapter and a register of all persons licensed or holding interim permits under this chapter. The register shall show the name of every living licensee or interim permit holder for hearing (~~(instrument fitting/dispersing)~~) aid specialist, every living licensee or interim permit holder for speech-language pathology, and every living licensee or interim permit holder for audiology, with his or her last known place of residence and the date and number of his or her license or interim permit.

Sec. 12. RCW 18.35.150 and 2009 c 301 s 5 are each amended to read as follows:

(1) There is created hereby the board of hearing and speech to govern the three separate professions: Hearing (~~(instrument fitting/dispersing)~~) aid specialist, audiology, and speech-language pathology. The board shall consist of eleven members to be appointed by the governor.

(2) Members of the board shall be residents of this state. Three members shall represent the public and shall have an interest in the rights of consumers of health services, and shall not be or have been a member of, or married to a member of, another licensing board, a licensee of a health occupation board, an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility. Two members shall be hearing (~~(instrument fitter/dispensers)~~) aid specialists who are licensed under this chapter, have at least five years of experience in the practice of hearing instrument fitting and dispensing, and must be actively engaged in fitting and dispensing within two years of

appointment. Two members of the board shall be audiologists licensed under this chapter who have at least five years of experience in the practice of audiology and must be actively engaged in practice within two years of appointment. Two members of the board shall be speech-language pathologists licensed under this chapter who have at least five years of experience in the practice of speech-language pathology and must be actively engaged in practice within two years of appointment. One advisory nonvoting member shall be a speech-language pathology assistant certified in Washington. One advisory nonvoting member shall be a medical physician licensed in the state of Washington.

(3) The term of office of a member is three years. Of the initial appointments, one hearing ~~((instrument fitter/dispenser))~~ aid specialist, one speech-language pathologist, one audiologist, and one consumer shall be appointed for a term of two years, and one hearing ~~((instrument fitter/dispenser))~~ aid specialist, one speech-language pathologist, one audiologist, and two consumers shall be appointed for a term of three years. Thereafter, all appointments shall be made for expired terms. No member shall be appointed to serve more than two consecutive terms. A member shall continue to serve until a successor has been appointed. The governor shall either reappoint the member or appoint a successor to assume the member's duties at the expiration of his or her predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The chair shall rotate annually among the hearing ~~((instrument fitter/dispensers))~~ aid specialists, speech-language pathologists, audiologists, and public members serving on the board. In the absence of the chair, the board shall appoint an interim chair. In event of a tie vote, the issue shall be brought to a second vote and the chair shall refrain from voting.

(5) The board shall meet at least once each year, at a place, day and hour determined by the board, unless otherwise directed by a majority of board members. The board shall also meet at such other times and places as are requested by the department or by three members of the board. A quorum is a majority of the board. A hearing ~~((instrument fitter/dispenser))~~ aid specialist, speech-language pathologist, and audiologist must be represented. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

(6) Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The governor may remove a member of the board for cause at the recommendation of a majority of the board.

Sec. 13. RCW 18.35.161 and 2010 c 65 s 4 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To establish by rule such minimum standards and procedures in the fitting and dispensing of hearing instruments as deemed appropriate and in the public interest;

(2) To adopt any other rules necessary to implement this chapter and which are not inconsistent with it;

(3) To develop, approve, and administer or supervise the administration of examinations to applicants for licensure under this chapter;

(4) To require a licensee or interim permit holder to make restitution to any individual injured by a violation of this chapter or chapter 18.130 RCW, the uniform disciplinary act. The authority to require restitution does not limit the board's authority to take other action deemed appropriate and provided for in this chapter or chapter 18.130 RCW;

(5) To pass upon the qualifications of applicants for licensure or interim permits and to certify to the secretary;

(6) To recommend requirements for continuing education and continuing competency requirements as a prerequisite to renewing a license or certification under this chapter;

(7) To keep an official record of all its proceedings. The record is evidence of all proceedings of the board that are set forth in this record;

(8) To adopt rules, if the board finds it appropriate, in response to questions put to it by professional health associations, hearing ~~((instrument fitter/dispensers or))~~ aid specialists, audiologists, speech-language pathologists, interim permit holders, and consumers in this state; and

(9) To adopt rules relating to standards of care relating to hearing ~~((instrument fitter/dispensers))~~ aid specialists or audiologists, including the dispensing of hearing instruments, and relating to speech-language pathologists, including dispensing of communication devices.

Sec. 14. RCW 18.35.185 and 2002 c 310 s 19 are each amended to read as follows:

(1) In addition to any other rights and remedies a purchaser may have, the purchaser of a hearing instrument shall have the right to rescind the transaction for other than the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder's breach if:

(a) The purchaser, for reasonable cause, returns the hearing instrument or holds it at the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder's disposal, if the hearing instrument is in its original condition less normal wear and tear. "Reasonable cause" shall be defined by the board but shall not include a mere change of mind on the part of the purchaser or a change of mind related to cosmetic concerns of the purchaser about wearing a hearing instrument; and

(b) The purchaser sends notice of the cancellation by certified mail, return receipt requested, to the establishment employing the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder at the time the hearing instrument was originally purchased, and the notice is posted not later than thirty days following the date of delivery, but the purchaser and the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder may extend the deadline for posting of the notice of rescission by mutual, written agreement. In the event the hearing instrument develops a problem which qualifies as a reasonable cause for rescission or which prevents the purchaser from evaluating the hearing instrument, and the purchaser notifies the establishment employing the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder of the problem during the thirty days following the date of delivery and documents such notification, the deadline for posting the notice of rescission shall be extended by an equal number of days as those between the date of the notification of the problem to the date of notification of availability for redeliveries. Where the hearing instrument is returned to the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder for any inspection for modification or repair, and the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder has notified the purchaser that the hearing instrument is available for redelivery, and where the purchaser has not responded by either taking possession of the hearing instrument or instructing the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder to forward it to the purchaser, then the deadline for giving notice of the rescission shall extend no more than seven working days after this notice of availability.

(2) If the transaction is rescinded under this section or as otherwise provided by law and the hearing instrument is returned to the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder, the licensed hearing

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~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder shall refund to the purchaser any payments or deposits for that hearing instrument. However, the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder may retain, for each hearing instrument, fifteen percent of the total purchase price or one hundred twenty-five dollars, whichever is less. After December 31, 1996, the rescission amount shall be determined by the board. The licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder shall also return any goods traded in contemplation of the sale, less any costs incurred by the licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, licensed audiologist, or interim permit holder in making those goods ready for resale. The refund shall be made within ten business days after the rescission. The buyer shall incur no additional liability for such rescission.

(3) For the purposes of this section, the purchaser shall have recourse against the bond held by the establishment entering into a purchase agreement with the buyer, as provided by RCW 18.35.240.

Sec. 15. RCW 18.35.195 and 2006 c 263 s 802 are each amended to read as follows:

(1) This chapter shall not apply to military or federal government employees.

(2) This chapter does not prohibit or regulate:

(a) Fitting or dispensing by students enrolled in a board-approved program who are directly supervised by a licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, a licensed audiologist under the provisions of this chapter, or an instructor at a two-year hearing ~~((instrument fitter/dispenser))~~ aid specialist degree program that is approved by the board;

(b) Hearing ~~((instrument fitter/dispensers))~~ aid specialists, speech-language pathologists, or audiologists of other states, territories, or countries, or the District of Columbia while appearing as clinicians of bona fide educational seminars sponsored by speech-language pathology, audiology, hearing ~~((instrument fitter/dispenser))~~ aid specialist, medical, or other healing art professional associations so long as such activities do not go beyond the scope of practice defined by this chapter; and

(c) The practice of audiology or speech-language pathology by persons certified by the Washington professional educator standards board as educational staff associates, except for those persons electing to be licensed under this chapter. However, a person certified by the board as an educational staff associate who practices outside the school setting must be a licensed audiologist or licensed speech-language pathologist.

Sec. 16. RCW 18.35.205 and 2009 c 301 s 6 are each amended to read as follows:

The legislature finds that the public health, safety, and welfare would best be protected by uniform regulation of hearing ~~((instrument fitter/dispensers))~~ aid specialists, speech-language pathologists, speech-language pathology assistants, audiologists, and interim permit holders throughout the state. Therefore, the provisions of this chapter relating to the licensing of hearing ~~((instrument fitter/dispensers))~~ aid specialists, speech-language pathologists, and audiologists, the certification of speech-language pathology assistants, and regulation of interim permit holders and their respective establishments or facilities is exclusive. No political subdivision of the state of Washington within whose jurisdiction a hearing ~~((instrument fitter/dispenser))~~ aid specialist, audiologist, or speech-language pathologist establishment or facility is located may require any registrations, bonds, licenses, certificates, or interim permits of the establishment or facility or its employees or charge any fee for the same or similar purposes: PROVIDED, HOWEVER, That nothing herein shall limit or abridge the authority of any political subdivision to levy and collect a general and

nondiscriminatory license fee levied on all businesses, or to levy a tax based upon the gross business conducted by any firm within the political subdivision.

Sec. 17. RCW 18.35.240 and 2002 c 310 s 24 are each amended to read as follows:

(1) Every individual engaged in the fitting and dispensing of hearing instruments shall be covered by a surety bond of ten thousand dollars or more, for the benefit of any person injured or damaged as a result of any violation by the licensee or permit holder, or their employees or agents, of any of the provisions of this chapter or rules adopted by the secretary.

(2) In lieu of the surety bond required by this section, the licensee or permit holder may deposit cash or other negotiable security in a banking institution as defined in chapter 30.04 RCW or a credit union as defined in chapter 31.12 RCW. All obligations and remedies relating to surety bonds shall apply to deposits and security filed in lieu of surety bonds.

(3) If a cash deposit or other negotiable security is filed, the licensee or permit holder shall maintain such cash or other negotiable security for one year after discontinuing the fitting and dispensing of hearing instruments.

(4) Each invoice for the purchase of a hearing instrument provided to a customer must clearly display on the first page the bond number covering the licensee or interim permit holder responsible for fitting/dispensing the hearing instrument.

(5) All licensed hearing ~~((instrument fitter/dispensers))~~ aid specialists, licensed audiologists, and permit holders must verify compliance with the requirement to hold a surety bond or cash or other negotiable security by submitting a signed declaration of compliance upon annual renewal of their license or permit. Up to twenty-five percent of the credential holders may be randomly audited for surety bond compliance after the credential is renewed. It is the credential holder's responsibility to submit a copy of the original surety bond or bonds, or documentation that cash or other negotiable security is held in a banking institution during the time period being audited. Failure to comply with the audit documentation request or failure to supply acceptable documentation within thirty days may result in disciplinary action.

Sec. 18. RCW 18.35.260 and 2009 c 301 s 7 are each amended to read as follows:

(1) A person who is not a licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist may not represent himself or herself as being so licensed and may not use in connection with his or her name the words "licensed hearing instrument fitter/dispenser," "hearing instrument specialist," or "hearing aid fitter/dispenser," or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions of a licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist.

(2) A person who is not a licensed speech-language pathologist may not represent himself or herself as being so licensed and may not use in connection with his or her name the words including "licensed speech-language pathologist" or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions as a licensed speech-language pathologist.

(3) A person who is not a certified speech-language pathology assistant may not represent himself or herself as being so certified and may not use in connection with his or her name the words including "certified speech-language pathology assistant" or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions as a certified speech-language pathology assistant.

(4) A person who is not a licensed audiologist may not represent himself or herself as being so licensed and may not use in

connection with his or her name the words "licensed audiologist" or a variation, synonym, letter, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions of a licensed audiologist.

(5) Nothing in this chapter prohibits a person credentialed in this state under another act from engaging in the practice for which he or she is credentialed.

NEW SECTION. Sec. 19. Section 4 of this act takes effect July 1, 2015."

Senator Becker spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to Engrossed House Bill No. 2108.

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

MOTION

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

On page 1, line 1 of the title, after "fitters/dispensers" strike the remainder of the title and insert "amending RCW 18.35.010, 18.35.020, 18.35.040, 18.35.050, 18.35.070, 18.35.095, 18.35.100, 18.35.105, 18.35.110, 18.35.140, 18.35.150, 18.35.161, 18.35.185, 18.35.195, 18.35.205, 18.35.240, and 18.35.260; creating a new section; and providing an effective date."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed House Bill No. 2108 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2108 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2108 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Baumgartner, Billig, Holmquist Newbry and Padden

ENGROSSED HOUSE BILL NO. 2108 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Mullet was excused.

SECOND READING

SENATE BILL NO. 6249, by Senators Dammeier, Rivers, Brown, Hobbs, Fain, Mullet, McCoy and Tom

Establishing new authority for courts to assess cost recovery fees for costs associated with new indigent defense standards.

MOTION

On motion of Senator Dammeier, Second Substitute Senate Bill No. 6249 was substituted for Senate Bill No. 6249 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, after line 3, insert the following:

"In addition, the legislature intends to review the fiscal impact the new standards and limits will have on each local court and identify appropriations to agencies of the state judicial branch for nonconstitutional functions, program, and services that could be redirected to local courts to mitigate those costs. The legislature intends through its exclusive constitutional power of appropriation to find existing resources within the agencies of the state judicial branch to remedy the detrimental impact the state supreme court's action will have on counties and cities."

On page 2, beginning on line 15, after "support" strike all material through "cases" on line 17 and insert "contracts, programs, and personnel specifically associated with indigent defense"

On page 4, beginning on line 17, after "support" strike all material through "cases" on line 19 and insert "contracts, programs, and personnel specifically associated with indigent defense"

On page 5, beginning on line 17, after "support" strike all material through "cases" on line 19 and insert "contracts, programs, and personnel specifically associated with indigent defense"

On page 5, after line 23, insert the following:

NEW SECTION. Sec. 7. The administrative office of the courts must conduct an analysis to determine the increased cost and fiscal impact of the state supreme court's new standards and caseload limits for public defenders will have on county and city criminal justice system and court operations. The analysis must be disaggregated and identify costs for each county and city within the state. The office may consult with representatives of counties and cities, judges, prosecutors, and public defenders in conducting its analysis. The analysis must be provided to the appropriate committees of the legislature by December 1, 2014.

The administrative office of the courts must also provide the legislature with a report identifying by program the amount of biennial expenditures for functions and services provided by the agencies of the state judicial branch that are not required under the federal or state Constitution. The report must describe the purpose and beneficiaries of each nonconstitutional program. Funding that is distributed by formula or by grant must be disaggregated and reported by recipient. For purposes of this section, agencies of the state judicial branch include the supreme court, appellate courts, administrative office of the courts, and office of public defense. The report must be provided to the appropriate committees of the legislature by December 1, 2014."

Senators Padden, Kline and Dammeier spoke in favor of adoption of the amendment.

FIFTY SECOND DAY, MARCH 5, 2014

2014 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden and others on page 2, after line 3 to Second Substitute Senate Bill No. 6249.

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

MOTION

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

On page 1, line 5 of the title, after "creating" strike "a new section" and insert "new sections"

WITHDRAWAL OF AMENDMENTS

On motion of Senator Padden, the following amendments by Senator Padden: on page 2, line 6; on page 4, line 26; and the striking amendment to Second Substitute Senate Bill No. 6249 were withdrawn.

MOTION

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

On page 2, beginning on line 8, after "dollars." strike all material through "35.20.220(2)." on line 10 and insert "~~((This fee shall be subject to division with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2)-))~~"

WITHDRAWAL OF AMENDMENT

On motion of Senator Dansel, the amendment by Senators Dansel and Padden on page 2, line 8 to Second Substitute Senate Bill No. 6249 was withdrawn.

MOTION

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

On page 2, line 15, after "local" insert "homeless shelters, local district"

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 2, line 15 to Second Substitute Senate Bill No. 6249 was withdrawn.

MOTION

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

On page 2, beginning on line 15, after "support" strike all material through "cases" on line 17 and insert "contracts, programs, and personnel specifically associated with indigent defense"

On page 4, beginning on line 17, after "support" strike all material through "cases" on line 19 and insert "contracts, programs, and personnel specifically associated with indigent defense"

On page 5, beginning on line 17, after "support" strike all material through "cases" on line 19 and insert "contracts, programs, and personnel specifically associated with indigent defense"

WITHDRAWAL OF AMENDMENT

On motion of Senator Kline, the amendment by Senators Kline and Dammeier on page 2, line 15 to Second Substitute Senate Bill No. 6249 was withdrawn.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6249 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6249.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6249 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Cleveland, Dammeier, Dansel, Eide, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Liias, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Conway, Darneille, Fraser, Frockt, Hasegawa, Keiser, Kohl-Welles, McAuliffe, McCoy, Nelson, Pedersen and Ranker

Excused: Senator Mullet

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6249, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Dammeier: "So Mr. President. I had the opportunity and actually my first opportunity to negotiate a bill with the good Senator with the Thirty-Seventh District as well as the good Senator from the Forty Eighth, excuse me, from the Fourth. I try to stay away from the good Senator from the Forty Eighth at all costs. As you might imagine those two Senators from the Fourth and the Thirty Seventh have some very different views and come from very different parts of the state and I would just like to thank both of them for their cooperation and support on this bill. I would like to call particular attention to the gentleman from the Thirty Seventh because I would say that he and I also have some very different perspectives and I really appreciate a gentleman who will work to find areas of agreement and to work the language to find the area that we can come to 'yes.' And Senator Kline did that very well. It took us a couple of iterations to get there and that's the best way that sometimes the negotiations can go. And I know this was a very challenging bill for him. When I first approached him to be a sponsor on the bill and he declined by the way. So, I really appreciate all the good work that he did, Senator Kline I appreciate your work and thank you very much. Thank you Mr. President."

MOTION

At 5:47 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Thursday, March 6, 2014.

HUNTER G. GOODMAN, Secretary of the Senate

BRAD OWEN, President of the Senate

FIFTY THIRD DAY

MORNING SESSION

March 5, 2014

Senate Chamber, Olympia, Thursday, March 6, 2014

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Susanna Cate and Rachel Lewis, presented the Colors. Pastor Trisha Ferguson of The Capital Christian Center of Olympia offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House has passed:
 SUBSTITUTE SENATE BILL NO. 6007,
 SENATE BILL NO. 6134,
 SENATE BILL NO. 6135,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House has passed:
 SECOND SUBSTITUTE HOUSE BILL NO. 2041,
 HOUSE BILL NO. 2794,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House has passed:
 SENATE BILL NO. 5931,
 SENATE BILL NO. 6013,
 SENATE BILL NO. 6299,
 SENATE BILL NO. 6419,
 SUBSTITUTE SENATE BILL NO. 6453,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
 SECOND SUBSTITUTE SENATE BILL NO. 5958,
 SECOND SUBSTITUTE SENATE BILL NO. 5973,
 SUBSTITUTE SENATE BILL NO. 6069,
 SUBSTITUTE SENATE BILL NO. 6078,
 SUBSTITUTE SENATE BILL NO. 6339,
 SENATE BILL NO. 6358,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6450,
 SENATE JOINT MEMORIAL NO. 8003,
 SENATE CONCURRENT RESOLUTION NO. 8409,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House has passed:
 SECOND SUBSTITUTE HOUSE BILL NO. 2517,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2762 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Fey and Gregerson)

AN ACT Relating to transportation funding and appropriations; amending RCW 46.12.630, 47.28.030, 81.53.281, 82.70.020, 82.70.040, 82.70.050, 82.70.900, and 47.28.170; amending 2013 c 306 ss 101, 102, 103, 106, 107, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 401, 402, 404, 405, 406, 407, 517, 518, 519, 603, and 606 (uncodified); reenacting and amending RCW 46.68.340 and 47.04.010; adding a new section to chapter 43.21C RCW; adding new sections to chapter 306, Laws of 2013 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing contingent effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

EHB 2797 by Representatives Dunshee, MacEwen, Stanford, Kochmar, Stonier, Young, Riccelli, Zeiger, Haigh, Magendanz, Fitzgibbon, Dahlquist, Morrell, Smith, Lytton, DeBolt, Seaquist, Wilcox, Freeman, Walkinshaw, Ryu, Tarleton, Hargrove, Jinkins, Appleton, Kagi, Tharinger, Sells, Goodman, Fey, Sullivan, Bergquist, Pollet, Senn, Moscoso, Springer, Habib,

Blake, Ormsby, Reykdal, Van De Wege, Roberts, S. Hunt, Carlyle, Farrell, Green and Hudgins

AN ACT Relating to funding all-day kindergarten and early elementary class size reduction facility needs with lottery revenues; amending RCW 67.70.230, 67.70.044, 28B.76.526, 67.70.240, 67.70.340, and 67.70.040; adding a new chapter to Title 43 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

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

MOTION

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

MOTION

Senator Rolfes moved adoption of the following resolution:

SENATE RESOLUTION 8705

By Senators Rolfes, Parlette, Chase, Ericksen, McAuliffe, Angel, Ranker, Hasegawa, Roach, Fraser, Kline, Braun, Nelson, Litzow, Honeyford, Hatfield, O'Ban, Dammeier, Rivers, Dansel, Schoesler, Baumgartner, Becker, Pedersen, Eide, Mullet, Kohl-Welles, Hewitt, Fain, Frockt, Hill, Hargrove, King, Keiser, McCoy, Pearson, Bailey, Brown, Liias, Billig, Conway, Cleveland, Padden, Tom, and Darneille

WHEREAS, Education is a core tenet of our State Constitution and government; and

WHEREAS, Judi Best joined the Washington State Legislature's Civic Education program in 1994 and has faithfully served the Senate for 20 years; and

WHEREAS, Judi Best has tirelessly worked to create more informed and engaged citizens through the Washington State Legislative Policy Internship Program; and

WHEREAS, The Internship Program has undergone exceptional expansion and improvement under Judi Best's oversight; and

WHEREAS, Judi Best's passion and dedication have helped build a program that is the gold standard for comparable programs across the nation, winning the Kevin B. Harrington Excellence in Democracy Education Award from the National Conference of State Legislatures in 2012; and

WHEREAS, The Internship Program has helped interns obtain invaluable experience and exposure to the Legislature, and now boasts a unified network of over 1,000 alumni; and

WHEREAS, In addition to expanding the Civic Education program, Judi Best's work has resulted in substantial upgrades to other programs, such as improving the Page School, as well as creating the Legislative Scholar Program and the Civics Consortium; and

WHEREAS, Judi Best's efforts have been recognized at the state and federal level, as she has received the Civic Education Lifetime Achievement Award, as well as the 2014 Charles F. Kettering Award from the Cooperative Education and Internship Association, which recognizes "an employer from industry, business, or government who provides outstanding resources and service to the cooperative education and internship field"; and

WHEREAS, Judi Best has carried out her duties with unparalleled enthusiasm and selflessness, stating that she measures her success not through the awards and honors she receives, but through the ongoing achievements of former interns; and

WHEREAS, Judi Best is serving her final session with the Washington State Legislature and intends to retire at its conclusion so that she may do great things elsewhere;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate enthusiastically honor and appreciate the work and life of Judi Best and encourage all citizens to join in the recognition of her many contributions to our great state.

Senators Rolfes, Parlette, Eide, Ericksen, Chase, Hewitt and McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8705.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Judi Best family; Daughter, Alexis Shufelt; Son, Geoff Shufelt; Grandson, Joey Shufelt who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed current and former Legislative Interns who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Judi Best who was seated at the rostrum.

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pedersen moved that Constance W Rice, Gubernatorial Appointment No. 9311, be confirmed as a member of the Board of Regents, University of Washington.

Senator Pedersen spoke in favor of the motion.

APPOINTMENT OF CONSTANCE W RICE

FIFTY THIRD DAY, MARCH 6, 2014

2014 REGULAR SESSION

The President declared the question before the Senate to be the confirmation of Constance W Rice, Gubernatorial Appointment No. 9311, as a member of the Board of Regents, University of Washington.

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION
8689

By Senators Benton and Kohl-Welles

The Secretary called the roll on the confirmation of Constance W Rice, Gubernatorial Appointment No. 9311, as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissues; and

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

WHEREAS, It is essential that all citizens are aware of the opportunity to save and enhance the lives of others through organ, eye, and tissue donation and transplantation; and

Constance W Rice, Gubernatorial Appointment No. 9311, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

WHEREAS, There are more than one hundred twenty thousand courageous Americans awaiting a lifesaving organ transplant, with eighteen individuals losing their lives every day because of the shortage of donations; and

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Rogelio Riojas, Gubernatorial Appointment No. 9312, be confirmed as a member of the Board of Regents, University of Washington.

WHEREAS, Every ten minutes, a person is added to the national organ donation waiting list; and

WHEREAS, An organ, eye, and tissue donation from one individual can save or enhance the lives of over fifty people; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that, through organ, eye, and tissue donation, another person's life has been saved or enhanced; and

Senators Kohl-Welles, Hasegawa and Conway spoke in favor of passage of the motion.

WHEREAS, Organ donation offers the recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, Through organ, eye, and tissue donation, a donor and the donor's family receive gratitude from the recipient's family and are honored by the enhancement of the recipient's life; and

APPOINTMENT OF ROGELIO RIOJAS

The President declared the question before the Senate to be the confirmation of Rogelio Riojas, Gubernatorial Appointment No. 9312, as a member of the Board of Regents, University of Washington.

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize April as National Donate Life Month as declared by the Governor, honor those who have donated, and celebrate the lives of the recipients.

The Secretary called the roll on the confirmation of Rogelio Riojas, Gubernatorial Appointment No. 9312, as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Senators Benton, Angel, Chase, Kohl-Welles and Tom spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8689.

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

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the LifeCenter Northwest, a federally designated nonprofit organ procurement and tissue recovery organization in Bellevue, Ms. Meghan M. Farragher and Ms. Mary Graff, Community Outreach Program Manager, who were seated in the gallery.

Rogelio Riojas, Gubernatorial Appointment No. 9312, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 6, 2014."

MOTION

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

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

The motion by Senator Fain carried and debate was limited through March 6, 2014 by voice vote.

MOTION

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2315, by House Committee on Health Care & Wellness (originally sponsored by Representatives Orwall, Harris, Cody, Roberts, Short, Morrell, Manweller, Green, Jinkins, Fitzgibbon, Tharinger, Ryu, Goodman, Ormsby, Pollet and Walkinshaw)

Concerning suicide prevention.

The measure was read the second time.

MOTION

Senator Becker moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2012 c 181 s 1 (uncodified) is amended to read as follows:

(1) The legislature finds that:

(a) According to the centers for disease control and prevention:

(i) In 2008, more than thirty-six thousand people died by suicide in the United States, making it the tenth leading cause of death nationally.

(ii) During 2007-2008, an estimated five hundred sixty-nine thousand people visited hospital emergency departments with self-inflicted injuries in the United States, seventy percent of whom had attempted suicide.

(iii) During 2008-2009, the average percentages of adults who thought, planned, or attempted suicide in Washington were higher than the national average.

(b) According to a national study, veterans face an elevated risk of suicide as compared to the general population, more than twice the risk among male veterans. Another study has indicated a positive correlation between posttraumatic stress disorder and suicide.

(i) Washington state is home to more than sixty thousand men and women who have deployed in support of the wars in Iraq and Afghanistan.

(ii) Research continues on how the effects of wartime service and injuries, such as traumatic brain injury, posttraumatic stress disorder, or other service-related conditions, may increase the number of veterans who attempt suicide.

(iii) As more men and women separate from the military and transition back into civilian life, community mental health providers will become a vital resource to help these veterans and their families deal with issues that may arise.

(c) Suicide has an enormous impact on the family and friends of the victim as well as the community as a whole.

(d) Approximately ninety percent of people who die by suicide had a diagnosable psychiatric disorder at the time of death, such as depression. Most suicide victims exhibit warning signs or behaviors prior to an attempt.

(e) Improved training and education in suicide assessment, treatment, and management has been recommended by a variety of organizations, including the United States department of health and human services and the institute of medicine.

(2) It is therefore the intent of the legislature to help lower the suicide rate in Washington by requiring certain health professionals to complete training in suicide assessment, treatment, and

management as part of their continuing education, continuing competency, or recertification requirements.

(3) The legislature does not intend to expand or limit the existing scope of practice of any health professional affected by this act.

Sec. 2. RCW 43.70.442 and 2013 c 78 s 1 and 2013 c 73 s 6 are each reenacted and amended to read as follows:

(1)(a) ~~((Beginning January 1, 2014,))~~ Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A chemical dependency professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW;

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and

(viii) A social worker associate--advanced or social worker associate--independent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a ~~((disciplining))~~ disciplining authority has determined, under subsection ~~((8))~~ (9)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(2)(a) Except as provided in (b) of this subsection, a professional listed in subsection (1)(a) of this section must complete the first training required by this section during the first full continuing education reporting period after January 1, 2014, or the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(b) A professional listed in subsection (1)(a) of this section applying for initial licensure ~~((on or after January 1, 2014,))~~ may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt a professional from the training requirements in subsections (1) and (5) of this section.

(b) ~~((The board of occupational therapy practice))~~ A disciplining authority may exempt ~~((an occupational therapy practitioner))~~ a professional from the training requirements of subsections (1) and (5) of this section if the ~~((occupational therapy practitioner))~~ professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

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- (ii) A naturopath licensed under chapter 18.36A RCW;
 - (iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW;
 - (iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW;
 - (v) An osteopathic physician assistant licensed under chapter 18.57A RCW;
 - (vi) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;
 - (vii) A physician licensed under chapter 18.71 RCW;
 - (viii) A physician assistant licensed under chapter 18.71A RCW; and
 - (ix) A person holding a retired active license for one of the professions listed in (a)(i) through (viii) of this subsection.
- (b) A professional listed in (a) of this subsection must complete the one-time training during the first full continuing education reporting period after the effective date of this section or the first full continuing education reporting period after initial licensure, whichever is later.
- (c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (9)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.
- (6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management.
- (b) When developing the model list, the secretary and the disciplining authorities shall:
- (i) Consider suicide assessment, treatment, and management training programs of at least six hours in length listed on the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center; and
 - (ii) Consult with public and private institutions of higher education, experts in suicide assessment, treatment, and management, and affected professional associations.
- (c) The secretary and the disciplining authorities shall report the model list of training programs to the appropriate committees of the legislature no later than December 15, 2013.
- ~~((6))~~ (d) The secretary and the disciplining authorities shall update the list at least once every two years. When updating the list, the secretary and the disciplining authorities shall, to the extent practicable, endeavor to include training on the model list that includes content specific to veterans. When identifying veteran-specific content under this subsection, the secretary and the disciplining authorities shall consult with the Washington department of veterans affairs.
- (7) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.
- ~~((7))~~ (8) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.
- ~~((8))~~ (9) For purposes of this section:
- (a) "Disciplining authority" has the same meaning as in RCW 18.130.020.
 - (b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of

occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

~~((9))~~ (10) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

~~((10))~~ (11) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 70.96A RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

NEW SECTION. Sec. 3. (1) The department of social and health services and the health care authority shall jointly develop a plan for a pilot program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of individuals with mental or other behavioral health disorders and track outcomes of the program.

(2) The program must, at a minimum, include the following:

(a) Two pilot sites, one in an urban setting and one in a rural setting; and

(b) Timely case consultation between primary care providers and psychiatric specialists.

(3) The plan must address timely access to care coordination and appropriate treatment services, including next day appointments for urgent cases.

(4) The plan must include:

(a) A description of the recommended program design, staffing model, and projected utilization rates for the two pilot sites and for statewide implementation; and

(b) Detailed fiscal estimates for the pilot sites and for statewide implementation, including:

(i) A detailed cost breakdown of the elements in subsections (2) and (3) of this section, including the proportion of anticipated federal and state funding for each element; and

(ii) An identification of which elements and costs would need to be funded through new resources and which can be financed through existing funded programs.

(5) When developing the plan, the department and the authority shall consult with experts and stakeholders, including, but not limited to, primary care providers, experts on psychiatric interventions, institutions of higher education, tribal governments, the state department of veterans affairs, and the partnership access.

(6) The department and the authority shall provide the plan to the appropriate committees of the legislature no later than November 15, 2014.

NEW SECTION. Sec. 4. A new section is added to chapter 43.70 RCW to read as follows:

(1) The secretary, in consultation with the steering committee convened in subsection (3) of this section, shall develop a Washington plan for suicide prevention. The plan must, at a minimum:

(a) Examine data relating to suicide in order to identify patterns and key demographic factors;

(b) Identify key risk and protective factors relating to suicide; and

(c) Identify goals, action areas, and implementation strategies relating to suicide prevention.

(2) When developing the plan, the secretary shall consider national research and practices employed by the federal government, tribal governments, and other states, including the national strategy for suicide prevention. The plan must be written in a manner that is accessible, and useful to, a broad audience. The secretary shall periodically update the plan as needed.

(3) The secretary shall convene a steering committee to advise him or her in the development of the Washington plan for suicide prevention. The committee must consist of representatives from the following:

- (a) Experts on suicide assessment, treatment, and management;
- (b) Institutions of higher education;
- (c) Tribal governments;
- (d) The department of social and health services;
- (e) The state department of veterans affairs;
- (f) Suicide prevention advocates, at least one of whom must be a suicide survivor and at least one of whom must be a survivor of a suicide attempt;
- (g) Primary care providers;
- (h) Local health departments or districts; and
- (i) Any other organizations or groups the secretary deems appropriate.

(4) The secretary shall complete the plan no later than November 15, 2015, publish the report on the department's web site, and submit copies to the governor and the relevant standing committees of the legislature.

NEW SECTION. Sec. 5. A new section is added to chapter 43.70 RCW to read as follows:

(1) The secretary shall update the report required by section 3, chapter 181, Laws of 2012 in 2018 and again in 2022 and report the results to the governor and the appropriate committees of the legislature by November 15, 2018, and November 15, 2022.

(2) This section expires December 31, 2022."

Senator Becker spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to Engrossed Substitute House Bill No. 2315.

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

MOTION

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

On page 1, line 1 of the title, after "prevention;" strike the remainder of the title and insert "amending 2012 c 181 s 1 (uncodified); reenacting and amending RCW 43.70.442; adding new sections to chapter 43.70 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute House Bill No. 2315 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Pedersen, Angel, O'Ban, Keiser, Roach, Bailey and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2315 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2315 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2315 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2741, by Representatives Orcutt and Clibborn

Concerning requirements before issuance of an initial vehicle registration.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 2741 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2741.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2741 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Cleveland

HOUSE BILL NO. 2741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1171, by House Committee on Public Safety (originally sponsored by Representatives Hurst, Dahlquist, Haler and Parker)

Prohibiting the release of defendants charged with a sex or violent offense without the payment of bail pending trial. Revised for 1st Substitute: Clarifying pretrial release programs.

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The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1171.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1171 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2351, by Representatives Tarleton, Harris, Cody, Schmick, Walkinshaw, Riccelli, Ryu, Morrell, Roberts, Zeiger and Freeman

Concerning the practice of out-of-state health care professionals volunteering in Washington.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed House Bill No. 2351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2351.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2351 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline,

Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED HOUSE BILL NO. 2351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2776, by Representatives Santos, Pettigrew, DeBolt, Cody, Morris, Haigh, Chandler, Kagi, S. Hunt, Orcutt, Dunshee, Kirby, Chopp, Jinkins, Appleton, Fitzgibbon, Ormsby and Hudgins

Renaming the Washington civil liberties public education program.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2776 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Hasegawa, Brown, Darneille and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2776.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2776 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling on the Point of Order raised by Senator Braun as to whether Amendment 602 by Sen. Liias to Senate Bill 6220 expands the scope and object of the bill, the President finds and rules as follows.

Senate Bill No. 6220 addressed one issue: the imposition of a 17% charge on the sale of spirits from certain retailers to restaurants. If Amendment 602 were offered against the bill in the form it had when initially brought before the Senate, the amendment would clearly be outside the scope and object of that bill.

The President's determination is made more difficult by the adoption of Amendment 605, prior to the body's consideration of Amendment 602. Amendment 605 broadened the scope of the bill by clarifying – if not altering – the imposition of a fee upon the

sale of spirits from a manufacturer to liquor distributors and retailers.

This previous amendment changed the scope and object of the bill, but was not challenged. Instead of affecting only a single commercial relationship, involving only retailers and certain sellers of spirits, the bill expanded to include a second significant commercial relationship, the one existing between manufacturers, on the one hand, and distributors or retailers on the other.

The proposed amendment adds yet another commercial relationship into the mix: the relationship at the point of sale from a retailer to a consumer.

This is not a clear and easy decision for the President, but it presents a question that is not often faced: the adoption of a discrete amendment that sufficiently alters the scope and object of the original bill to allow additional matters to be properly offered and considered. In this instance, the President finds that the adoption of Amendment 605, by introducing a second form of commercial relationship into the bill, opens the bill for the consideration of other commercial relationships, such as that between retailers and consumers.

The President would further advise against the body taking this ruling too far. Initiative 1183, as adopted by the voters, contains a series of commercial relationships that are not found in many arenas. By failing to limit the bill to addressing a single discrete commercial relationship, the body may no longer be able to procedurally limit amendments involving other commercial relationships.

For these reasons, the President finds that the proposed amendment is within the scope and object of the underlying bill, and Senator Braun's point is not well-taken."

The Senate resumed consideration of Senate Bill No. 6220 which had been deferred on March 5, 2014.

The Senate resumed consideration of the striking amendment by Senators Liias and Conway to Senate Bill No. 6220 that had been deferred on March 5, 2014.

Senator Braun spoke against adoption of the striking amendment.

POINT OF ORDER

Senator Rolfes: "I believe the speaker has already spoken on this amendment and under the rules that we're operating under we each get to speak once to the amendment unless we're the maker of the amendment."

RULING BY THE PRESIDENT

President Owen: "The President believes that Senator Braun had only had risen to a point of order and does, that does not constitute having spoken on the bill."

Senators Liias and Conway spoke in favor of adoption of the striking amendment.

Senators Mullet and Ericksen spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Liias and Conway to Senate Bill No. 6220.

The motion by Senator Liias failed and the striking amendment was not adopted by a rising vote.

MOTION

Senator Liias moved that the following amendment by Senators Liias and Conway be adopted:

On page 1, at the beginning on line 6, insert "(1)"

On page 1, after line 9, insert the following:

"(2) Any retail sale made by a spirits retail licensee licensed under this title is subject to tax as provided in RCW 82.08.150."

On page 1, after line 9, insert the following:

"**Sec. 2.** RCW 82.08.150 and 2012 c 2 s 106 are each amended to read as follows:

(1) There is levied and collected a tax upon each retail sale of spirits in the original package at the rate of:

(a) Fifteen percent of the selling price, until July 1, 2017;

(b) 17.5 percent of the selling price, beginning July 1, 2017, until July 1, 2019;

(c) 14.5 percent of the selling price, beginning July 1, 2019, until July 1, 2021; and

(d) 11.5 percent of the selling price, beginning July 1, 2021, until July 1, 2023.

(2)(a) Until July 1, 2017, there is levied and collected a tax upon each sale of spirits in the original package at the rate of ten percent of the selling price on sales by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to restaurant spirits retailers.

(b) Beginning July 1, 2017, until July 1, 2019, there is levied and collected a tax upon each sale of spirits in the original package at the rate of 11.7 percent of the selling price on sales by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to restaurant spirits retailers.

(c) Beginning July 1, 2019, until July 1, 2021, there is levied and collected a tax upon each sale of spirits in the original package at the rate of 9.7 percent of the selling price on sales by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to restaurant spirits retailers.

(d) Beginning July 1, 2021, until July 1, 2023, there is levied and collected a tax upon each sale of spirits in the original package at the rate of 7.7 percent of the selling price on sales by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to restaurant spirits retailers.

(3) There is levied and collected an additional tax upon each sale of spirits in the original package by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to a restaurant spirits retailer and upon each retail sale of spirits in the original package by a licensee of the board at the rate of one dollar and seventy-two cents per liter.

(4)(a) Until July 1, 2017, an additional tax is imposed equal to fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(b) Beginning July 1, 2017, an additional tax is imposed equal to fourteen percent multiplied by the taxes payable under subsection (3) of this section.

(5) An additional tax is imposed upon each sale of spirits in the original package by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to a restaurant spirits retailer and upon each retail sale of spirits in the original package by a licensee of the board at the rate of seven cents per liter. All revenues collected during any month from this additional tax must be deposited in the state general fund by the twenty-fifth day of the following month.

(6)(a) Until July 1, 2017, an additional tax is imposed upon retail sale of spirits in the original package at the rate of three and four-tenths percent of the selling price.

(b) Until July 1, 2017, an additional tax is imposed upon retail sale of spirits in the original package to a restaurant spirits retailer at the rate of two and three-tenths percent of the selling price.

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(c) An additional tax is imposed upon each sale of spirits in the original package by a spirits distributor licensee or other licensee acting as a spirits distributor pursuant to Title 66 RCW to a restaurant spirits retailer and upon each retail sale of spirits in the original package by a licensee of the board at the rate of forty-one cents per liter.

(d) All revenues collected during any month from additional taxes under this subsection must be deposited in the state general fund by the twenty-fifth day of the following month.

(7)(a) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of one dollar and thirty-three cents per liter.

(b) All revenues collected during any month from additional taxes under this subsection must be deposited by the twenty-fifth day of the following month into the general fund.

(8) Until July 1, 2023, the tax imposed in RCW 82.08.020 does not apply to sales of spirits in the original package. Beginning July 1, 2023, the state and local sales taxes imposed in RCW 82.08.020 and 82.14.030 apply to sales of spirits in the original package.

(9) The taxes imposed in this section must be paid by the buyer to the seller, and each seller must collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller must be stated separately from the selling price, and for purposes of determining the tax due from the buyer to the seller, it is conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section. Sellers must report and return all taxes imposed in this section in accordance with rules adopted by the department.

(10) As used in this section, the terms, "spirits" and "package" have the same meaning as provided in chapter 66.04 RCW.

NEW SECTION. Sec. 3. This act takes effect July 1, 2017."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "providing a comprehensive spirits sales tax reduction for all consumers in both on-premise and off-premise settings; amending RCW 82.08.150; adding a new section to chapter 66.24 RCW; and providing an effective date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Liias, the amendment by Senator Liias on page 1, line 6 to Senate Bill No. 6220 was withdrawn.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Senate Bill No. 6220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Mullet, Sheldon, Ericksen, Dansel, Baumgartner and Bailey spoke in favor of passage of the bill.

Senators Nelson, Chase, Conway, Hasegawa and McAuliffe spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6220.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6220 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hill, Hobbs, Holmquist Newbry, King, Litzow, Mullet, O'Ban,

Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Nelson, Pedersen, Ranker and Rolfes

ENGROSSED SENATE BILL NO. 6220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Engrossed Senate Bill No. 6220 was immediately transmitted to the House of Representatives.

SECOND READING

HOUSE BILL NO. 2225, by Representatives Manweller, Senn, Magendanz, Fey, Tharinger, Fitzgibbon and Roberts

Concerning the Milwaukee Road corridor.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, House Bill No. 2225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2225.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2225 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Ericksen

HOUSE BILL NO. 2225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1264, by Representatives Haigh, Chandler, Takko and Ryu

Concerning partial fire district mergers.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1264.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1264 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:25 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:26 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6201,
SUBSTITUTE SENATE BILL NO. 6216,
SUBSTITUTE SENATE BILL NO. 6226,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6272,
SENATE BILL NO. 6514,
SENATE BILL NO. 6522,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 2335,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hewitt moved that Bill Gordon, Gubernatorial Appointment No. 9269, be confirmed as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

Senator Hewitt spoke in favor of the motion.

APPOINTMENT OF BILL GORDON

The President declared the question before the Senate to be the confirmation of Bill Gordon, Gubernatorial Appointment No. 9269, as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

The Secretary called the roll on the confirmation of Bill Gordon, Gubernatorial Appointment No. 9269, as a member of the Board of Trustees, Columbia Basin Community College District No. 19 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Bill Gordon, Gubernatorial Appointment No. 9269, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fain moved that Thomas A Campbell, Gubernatorial Appointment No. 9249, be confirmed as a member of the Board of Trustees, Green River Community College District No. 10.

Senator Fain spoke in favor of the motion.

APPOINTMENT OF THOMAS A CAMPBELL

The President declared the question before the Senate to be the confirmation of Thomas A. Campbell, Gubernatorial Appointment No. 9249, as a member of the Board of Trustees, Green River Community College District No. 10.

The Secretary called the roll on the confirmation of Thomas A Campbell, Gubernatorial Appointment No. 9249, as a member of the Board of Trustees, Green River Community College District No. 10 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Thomas A Campbell, Gubernatorial Appointment No. 9249, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Green River Community College District No. 10.

MOTION

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

SECOND READING

HOUSE BILL NO. 2167, by Representatives Lytton, Haigh, Magendanz, Kagi, Dahlquist and Carlyle

Changing the date by which challenged schools are identified.

The measure was read the second time.

MOTION

On motion of Senator Litzow, the rules were suspended, House Bill No. 2167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Frockt, Senators Keiser and Nelson were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2167.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2167 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Keiser and Nelson

HOUSE BILL NO. 2167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2153, by House Committee on Health Care & Wellness (originally sponsored by Representatives Habib, Tarleton, Ross, Green, Morrell, Springer, Tharinger, Jinkins, Goodman, Van De Wege, Clibborn, Fey and Riccelli)

Concerning the treatment of eosinophilic gastrointestinal associated disorders.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, Substitute House Bill No. 2153 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Becker, Tom, Keiser and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2153.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2153 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2492, by House Committee on Judiciary (originally sponsored by Representatives Rodne, Jinkins, Morrell and Tharinger)

Concerning liability of health care providers responding to an emergency.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 2492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2492.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2492 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
SENATE BILL NO. 5931,
SECOND SUBSTITUTE SENATE BILL NO. 5958,
SECOND SUBSTITUTE SENATE BILL NO. 5973,
SUBSTITUTE SENATE BILL NO. 6007,
SENATE BILL NO. 6013,
SUBSTITUTE SENATE BILL NO. 6069,
SUBSTITUTE SENATE BILL NO. 6078,
SENATE BILL NO. 6134,
SENATE BILL NO. 6135,
SENATE BILL NO. 6299,
SUBSTITUTE SENATE BILL NO. 6339,
SENATE BILL NO. 6358,
SENATE BILL NO. 6419,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6450,
SUBSTITUTE SENATE BILL NO. 6453,
SENATE JOINT MEMORIAL NO. 8003.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2102, by House Committee on Judiciary (originally sponsored by Representatives Sawyer, Muri, Kirby, Zeiger, Fey, Seaquist, Green, Morrell, Jinkins, Liias, Van De Wege, Ryu and Bergquist)

Requiring a prisoner to seek authorization from a court before commencing a civil action against the victim of the prisoner's crimes.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW to read as follows:

(1) A person convicted and confined for any of the offenses set forth in subsection (3) of this section must, prior to commencing any civil action in state court against the victim of such offense, or the victim's family, first obtain an order authorizing such action to proceed from the sentencing judge, if available, or the presiding judge in the county of conviction.

(2) This section does not apply to an action brought under Title 26 RCW.

(3) This section applies to persons convicted and confined for any serious violent offense as defined in RCW 9.94A.030.

(4) A court may refuse to authorize an action, or a claim contained therein, to proceed if the court finds that the action, or claim, is frivolous or malicious. In determining whether an action, or a claim asserted therein, is frivolous or malicious, the court may consider, among other things, whether:

(a) The claim's realistic chance of ultimate success is slight;

(b) The claim has no arguable basis in law or in fact;

(c) It is clear that the party cannot prove facts in support of the claim;

(d) The claim has been brought with the intent to harass the opposing party; or

(e) The claim is substantially similar to a previous claim filed by the inmate because the claim arises from the same operative facts.

(5) For purposes of this section, "victim's family" includes a victim's spouse, domestic partner, children, parents, and siblings.

(6) Failure to obtain the authorization required by this section prior to commencing an action may result in loss of early release time or other privileges, or some combination thereof. The department may exercise discretion to determine whether and how the loss may be applied, and the amount of reduction of early release time, loss of other privileges, or some combination thereof. The department shall adopt rules to implement the provisions of this subsection."

Senator Padden spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 2102.

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

MOTION

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

On page 1, line 1 of the title, after "victims;" strike the remainder of the title and insert "and adding a new section to chapter 9.94A RCW."

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 2102 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2102 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2102 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway,

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Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE HOUSE BILL NO. 2102 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Hasegawa was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2160, by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Pollet, Appleton, S. Hunt, Buys, Haler, Warnick, Pettigrew, Manweller, Goodman, Clibborn, Santos, Harris and Kagi)

Allowing physical therapists to perform spinal manipulation.

The measure was read the second time.

MOTION

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

On page 9, after line 21, insert the following:

NEW SECTION. Sec. 6. A new section is added to chapter 18.25 RCW to read as follows:

(1) Subject to the limitations of this section, a chiropractor may practice physical therapy only after being issued a physical therapy endorsement by the secretary. The secretary, upon approval by the commission, shall issue an endorsement to a chiropractor who has at least one year of full-time, orthopedic, postgraduate practice experience that consists of direct patient care and averages at least thirty-six hours a week and who provides evidence in a manner acceptable to the commission of all of the following additional requirements:

(a) Training in mechanical, physiological, and development impairment diagnosis of no less than one hundred hours outlined within a course curriculum;

(b) Didactic and practical training related to the delivery of physical therapy procedures of no less than two hundred fifty hours clearly delineated and outlined in a course curriculum; and

(c) At least three hundred hours of supervised clinical practical experience in physical therapy procedures. The supervised clinical practical experience must:

(i) Be supervised by a clinical supervisor who:

(A) Holds a physical therapy endorsement under this section;

(B) Is a licensed physical therapist; or

(C) Holds an endorsement or advanced certification the training requirements for which are commensurate with the training requirements in this section;

(ii) Be under the close supervision of the clinical supervisor for a minimum of the first one hundred fifty hours of the supervised clinical practical experience, after which the supervised clinical practical experience must be under the direct supervision of the clinical supervisor;

(iii) Be completed within eighteen months of completing the educational requirements in (a) and (b) of this subsection, unless the

chiropractor has completed the educational requirements in (a) and (b) of this subsection prior to the effective date of this section, in which case the supervised clinical practical experience must be completed by January 1, 2017.

(2) A chiropractor holding a physical therapy endorsement under subsection (1) of this section shall consult with a health care practitioner, other than a chiropractor, authorized to practice physical therapy if physical therapy procedures are required beyond six treatments.

(3) A chiropractor holding a physical therapy endorsement under subsection (1) of this section may not:

(a) Have a practice in which physical therapy constitutes the majority of the services provided;

(b) Evaluate the function of a patient wearing an orthosis or prosthesis as defined in RCW 18.200.010 or provide a patient with such such orthoses;

(c) Delegate physical therapy; or

(d) Bill a health carrier for physical therapy separately from, or in addition to, other chiropractic procedures.

(4) A chiropractor holding a physical therapy endorsement under this section shall complete at least ten hours of continuing education per continuing competency reporting period directly related to physical therapy. At least five hours of the training required under this subsection must be related to procedural technique and application of physical therapy.

(5) If a chiropractor is intending to perform physical therapy on a patient who the chiropractor knows is being treated by a physical therapist for the same diagnosis, the chiropractor shall make reasonable efforts to coordinate patient care with the physical therapist to prevent conflict or duplication of services.

(6) By November 15, 2019, the commission shall report to the legislature any disciplinary actions taken against chiropractors whose performance of physical therapy resulted in physical harm to a patient. Prior to finalizing the report required under this subsection, the commission shall consult with the board of physical therapy.

Sec. 7. RCW 18.25.005 and 2002 c 225 s 1 are each amended to read as follows:

(1) Chiropractic is the practice of health care that deals with the diagnosis or analysis and care or treatment of the vertebral subluxation complex and its effects, articular dysfunction, and musculoskeletal disorders, all for the restoration and maintenance of health and recognizing the recuperative powers of the body.

(2) Chiropractic treatment or care includes the use of procedures involving spinal adjustments and extremity manipulation. Chiropractic treatment also includes the use of heat, cold, water, exercise, massage, trigger point therapy, dietary advice and recommendation of nutritional supplementation, the normal regimen and rehabilitation of the patient, the practice of physical therapy, first aid, and counseling on hygiene, sanitation, and preventive measures. Chiropractic care also includes such physiological therapeutic procedures as traction and light, but does not include procedures involving the application of sound, diathermy, or electricity.

(3) As part of a chiropractic differential diagnosis, a chiropractor shall perform a physical examination, which may include diagnostic x-rays, to determine the appropriateness of chiropractic care or the need for referral to other health care providers. The chiropractic quality assurance commission shall provide by rule for the type and use of diagnostic and analytical devices and procedures consistent with this chapter.

(4) Chiropractic care shall not include the prescription or dispensing of any medicine or drug, the practice of obstetrics or surgery, the use of x-rays or any other form of radiation for

therapeutic purposes, colonic irrigation, or any form of venipuncture.

(5) Nothing in this chapter prohibits or restricts any other practitioner of a "health profession" defined in RCW 18.120.020(4) from performing any functions or procedures the practitioner is licensed or permitted to perform, and the term "chiropractic" as defined in this chapter shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine.

Sec. 8. RCW 18.25.006 and 2002 c 225 s 2 are each amended to read as follows:

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

- (1) "Department" means the department of health.
- (2) "Secretary" means the secretary of the department of health or the secretary's designee.
- (3) "Chiropractor" means an individual licensed under this chapter.
- (4) "Commission" means the Washington state chiropractic quality assurance commission.
- (5) "Vertebral subluxation complex" means a functional defect or alteration of the biomechanical and physiological dynamics in a joint that may cause neuronal disturbances, with or without displacement detectable by X-ray. The effects of the vertebral subluxation complex may include, but are not limited to, any of the following: Fixation, hypomobility, hypermobility, periarticular muscle spasm, edema, or inflammation.
- (6) "Articular dysfunction" means an alteration of the biomechanical and physiological dynamics of a joint of the axial or appendicular skeleton.
- (7) "Musculoskeletal disorders" means abnormalities of the muscles, bones, and connective tissue.
- (8) "Chiropractic differential diagnosis" means a diagnosis to determine the existence of a vertebral subluxation complex, articular dysfunction, or musculoskeletal disorder, and the appropriateness of chiropractic care or the need for referral to other health care providers.
- (9) "Chiropractic adjustment" means chiropractic care of a vertebral subluxation complex, articular dysfunction, or musculoskeletal disorder. Such care includes manual or mechanical adjustment of any vertebral articulation and contiguous articulations beyond the normal passive physiological range of motion.
- (10) "Extremity manipulation" means a corrective thrust or maneuver applied to a joint of the appendicular skeleton.
- (11) "Practice of physical therapy" means:
 - (a) Examining, evaluating, and testing individuals with mechanical, physiological, and developmental impairments, functional limitations in movement, and disability or other health and movement-related conditions in order to determine a diagnosis, prognosis, plan of therapeutic intervention, and to assess and document the ongoing effects of intervention;
 - (b) Alleviating impairments and functional limitations in movement by designing, implementing, and modifying therapeutic interventions that include therapeutic exercise; functional training related to balance, posture, and movement to facilitate self-care and reintegration into home, community, or work; manual therapy including soft tissue and joint mobilization and manipulation; therapeutic massage; airway clearance techniques; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction; and
 - (c) Reducing the risk of injury, impairment, functional limitation, and disability related to movement, including the promotion and maintenance of fitness, health, and quality of life in all age populations.

(12) "Direct supervision" means the supervisor must (a) be continuously on-site and present in the department or facility where the person being supervised is performing services; (b) be immediately available to assist the person being supervised in the services being performed; and (c) maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is required to be directly supervised under section 6 of this act.

(13) "Close supervision" means the supervisor has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. The supervisor is continuously on-site and physically present in the operatory while the procedures are performed and capable of responding immediately in the event of an emergency.

NEW SECTION. Sec. 9. A new section is added to chapter 18.25 RCW to read as follows:

(1) Chiropractors must not advertise that they practice physical therapy of any kind.

(2) A violation of this section is unprofessional conduct under this chapter and chapter 18.130 RCW.

Re-number the remaining sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 9, line 21 to Engrossed Substitute House Bill No. 2160 was withdrawn.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute House Bill No. 2160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Benton, Padden, Becker and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2160.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2160 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Pedersen was excused.

SECOND READING

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ENGROSSED HOUSE BILL NO. 2636, by Representatives Smith, Tarleton and Morrell

Streamlining statutorily required environmental reports by government entities.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed House Bill No. 2636 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2636.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2636 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED HOUSE BILL NO. 2636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2456, by Representatives Gregerson, Freeman, Tarleton, Orwall, Sells, Ryu, Appleton, Van De Wege, Goodman, Morrell and Muri

Correcting the expiration date of a definition of firefighter.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, House Bill No. 2456 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2456.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2456 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway,

Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Honeyford

HOUSE BILL NO. 2456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2175, by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Morrell and Stanford)

Removing barriers to economic development in the telecommunications industry.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following committee amendment by the Committee on Energy, Environment & Telecommunications be not adopted:

On page 2, beginning on line 30, after "means" strike all material through "(ii) A" on line 34 and insert "a"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the motion by Senator Ericksen to not adopt of the committee amendment by the Committee on Energy, Environment & Telecommunications to Substitute House Bill No. 2175.

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

MOTION

Senator Billig moved that the following striking amendment by Senators Billig, Ericksen and Ranker be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.36.375 and 1997 c 219 s 2 are each amended to read as follows:

(1) If a personal wireless service provider applies to site several microcells (~~and/or~~), minor facilities, or a small cell network in a single geographical area:

(a) If one or more of the microcells and/or minor facilities are not exempt from the requirements of RCW 43.21C.030(2)(c), local governmental entities are encouraged: (i) To allow the applicant, at the applicant's discretion, to file a single set of documents required by chapter 43.21C RCW that will apply to all the microcells and/or minor facilities to be sited; and (ii) to render decisions under chapter 43.21C RCW regarding all the microcells and/or minor facilities in a single administrative proceeding; (~~and~~)

(b) Local governmental entities are encouraged: (i) To allow the applicant, at the applicant's discretion, to file a single set of documents for land use permits that will apply to all the microcells and/or minor facilities to be sited; and (ii) to render decisions regarding land use permits for all the microcells and/or minor facilities in a single administrative proceeding; and

(c) For small cell networks involving multiple individual small

cell facilities, local governmental entities shall allow the applicant, if the applicant so chooses, to file a consolidated application and receive a single permit for the small cell network in a single jurisdiction instead of filing separate applications for each individual small cell facility.

(2) For the purposes of this section:

(a) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(b) "Microcell" means a wireless communication facility consisting of an antenna that is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

(c) "Minor facility" means a wireless communication facility consisting of up to three antennas, each of which is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length; and the associated equipment cabinet that is six feet or less in height and no more than forty-eight square feet in floor area.

(d) "Small cell facility" means a personal wireless services facility that meets both of the following qualifications:

(i) Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

(ii) Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: Electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

(e) "Small cell network" means a collection of interrelated small cell facilities designed to deliver personal wireless services.

Sec. 2. RCW 35.21.860 and 2007 c 6 s 1020 are each amended to read as follows:

(1) No city or town may impose a franchise fee or any other fee or charge of whatever nature or description upon the light and power, or gas distribution businesses, as defined in RCW 82.16.010, or telephone business, as defined in RCW 82.16.010, or service provider for use of the right-of-way, except:

(a) A tax authorized by RCW 35.21.865 may be imposed;

(b) A fee may be charged to such businesses or service providers that recovers actual administrative expenses incurred by a city or town that are directly related to receiving and approving a permit, license, and franchise, to inspecting plans and construction, or to the preparation of a detailed statement pursuant to chapter 43.21C RCW;

(c) Taxes permitted by state law on service providers;

(d) Franchise requirements and fees for cable television services as allowed by federal law; and

(e) A site-specific charge pursuant to an agreement between the city or town and a service provider of personal wireless services acceptable to the parties for:

(i) The placement of new structures in the right-of-way regardless of height, unless the new structure is the result of a mandated relocation in which case no charge will be imposed if the previous location was not charged;

(ii) The placement of replacement structures when the replacement is necessary for the installation or attachment of wireless facilities, the replacement structure is higher than the

replaced structure, and the overall height of the replacement structure and the wireless facility is more than sixty feet; or

(iii) The placement of personal wireless facilities on structures owned by the city or town located in the right-of-way. However, a site-specific charge shall not apply to the placement of personal wireless facilities on existing structures, unless the structure is owned by the city or town.

A city or town is not required to approve the use permit for the placement of a facility for personal wireless services that meets one of the criteria in this subsection absent such an agreement. If the parties are unable to agree on the amount of the charge, the service provider may submit the amount of the charge to binding arbitration by serving notice on the city or town. Within thirty days of receipt of the initial notice, each party shall furnish a list of acceptable arbitrators. The parties shall select an arbitrator; failing to agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. The arbitrator or arbitrators shall determine the charge based on comparable siting agreements involving public land and rights-of-way. The arbitrator or arbitrators shall not decide any other disputed issues, including but not limited to size, location, and zoning requirements. Costs of the arbitration, including compensation for the arbitrator's services, must be borne equally by the parties participating in the arbitration and each party shall bear its own costs and expenses, including legal fees and witness expenses, in connection with the arbitration proceeding.

(2) Subsection (1) of this section does not prohibit franchise fees imposed on an electrical energy, natural gas, or telephone business, by contract existing on April 20, 1982, with a city or town, for the duration of the contract, but the franchise fees shall be considered taxes for the purposes of the limitations established in RCW 35.21.865 and 35.21.870 to the extent the fees exceed the costs allowable under subsection (1) of this section."

Senators Billig, Ericksen and McCoy spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Billig, Ericksen and Ranker to Substitute House Bill No. 2175.

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

MOTION

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

On page 1, line 2 of the title, after "industry;" strike the remainder of the title and insert "and amending RCW 80.36.375 and 35.21.860."

MOTION

On motion of Senator Ericksen, the rules were suspended, Substitute House Bill No. 2175 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Rolfes, Conway and Pedersen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2175 as amended by the Senate.

ROLL CALL

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The Secretary called the roll on the final passage of Substitute House Bill No. 2175 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Dansel, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Lias, Litzow, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler and Sheldon

Voting nay: Senators Chase, Conway, Darneille, Eide, Fraser, Frockt, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Nelson, Pedersen, Rolfes and Tom

SUBSTITUTE HOUSE BILL NO. 2175 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1840, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Hope, Hunter, Pedersen, Bergquist, Habib, Fey, Ryu, Jinkins, Pollet and Tharinger)

Concerning firearms laws for persons subject to no-contact orders, protection orders, and restraining orders.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute House Bill No. 1840 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Kline, Kohl-Welles, Angel and Frockt spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Brown: "Would Senator Padden yield to a question? Could you please tell the body what the NRA position is on this?"

Senator Padden: "The National Rifle Association with the addition of the due process rights that removed their opposition to the bill. They do not oppose the bill."

Senators Baumgartner, Lias and Dansel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1840.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1840 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser,

Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1840, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hargrove, Senators Billig and Nelson were excused.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2569, by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Hargrove and Pollet)

Reducing air pollution associated with diesel emissions.

The measure was read the second time.

MOTION

On motion of Senator Fain, further consideration of Engrossed Second Substitute House Bill No. 2569 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2229, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Morris, Smith, Appleton, Haler, Moscoso, Tarleton, Roberts, Ryu, Habib and Bergquist)

Concerning long-term funding for a state tourism marketing program.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Substitute House Bill No. 2229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Chase, Mullet, Angel and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2229.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2229 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Billig and Nelson

SUBSTITUTE HOUSE BILL NO. 2229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2627, by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Roberts, Hayes, Moscoso, Robinson and Freeman)

Concerning the arrest of individuals who suffer from chemical dependency.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the large number of individuals involved in the juvenile justice and criminal justice systems with substance abuse challenges is of significant concern. Access to effective treatment is critical to the successful treatment of individuals in the early stages of their contact with the juvenile justice and criminal justice systems. Such access may prevent further involvement in the systems. The effective use of substance abuse treatment options can result not only in significant cost savings for the juvenile justice and criminal justice systems, but can benefit the lives of individuals who face substance abuse challenges.

NEW SECTION. Sec. 2. A new section is added to chapter 10.31 RCW to read as follows:

(1) A pilot program is established in Snohomish county for the purpose of studying the effect of chemical dependency diversions as described in this section.

(2) When a police officer has reasonable cause to believe that the individual:

(a) Has committed acts constituting a nonfelony crime that is not a serious offense as identified in RCW 9.41.010;

(b) Has not committed a possible violation of laws relating to driving or being in physical control of a vehicle while under the influence of intoxicating liquor or any drug under chapter 46.20 RCW; and

(c) Is known by history or consultation with staff designated by the county to suffer from a chemical dependency, as defined in RCW 70.96A.020, the arresting officer may:

(i) Take the individual to an approved chemical dependency treatment provider for treatment. The individual must be examined by a chemical dependency treatment provider within three hours of arrival;

(ii) Take the individual to an emergency medical service customarily used for incapacitated persons, if no approved treatment program is readily available. The individual must be examined by a chemical dependency treatment provider within three hours of arrival;

(iii) Refer the individual to a chemical dependency professional for initial detention and proceeding under chapter 70.96A RCW; or

(iv) Release the individual upon agreement to voluntary participation in outpatient treatment.

(3) If the individual is released to the community, the chemical dependency provider shall inform the arresting officer of the release within a reasonable period of time after the release if the arresting officer has specifically requested notification and provided contact information to the provider.

(4) In deciding whether to refer the individual to treatment under this section, the police officer shall be guided by standards mutually agreed upon with the prosecuting authority, which address, at a minimum, the length, seriousness, and recency of the known criminal history of the individual, the mental health and substance abuse history of the individual, where available, and the circumstances surrounding the commission of the alleged offense.

(5) The police officer shall submit a written report to the prosecuting attorney within ten days.

(6) Any agreement to participate in treatment shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in a chemical dependency treatment alternative. The agreement is inadmissible in any criminal or civil proceeding. The agreement does not create immunity from prosecution for the alleged criminal activity.

(7) If an individual violates such agreement and the chemical dependency treatment alternative is no longer appropriate, the chemical dependency provider shall inform the referring law enforcement agency of the violation.

(8) Nothing in this section may be construed as barring the referral of charges to the prosecuting attorney, or the filing of criminal charges by the prosecuting attorney.

(9) The police officer, staff designated by the county, or treatment facility personnel are immune from liability for any good faith conduct under this section.

NEW SECTION. Sec. 3. Snohomish county shall evaluate the effects of the pilot program as provided in section 2 of this act. Snohomish county shall submit a report to the legislature consistent with RCW 43.01.036. The report must summarize the effectiveness of the pilot program and include: How often the chemical dependency diversion was used, the kind of treatment the person engaged in, how often treatment was completed, the number of prosecutions, any cost savings to the county or state, any cost shifting from the county or state onto other systems, and the recidivism rate of offenders involved in the pilot program. The report may include any recommendations to the legislature to improve the effectiveness of the pilot program. The report is due July 1, 2015, and every other year until July 1, 2019.

Sec. 4. RCW 13.40.042 and 2013 c 179 s 2 are each amended to read as follows:

(1) When a police officer has reasonable cause to believe that a juvenile has committed acts constituting a nonfelony crime that is not a serious offense as identified in RCW 10.77.092, and the officer believes that the juvenile suffers from a mental disorder, and the local prosecutor has entered into an agreement with law enforcement regarding the detention of juveniles who may have a mental disorder or may be suffering from chemical dependency, the arresting officer, instead of taking the juvenile to the local juvenile detention facility, may take the juvenile to:

(a) An evaluation and treatment facility as defined in RCW 71.34.020 if the juvenile suffers from a mental disorder and the facility has been identified as an alternative location by agreement of the prosecutor, law enforcement, and the mental health provider;

(b) A facility or program identified by agreement of the prosecutor and law enforcement; or

(c) A location already identified and in use by law enforcement for the purpose of ~~((mental))~~ a behavioral health diversion.

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(2) For the purposes of this section, an "alternative location" means a facility or program that has the capacity to evaluate a youth and, if determined to be appropriate, develop a behavioral health intervention plan and initiate treatment.

(3) If a juvenile is taken to any location described in subsection (1)(a) or (b) of this section, the juvenile may be held for up to twelve hours and must be examined by a mental health or chemical dependency professional within three hours of arrival.

(4) The authority provided pursuant to this section is in addition to existing authority under RCW 10.31.110 and section 2 of this act.

Sec. 5. RCW 13.40.080 and 2013 c 179 s 4 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by any victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. If an assessment identifies mental health or chemical dependency needs, a youth may access up to thirty hours of counseling. The counseling sessions may include services demonstrated to improve behavioral health and reduce recidivism. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, a physician, a counselor, a school, or a treatment provider, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversion unit exercising the option to permit diversion agreements to mandate attendance at up to thirty hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars;

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(f) Upon request of any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to RCW 13.40.630.

(4) In assessing periods of community restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian. To the extent possible, the court officer shall advise the victims of the juvenile offender of the diversion process, offer victim impact letter forms and restitution claim forms, and involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the

terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the diverttee.

(b) If additional time is necessary for the juvenile to complete restitution to a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may relieve the juvenile of the requirement to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. If the court relieves the juvenile of the requirement to pay full or partial restitution, the court may order an amount of community restitution that the court deems appropriate. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(7) Diverttees and potential diverttees shall be afforded due process in all contacts with a diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No diverttee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the diverttee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the diverttee has substantially violated the terms of his or her diversion agreement;

(e) The prosecutor may file an information on the offense for which the diverttee was diverted:

(i) In juvenile court if the diverttee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the diverttee is eighteen years of age or older.

(8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(9) The diversion unit shall be responsible for advising a diveree of his or her rights as provided in this chapter.

(10) The diversion unit may refer a juvenile to a restorative justice program, community-based counseling, or treatment programs.

(11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

(13) A diversion unit may refuse to enter into a diversion agreement with a juvenile. When a diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(14) A diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection includes the authority to refer the juvenile to community-based counseling or treatment programs or a restorative justice program. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile

determined to be eligible by a diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the diveree's eighteenth birthday.

(16) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the diveree and with the concurrence of the diversion unit to convert an unpaid fine into community restitution. The modification of the diversion agreement shall be in writing and signed by the diveree and the diversion unit. The number of hours of community restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(17) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act expire July 31, 2019."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Second Substitute House Bill No. 2627.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

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

On page 1, line 2 of the title, after "dependency;" strike the remainder of the title and insert "amending RCW 13.40.042 and 13.40.080; adding a new section to chapter 10.31 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator O'Ban, the rules were suspended, Second Substitute House Bill No. 2627 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2627 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2627 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

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Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Billig and Nelson

SECOND SUBSTITUTE HOUSE BILL NO. 2627 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1224, by Representatives Kretz, Takko and Short

Providing a process for county legislative authorities to withdraw from voluntary planning under the growth management act.

The measure was read the second time.

MOTION

Senator Dansel moved that the following committee striking amendment by the Committee on Governmental Operations be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, on or after May 16, 1995, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2)(a) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter, unless the

county subsequently adopts a withdrawal resolution for partial planning pursuant to (b)(i) of this subsection.

(b)(i) Until December 31, 2015, the legislative authority of a county may adopt a resolution removing the county and the cities located within the county from the requirements to plan under this section if:

(A) The county has a population, as estimated by the office of financial management, of twenty thousand or fewer inhabitants at any time between April 1, 2010, and April 1, 2015;

(B) The county has previously adopted a resolution indicating its intention to have subsection (1) of this section apply to the county;

(C) At least sixty days prior to adopting a resolution for partial planning, the county provides written notification to the legislative body of each city within the county of its intent to consider adopting the resolution; and

(D) The legislative bodies of at least sixty percent of those cities having an aggregate population of at least seventy-five percent of the incorporated county population have not: Adopted resolutions opposing the action by the county; and provided written notification of the resolutions to the county.

(ii) Upon adoption of a resolution for partial planning under (b)(i) of this subsection:

(A) The county and the cities within the county are no longer obligated to plan under this section; and

(B) The county may not, for a minimum of ten years from the date of adoption of the resolution, adopt another resolution indicating its intention to have subsection (1) of this section apply to the county.

(c) The adoption of a resolution for partial planning under (b)(i) of this subsection does not nullify or otherwise modify the requirements for counties and cities established in RCW 36.70A.060, 36.70A.170, and 36.70A.172.

(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department ((of community, trade, and economic development)) of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department (~~of community, trade, and economic development~~) of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department (~~of community, trade, and economic development~~) of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

(7) Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter 47.80 RCW no later than December 31, 2000.

Sec. 2. RCW 36.70A.060 and 2005 c 423 s 3 are each amended to read as follows:

(1)(a) (~~Except as provided in RCW 36.70A.170(1),~~) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.040. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with

the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

(b) Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

(c) Each county that adopts a resolution of partial planning under RCW 36.70A.040(2)(b), and each city within such county, shall adopt development regulations within one year after the adoption of the resolution of partial planning to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection (1)(c) must comply with the requirements governing regulations adopted under (a) of this subsection.

(d)(i) A county that adopts a resolution of partial planning under RCW 36.70A.040(2)(b) and that is not in compliance with the planning requirements of this section, RCW 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution is adopted must, by January 30, 2017, apply for a determination of compliance from the department finding that the county's development regulations, including development regulations adopted to protect critical areas, and comprehensive plans are in compliance with the requirements of this section, RCW 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172. The department must approve or deny the application for a determination of compliance within one hundred twenty days of its receipt or by June 30, 2017, whichever date is earlier.

(ii) If the department denies an application under (d)(i) of this subsection, the county and each city within is obligated to comply with all requirements of this chapter and the resolution for partial planning adopted under RCW 36.70A.040(2)(b) is no longer in effect.

(iii) A petition for review of a determination of compliance under (d)(i) of this subsection may only be appealed to the growth management hearings board within sixty days of the issuance of the decision by the department.

(iv) In the event of a filing of a petition in accordance with (d)(iii) of this subsection, the county and the department must equally share the costs incurred by the department for defending an approval of determination of compliance that is before the growth management hearings board.

(v) The department may implement this subsection (d) by adopting rules related to determinations of compliance. The rules may address, but are not limited to: The requirements for applications for a determination of compliance; charging of costs under (d)(iv) of this subsection; procedures for processing applications; criteria for the evaluation of applications; issuance and notice of department decisions; and applicable timelines.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

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(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

Sec. 3. RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with RCW 36.70A.5801;

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; ((or))

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous; or

(f) That a department determination under RCW 36.70A.060(1)(d) is erroneous.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within sixty days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

NEW SECTION. **Sec. 4.** Section 3 of this act expires December 31, 2020."

Senator Dansel spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa to the committee striking amendment be adopted:

On page 2, line 31 of the amendment, after "are" insert ",
except as provided otherwise."

On page 3, line 1 of the amendment, after "36.70A.060." insert "36.70A.070(5) and associated development regulations."

Senators Hasegawa and Dansel spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 2, line 31 to the committee striking amendment to Engrossed House Bill No. 1224.

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Governmental Operations as amended to Engrossed House Bill No. 1224.

The motion by Senator Dansel carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

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

On page 1, line 3 of the title, after "act;" strike the remainder of the title and insert "amending RCW 36.70A.040, 36.70A.060, and 36.70A.280; and providing an expiration date."

MOTION

On motion of Senator Dansel, the rules were suspended, Engrossed House Bill No. 1224 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dansel and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1224 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1224 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED HOUSE BILL NO. 1224 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Second Substitute House Bill No. 2569 which had been deferred earlier in the day.

MOTION

Senator Ericksen moved that the following committee striking amendment by the Committee on Energy, Environment & Telecommunications be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that investments in diesel engine idling reduction projects cost-effectively improve public health by reducing harmful diesel emissions. The legislature further finds that these investments also result in long-term savings in fuel and maintenance costs. It is therefore the intent of the legislature to establish a stable, wholly self-sustaining account for the department of ecology to use for investments in diesel idle reduction projects.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Account" means the diesel idle reduction account created in section 4 of this act.

(2) "Department" means the department of ecology.

(3) "Loan recipient" means a state, local, or other governmental entity that owns diesel vehicles or equipment.

NEW SECTION. Sec. 3. (1) The department shall use the moneys in the account to provide loans with low or no interest to loan recipients for the purpose of reducing exposure to diesel emissions and improving public health by investing in diesel idle emission reduction technologies and infrastructure. The department shall, to the extent practical, integrate communications, outreach, and other aspects of the administration of loans from the account with the administration of existing grant programs to reduce diesel emissions from vehicles and equipment. In selecting loan recipients, the department shall consider anticipated human health, environmental, and greenhouse gas benefits from reduced exposure to harmful air emissions associated with diesel idling.

(2) The department shall make loans in such a manner that the remittances from loan recipients are of equal value over a long-term planning horizon to the disbursements from the fund.

(3) Loan moneys may not be spent on vehicles or equipment that spend less than one-half of their operating time in Washington. Permissible diesel idle reduction expenditures include, but are not limited to:

- (a) Electrified parking spaces and truck stops;
- (b) Shore connection systems and alternative maritime power;
- (c) Shore connection systems for locomotives;
- (d) Auxiliary power units and generator sets;
- (e) Fuel-operated heaters or direct-fired heaters, including engine fluid preheaters and cab air heaters;
- (f) Battery powered systems, including battery powered heating and air conditioning systems;
- (g) Thermal storage systems;
- (h) Automatic engine start-up and shutdown systems;
- (i) Projects to augment or replace diesel engines or power systems with engines or power systems that use liquefied or compressed natural gas; and

(j) Other operation or maintenance efficiencies that achieve emission reduction benefits for the public.

NEW SECTION. Sec. 4. The diesel idle reduction account is created in the state treasury. All receipts from remittances made by loan recipients pursuant to section 3 of this act and any moneys appropriated to the account by law must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter, including the costs of program administration.

Sec. 5. RCW 43.84.092 and 2013 2nd sp.s. c 23 s 24 and 2013 2nd sp.s. c 11 s 15 are each reenacted and amended to read as follows:

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

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

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water

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assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state

health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

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

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 6. RCW 43.84.092 and 2013 2nd sp.s. c 23 s 25 and 2013 2nd sp.s. c 11 s 16 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction

account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the Columbia river crossing project account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund,

the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state economic development commission account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 7. The department may adopt rules necessary to implement this chapter only after the legislature appropriates moneys to the account created in section 4 of this act.

NEW SECTION. Sec. 8. Sections 1 through 4 and 7 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 9. Section 5 of this act expires on the date the requirements set out in section 7, chapter 36, Laws of 2012 are met.

NEW SECTION. Sec. 10. Section 6 of this act takes effect on the date the requirements set out in section 7, chapter 36, Laws of 2012 are met."

Senator McCoy spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Energy, Environment & Telecommunications to Engrossed Substitute House Bill No. 2569.

The motion by Senator Ericksen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "emissions;" strike the remainder of the title and insert "reenacting and amending RCW 43.84.092 and 43.84.092; adding a new chapter to Title 70 RCW;

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providing a contingent effective date; and providing a contingent expiration date."

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Second Substitute House Bill No. 2569 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, McCoy and Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2569 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2569 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2569 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164, by House Committee on Judiciary (originally sponsored by Representatives Orwall, Appleton, Carlyle and Ryu)

Requiring evidence-based and research-based interventions for juvenile firearm offenders in certain circumstances.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.193 and 2003 c 53 s 100 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)(iii), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun in a felony, the following periods of total confinement must be added to the sentence: For a class A felony, six months; for a class B felony, four months; and for a class C felony, two months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

~~((3))~~ (4) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

~~((4))~~ (5) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

Sec. 2. RCW 13.40.127 and 2013 c 179 s 5 are each amended to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

- (a) Is charged with a sex or violent offense;
- (b) Has a criminal history which includes any felony;
- (c) Has a prior deferred disposition or deferred adjudication; or
- (d) Has two or more adjudications.

(2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition. The court may waive the fourteen-day period anytime before the commencement of trial for good cause.

(3) Any juvenile who agrees to a deferral of disposition shall:

(a) Stipulate to the admissibility of the facts contained in the written police report;

(b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision;

- (c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses; and

(d) Acknowledge the direct consequences of being found guilty and the direct consequences that will happen if an order of disposition is entered.

The adjudicatory hearing shall be limited to a reading of the court's record.

(4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

(5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

The court may require a juvenile offender convicted of animal cruelty in the first degree to submit to a mental health evaluation to determine if the offender would benefit from treatment and such intervention would promote the safety of the community. After consideration of the results of the evaluation, as a condition of community supervision, the court may order the offender to attend treatment to address issues pertinent to the offense.

The court may require the juvenile to undergo a mental health or substance abuse assessment, or both. If the assessment identifies a need for treatment, conditions of supervision may include treatment for the assessed need that has been demonstrated to improve behavioral health and reduce recidivism.

The court shall require a juvenile granted a deferral of disposition for unlawful possession of a firearm in violation of RCW 9.41.040 to participate in a qualifying program as described in RCW 13.40.193(2)(b), when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

(7)(a) Anytime prior to the conclusion of the period of supervision, the prosecutor or the juvenile's juvenile court community supervision counselor may file a motion with the court requesting the court revoke the deferred disposition based on the juvenile's lack of compliance or treat the juvenile's lack of compliance as a violation pursuant to RCW 13.40.200.

(b) If the court finds the juvenile failed to comply with the terms of the deferred disposition, the court may:

(i) Revoke the deferred disposition and enter an order of disposition; or

(ii) Impose sanctions for the violation pursuant to RCW 13.40.200.

(8) At any time following deferral of disposition the court may, following a hearing, continue supervision for an additional one-year period for good cause.

(9)(a) At the conclusion of the period of supervision, the court shall determine whether the juvenile is entitled to dismissal of the deferred disposition only when the court finds:

(i) The deferred disposition has not been previously revoked;
 (ii) The juvenile has completed the terms of supervision;
 (iii) There are no pending motions concerning lack of compliance pursuant to subsection (7) of this section; and

(iv) The juvenile has either paid the full amount of restitution, or, made a good faith effort to pay the full amount of restitution during the period of supervision.

(b) If the court finds the juvenile is entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the juvenile's conviction shall be vacated and the court shall dismiss the case with prejudice, except that a conviction under RCW 16.52.205 shall not be vacated. Whenever a case is dismissed with restitution still owing, the court shall enter a restitution order pursuant to RCW 13.40.190 for any unpaid restitution. Jurisdiction to enforce payment and modify terms of the restitution order shall be the same as those set forth in RCW 13.40.190.

(c) If the court finds the juvenile is not entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the court shall revoke the deferred disposition and enter an order of disposition. A deferred disposition shall remain a conviction unless the case is dismissed and the conviction is vacated pursuant to (b) of this subsection or sealed pursuant to RCW 13.50.050.

(10)(a)(i) Any time the court vacates a conviction pursuant to subsection (9) of this section, if the juvenile is eighteen years of age or older and the full amount of restitution ordered has been paid, the court shall enter a written order sealing the case.

(ii) Any time the court vacates a conviction pursuant to subsection (9) of this section, if the juvenile is not eighteen years of age or older and full restitution ordered has been paid, the court shall schedule an administrative sealing hearing to take place no later than thirty days after the respondent's eighteenth birthday, at which time the court shall enter a written order sealing the case. The respondent's presence at the administrative sealing hearing is not required.

(iii) Any deferred disposition vacated prior to June 7, 2012, is not subject to sealing under this subsection.

(b) Nothing in this subsection shall preclude a juvenile from petitioning the court to have the records of his or her deferred dispositions sealed under RCW 13.50.050 (11) and (12).

(c) Records sealed under this provision shall have the same legal status as records sealed under RCW 13.50.050.

Sec. 3. RCW 13.40.210 and 2009 c 187 s 1 are each amended to read as follows:

(1) The secretary shall set a release date for each juvenile committed to its custody. The release date shall be within the prescribed range to which a juvenile has been committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible

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custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the release of any juvenile under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section and for offenders who receive a juvenile residential commitment sentence ~~((e))~~ for theft of a motor vehicle, possession of a stolen motor vehicle, or taking a motor vehicle without permission 1. A juvenile adjudicated for unlawful possession of a firearm, possession of a stolen firearm, theft of a firearm, or drive-by shooting may participate in aggression replacement training, functional family therapy, or functional family parole aftercare if the juvenile meets eligibility requirements for these services. The decision to place an offender ~~((e))~~ in an evidence-based parole program shall be based on an assessment by the department of the offender's risk for reoffending upon release and an assessment of the ongoing treatment needs of the juvenile. The department shall prioritize parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community restitution. Community restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a

week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) and (vi) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (vi) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the youth has completed the basic training camp program as described in RCW 13.40.320.

(b) The secretary may modify parole and order any of the conditions or may return the offender to confinement for up to twenty-four weeks if the offender was sentenced for a sex offense as defined under RCW 9A.44.130 and is known to have violated the terms of parole. Confinement beyond thirty days is intended to only be used for a small and limited number of sex offenders. It shall only be used when other graduated sanctions or interventions have not been effective or the behavior is so egregious it warrants the use of the higher level intervention and the violation: (i) Is a known pattern of behavior consistent with a previous sex offense that puts the youth at high risk for reoffending sexually; (ii) consists of sexual behavior that is determined to be predatory as defined in RCW 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to a recent overt act. The total number of days of confinement for violations of parole conditions during the parole period shall not exceed the number of days provided by the maximum sentence imposed by the disposition for the underlying offense pursuant to RCW 13.40.0357. The department shall not aggregate multiple parole violations that occur prior to the parole revocation hearing and impose consecutive twenty-four week periods of confinement for each parole violation. The department is authorized to engage in rule making pursuant to chapter 34.05 RCW, to implement this subsection, including narrowly defining the behaviors that could lead to this higher level intervention.

(c) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her

supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

NEW SECTION. Sec. 4. A new section is added to chapter 13.40 RCW to read as follows:

(1)(a) The juvenile rehabilitation administration of the department of social and health services must compile and analyze data regarding juvenile offenders who have been found to have committed the offense of unlawful possession of a firearm under RCW 9.41.040 and made their initial contact with the criminal justice system between January 1, 2005, and December 31, 2013. Information compiled and analyzed must include:

(i) Previous and subsequent criminal offenses committed by the offenders as juveniles or adults;

(ii) Where applicable, treatment interventions provided to the offenders as juveniles, including the nature of provided interventions and whether the offenders completed the interventions, if known; and

(iii) Gang association of the offenders, if known.

(b) The department of corrections and the caseload forecast council must provide any information necessary to assist the juvenile rehabilitation administration in compiling the data required for this purpose. Information provided may include individual identifier level data, however such data must remain confidential and must not be disseminated for purposes other than as identified in this section or otherwise permitted by law.

(2) The juvenile rehabilitation administration shall report its findings to the appropriate committees of the legislature no later than October 1, 2014.

Sec. 5. RCW 13.50.010 and 2013 c 23 s 6 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(d) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. ~~((The court shall release to the caseload forecast council records needed for its research and data gathering functions. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved.))~~ Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

~~((10))~~ (11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombuds.

~~((11))~~ (12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the Washington state center for court research. The Washington state center for court research shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.050 (17) and (18) and 13.50.100(3).

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~~((42))~~ (13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records."

Senator O'Ban spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Substitute House Bill No. 2164.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 13.40.193, 13.40.127, 13.40.210, and 13.50.010; and adding a new section to chapter 13.40 RCW."

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute House Bill No. 2164 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban, Darneille and Hargrove spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2164 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2164 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Sheldon and Tom

Voting nay: Senators Dansel, Ericksen, Honeyford, Padden and Schoesler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:36 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7:15 p.m. by President Owen.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 6201,
SUBSTITUTE SENATE BILL NO. 6216,
SUBSTITUTE SENATE BILL NO. 6226,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6272,
SENATE BILL NO. 6514,
SENATE BILL NO. 6522.

MOTION

Senator Fain moved that the Senate be adjourned until 10:00 a.m. Friday, March 7, 2014.

POINT OF ORDER

Senator Rolfes: "Can I speak to the motion?"

REPLY BY THE PRESIDENT

President Owen: "Senator Rolfes, the rule is that there are no debates on this motion. However, the President has always offered each side the opportunity to make a statement."

Senator Rolfes spoke against the motion to adjourn.
Senator Fain spoke in favor of the motion to adjourn.

POINT OF ORDER

Senator Billig: "I believe the gentleman was referring to the other body and if I'm not mistaken you can't refer to the actions of the other body."

RULING BY THE PRESIDENT

President Owen: "That is correct."

Senator Nelson demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Fain that that the Senate adjourn until 10:00 a.m., Friday, March 7, 2014.

The Secretary called the roll on the motion by Senator Fain and the motion carried by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

At 7:23 p.m. the Senate adjourned until 10:00 a.m. Friday,
March 7, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 7, 2014

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Gabriel Munson and Marialena Patrick, presented the Colors. Pastor Dan Sailer of Stanwood United Methodist Church offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS

March 6, 2014

SGA 9225 NANCY BIERY, appointed on April 10, 2013, for the term ending July 15, 2015, as Member of the Salmon Recovery Funding Board. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Dansel; Kline; Liias, Ranking Member.

Passed to Committee on Rules for second reading.

March 6, 2014

SGA 9245 ELIZABETH W BLOOMFIELD, appointed on January 1, 2014, for the term ending December 31, 2016, as Member of the Recreation and Conservation Funding Board. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Dansel; Kline; Liias, Ranking Member.

Passed to Committee on Rules for second reading.

March 6, 2014

SGA 9247 BOB BUGERT, appointed on August 5, 2013, for the term ending July 15, 2017, as Member of the Salmon Recovery Funding Board. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Dansel; Kline; Liias, Ranking Member.

Passed to Committee on Rules for second reading.

March 6, 2014

SGA 9261 LORETTA S DEKAY, appointed on July 8, 2013, for the term ending June 12, 2017, as Member of the Columbia River Gorge Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Dansel; Kline; Liias, Ranking Member.

Passed to Committee on Rules for second reading.

March 6, 2014

SGA 9294 PETER M MAYER, appointed on January 1, 2014, for the term ending December 31, 2016, as Member of the Recreation and Conservation Funding Board. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Dansel; Kline; Liias, Ranking Member.

Passed to Committee on Rules for second reading.

March 6, 2014

SGA 9306 DOUGLAS D PETERS, appointed on October 1, 2013, for the term ending December 31, 2018, as Member of the Parks and Recreation Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Dansel; Kline; Liias, Ranking Member.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM GOVERNOR
 GUBERNATORIAL APPOINTMENTS

February 28, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KATRINA ASAY, appointed February 3, 2014, for the term ending December 31, 2017, as Member of the Public Disclosure Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Governmental Operations.

February 13, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KEN BOUNDS, appointed February 3, 2014, for the term ending December 31, 2018, as Member of the Parks and Recreation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks.

February 26, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

RUSSELL D. HAUGE, reappointed February 10, 2012, for the term ending August 2, 2014, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice.

February 18, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JUDY KUSCHEL, appointed February 3, 2014, for the term ending December 31, 2014, as Member of the Investment Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means.

February 27, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TRE MAXIE, appointed March 11, 2013, for the term ending January 12, 2017, as Member of the State Board of Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education.

February 26, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SUSAN L. MILLER, appointed March 24, 2014, for the term ending January 1, 2019, as Member of the Personnel Resources Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce & Labor.

February 19, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JENNIFER RANCOURT, reappointed October 16, 2013, for the term ending September 25, 2017, as Member of the Clemency and Pardons Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services & Corrections.

February 25, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STANLEY J RUMBAUGH, appointed September 23, 2013, for the term ending August 2, 2016, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice.

March 3, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TAMMIE J. SCHRADER, appointed February 19, 2014, for the term ending September 30, 2017, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4416, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

FIFTY FOURTH DAY, MARCH 7, 2014

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March 6, 2014

Referred to Committee on Ways & Means.

MR. PRESIDENT:
The House has passed:
HOUSE BILL NO. 2798,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2014

2SHB 2517 by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Blake, Kretz and Buys)

AN ACT Relating to wildlife conflict funding to encourage proactive measures; amending RCW 77.36.070; adding a new section to chapter 77.36 RCW; and creating a new section.

Referred to Committee on Ways & Means.

MR. PRESIDENT:
The House has passed:
SENATE BILL NO. 5310,
SENATE BILL NO. 6035,
SUBSTITUTE SENATE BILL NO. 6124,
SUBSTITUTE SENATE BILL NO. 6273,
SENATE BILL NO. 6405,
SUBSTITUTE SENATE BILL NO. 6442,
SUBSTITUTE SENATE BILL NO. 6446,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2014

HB 2794 by Representatives Hunter, Ryu, Tarleton, Jinkins, Pollet and Roberts

AN ACT Relating to adjusting the state expenditure limit to accommodate enhancements to the prototypical school funding formula; and amending RCW 43.135.034.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, pursuant to Rule 18, Substitute House Bill No. 2373, enacting provisions to improve educational outcomes for homeless students, was named a special order to be considered at 4:59 p.m.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Baumgartner moved adoption of the following resolution:

SENATE RESOLUTION
8715

By Senators Baumgartner, Fain, Schoesler, Parlette, Brown, Billig, Ericksen, and Holmquist Newbry

MR. PRESIDENT:
The House has passed:
SENATE BILL NO. 5999,
SENATE BILL NO. 6093,
SUBSTITUTE SENATE BILL NO. 6333,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8007,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 2041 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Moscoso, Fey, Fitzgibbon, Carlyle, Tarleton, Upthegrove, Orwall, Farrell and Tharinger)

AN ACT Relating to repealing the deduction for handling losses of motor vehicle fuel; repealing RCW 82.36.029 and 82.38.083; and providing an effective date.

Referred to Committee on Transportation.

EHB 2335 by Representatives Roberts, Parker, Kagi, Carlyle, Freeman, Goodman, Walsh, Sawyer, Senn, Zeiger, Jinkins, Muri, Reykdal and Ormsby

AN ACT Relating to extended foster care services; amending RCW 13.34.267; reenacting and amending RCW 74.13.031; and providing an effective date.

WHEREAS, The 1915 Washington State College football team compiled a record of seven victories and zero defeats; and
WHEREAS, The 1915 Washington State College football team allowed only one opponent touchdown all year and is still revered as

one of the most dominate defensive college football teams in West Coast history; and

WHEREAS, The 1915 Washington State College football team was invited to the January 1, 1916, Tournament of Roses Football game to play Brown College in a nationally anticipated matchup of East vs. West football powers; and

WHEREAS, The Washington State College team defeated Brown by a margin of 14-0; and

WHEREAS, Despite days of rain, hours of snow, inches of mud, and palm tree withering cold temperatures, Brown could not stop the Washington State College team from racking up 313 yards of rushing as well as earning 19 first downs; and

WHEREAS, Cougar Running Back, Carl Dietz, rushed 33 times for 105 yards, one touchdown later was named the 1916 Rose Bowl MVP, and was since forth declared Washington State College's greatest athlete of all time; and

WHEREAS, After kicking both extra points in the Rose Bowl game, Cougar Quarterback Thomas Arthur "Bull" Durham successfully served in the United States Navy, earning the prestigious rank of Commodore; and

WHEREAS, The Washington State College team became the first West Coast school to win a Rose Bowl and earned the title of National Champions, giving Washington State the longest standing winning tradition on the West Coast; and

WHEREAS, The Washington State College team was coached by the legendary "Lone Star" Dietz, who played at Carlisle Indian Academy and is a member of the College Football Hall of Fame; and

WHEREAS, National anticipation for the 1916 Tournament of Roses Football Championship and for the Washington State College victory helped restore the nation's faith in college football and put an end to the practice of celebrating the Pasadena Tournament of Roses with events such as ostrich races, polo matches, and chariot races, beginning the annual tradition of the Rose Bowl Football Championship, the granddaddy bowl game of them all;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the 99th anniversary of the 1915 Washington State College Football Rose Bowl and National Champion football team; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Washington State University, The Washington State University Alumni Association, and Washington State Cougars worldwide.

Senators Baumgartner and Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8715.

The motion by Senator Baumgartner carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Head Coach Mike Leach, Washington State University Football, who was seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Dave Emerick, Senior Associate Athletic Director and Chief of Staff, WSU Football who was seated in the gallery.

With permission of the Senate, business was suspended to allow Coach Leach to make remarks.

REMARKS BY COACH MIKE LEACH

Coach Mike Leach: "Thank you. Well, thanks a lot. I'm honored to be here. In preparation, knowing that I was going to be at the Capitol, I watched 'Mr. Smith Goes to Washington.' So if I understand correctly, I stay up here until I collapse. Despite the fact that this is such a busy time for you I really appreciate your having me and I appreciate everything you do the people of the State of Washington and this country, for education, for Washington State University. We plan to put a team out there that everybody can be proud of. Thanks so much for having me."

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rivers moved that Philip A Parker, Gubernatorial Appointment No. 9304, be confirmed as a member of the Transportation Commission.

Senators Rivers and Cleveland spoke in favor of passage of the motion.

APPOINTMENT OF PHILIP A PARKER

The President declared the question before the Senate to be the confirmation of Philip A Parker, Gubernatorial Appointment No. 9304, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Philip A Parker, Gubernatorial Appointment No. 9304, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Philip A Parker, Gubernatorial Appointment No. 9304, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

SECOND READING

HOUSE BILL NO. 1360, by Representatives Wylie and Harris

Extending the deadline to designate one or more industrial land banks.

The measure was read the second time.

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MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1360.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1360 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Nelson

HOUSE BILL NO. 1360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2353, by House Committee on Judiciary (originally sponsored by Representatives Rodne and Haler)

Concerning actions for trespass upon a business owner's premises.

The measure was read the second time.

MOTION

Senator Darneille moved that the following amendment by Senator Darneille be adopted:

On page 2, after line 2, insert the following:

"(4) A business owner may not bring an action for trespass under this section that infringes upon a person's civil right to full enjoyment of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement under chapter 49.60.030 RCW."

POINT OF ORDER

Senator Padden: "Thank you Mr. President. I would challenge the scope and object of this amendment. The act adds a new section to chapter 4.24. The amendment does not deal with that section at all. It deals with 49.60. 030. 49.60 so I clearly believe it's beyond the scope of the title."

Senator Darneille spoke against the point of order.

MOTION

On motion of Senator Fain, further consideration of Engrossed Substitute House Bill No. 2353 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 2359, by Representatives Kochmar, Fagan, Vick, Hurst, Kirby, Morrell, Orwall, Dahlquist, Tarleton and Freeman

Exempting collectible vehicles from emission test requirements.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 2359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2359.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2359 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Nelson

HOUSE BILL NO. 2359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2519, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Senn, Walsh, Kagi, Hunter, Roberts, Tharinger, Haigh, Goodman and Freeman)

Concerning early education for children involved in the child welfare system.

The measure was read the second time.

MOTION

Senator Rivers moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 26.44 RCW to read as follows:

(1) The family assessment response worker must assess for child safety and child well-being when collaborating with a family to determine the need for child care, preschool, or home visiting services and, as appropriate, the family assessment response worker must refer children to preschool programs that are enrolled in the early achievers program and rate at a level 3, 4, or 5 unless:

(a) The family lives in an area with no local preschool programs that rate at a level 3, 4, or 5 in the early achievers program;

(b) The local preschool programs that rate at a level 3, 4, or 5 in the early achievers program are not able to meet the needs of the child; or

(c) The child is attending a preschool program prior to participating in family assessment response and the parent or caregiver does not want the child to change preschool programs.

(2) The family assessment response worker may make child care referrals for nonschool-aged children to licensed child care programs that rate at a level 3, 4, or 5 in the early achievers program described in RCW 43.215.100 unless:

(a) The family lives in an area with no local programs that rate at level 3, 4, or 5 in the early achievers program;

(b) The local child care programs that rate at a level 3, 4, or 5 in the early achievers program are not able to meet the needs of the child; or

(c) The child is attending a child care program prior to participating in family assessment response and the parent or caregiver does not want the child to change child care programs.

(3) The family assessment response worker shall, when appropriate, provide referrals to high quality child care and early learning programs.

(4) The family assessment response worker shall, when appropriate, provide referrals to state and federally subsidized programs such as, but not limited to, licensed child care programs that receive state subsidy pursuant to RCW 43.215.135; early childhood education and assistance programs; head start programs; and early head start programs.

(5) Prior to closing the family assessment response case, the family assessment response worker must, when appropriate, discuss child care and early learning services with the child's parent or caregiver.

If the family plans to use child care or early learning services, the family assessment response worker must work with the family to facilitate enrollment.

NEW SECTION. Sec. 2. No later than December 31, 2014, the department of social and health services and the department of early learning shall jointly develop recommendations on methods by which the department of social and health services and the department of early learning can better partner to ensure children involved in the child welfare system have access to early learning services and developmentally appropriate child care services and report these recommendations to the governor and appropriate legislative committees.

Sec. 3. RCW 43.215.405 and 2013 2nd sp.s. c 16 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.215.400 through ~~((43.215.450, 43.215.455, 43.215.456,))~~ 43.215.457~~((;))~~ and 43.215.900 through 43.215.903.

(1) "Advisory committee" means the advisory committee under RCW 43.215.420.

(2) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.215.400 through 43.215.450 and 43.215.900 through 43.215.903 and are designated as eligible for funding by the department under RCW 43.215.430 and 43.215.440.

(3) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(4) "Department" means the department of early learning.

(5)(a) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services; a child eligible for special education due to disability under RCW 28A.155.020; and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Priority for enrollment shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(b) Subject to the availability of appropriations specifically for this purpose, the department may include as an eligible child, a child who is not otherwise receiving services under (a) of this subsection, but is receiving child protective services under RCW 26.44.020(3), or family assessment response services under RCW 26.44.260. If included as an eligible child, these children shall receive priority services under (a) of this subsection.

(6) "Family support services" means providing opportunities for parents to:

(a) Actively participate in their child's early childhood program;

(b) Increase their knowledge of child development and parenting skills;

(c) Further their education and training;

(d) Increase their ability to use needed services in the community;

(e) Increase their self-reliance.

Sec. 4. RCW 43.215.405 and 2014 c . . . s 3 (section 3 of this act) are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.215.400 through 43.215.457 and 43.215.900 through 43.215.903.

(1) "Advisory committee" means the advisory committee under RCW 43.215.420.

(2) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.215.400 through 43.215.450 and 43.215.900 through 43.215.903 and are designated as eligible for funding by the department under RCW 43.215.430 and 43.215.440.

(3) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(4) "Department" means the department of early learning.

(5)((a)) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services; a child eligible for special education due to disability under RCW 28A.155.020; and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Priority for enrollment shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

((b) Subject to the availability of appropriations specifically for this purpose, the department may include as an eligible child, a child

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who is not otherwise receiving services under (a) of this subsection, but is receiving child protective services under RCW 26.44.020(3), or family assessment response services under RCW 26.44.260. If included as an eligible child, these children shall receive priority services under (a) of this subsection.)

(6) "Family support services" means providing opportunities for parents to:

- (a) Actively participate in their child's early childhood program;
- (b) Increase their knowledge of child development and parenting skills;
- (c) Further their education and training;
- (d) Increase their ability to use needed services in the community;
- (e) Increase their self-reliance.

NEW SECTION. Sec. 5. Section 4 of this act takes effect June 30, 2018."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2519.

The motion by Senator Rivers carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "programming;" strike the remainder of the title and insert "amending RCW 43.215.405 and 43.215.405; adding a new section to chapter 26.44 RCW; creating a new section; and providing an effective date."

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 2519 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2519 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2519 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dansel and Padden

Absent: Senator Roach

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2519 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "So, clearly there's some curiosity out there about what's going on here. We have a very, very important component of the Seattle Seahawks with us this morning. This is Taima. Taima the Hawk and he is with Dave Knutson, owner of Taima. Let me tell you a little bit about it. The newest member of the Seahawks family is Taima the Hawk, named by Seahawks fans. Taima, which means 'thunder,' is quickly becoming a fixture of the Seahawks Sunday at Century Link Field. Since 2007 Taima has been the first one out of the tunnel leading the team onto the field before each home game and has given my beautiful wife a kiss on the cheek as a matter of fact. A Hawk fact: He was hatched April 21, 2005 in the hospital at the World Bird Sanctuary in St. Louis; the species is Augur Hawk (Buteo Hawk); the wing span is approximately 4'5". It is absolutely beautiful. Would you like to share anything about it?"

REMARKS BY DAVE KNUTSON

Dave Knutson: "We've had so much fun, this is my eleventh season working with the Seahawks. This is Taima's ninth season that we just finished up and to be able to go to a Super Bowl and represent the Seahawks and be there for that big win was probably the highlight of our football and Seahawk. Taima the Hawk career. We visit with so many fans at the games and that's one funnest part of what we do. It's gratifying to be able to meet the fans. The fans can get pictures with him. They can touch him, pet him, spend time with him and just see how calm he is at the games and then watch him fly out of the tunnel from my wife Robin, over here, her hand out, to me out at the forty yard line with all that craziness with the loudest fans in the world, the loudest stadium in the world and he flies right out to me. He leads the team out. He's the first Hawk out of the tunnel. Go Hawks."

REMARKS BY THE PRESIDENT

President Owen: "So, Dave and Robin, who I forgot. I'm sorry. I did not see you there. If you take a look around here we have had famous people in here from all over the place. We've had great football players. We've had distinguished guests. That's the most cameras I've seen out at one time for you there. Also, a good friend of ours who's been down here in the past is Mike Flood who is Vice President of Community Relations for that incredible football team, the Seattle Seahawks. So, welcome to all of you and thank you for coming by."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151, by House Committee on Environment (originally sponsored by Representatives Blake and Seaquist)

Concerning recreational trails.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute House Bill No. 2151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2151.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2151 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Holmquist Newbry

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2433, by House Committee on Local Government (originally sponsored by Representatives Habib and Ryu)

Requiring a city or town to notify light and power businesses and gas distribution businesses of annexed areas and affected properties.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 2433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2433.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2433 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE HOUSE BILL NO. 2433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2310, by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Cody, Green, Van De Wege, Tharinger, Morrell, Johnson, Parker, Stonier, Reykdal, Jinkins and Kochmar)

Concerning safety equipment for individual providers.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Substitute House Bill No. 2310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Hargrove and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2310.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2310 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE HOUSE BILL NO. 2310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2457, by House Committee on Appropriations (originally sponsored by Representatives Hansen, Smith, Fagan, Springer, Rodne, Reykdal, Magendanz, Fitzgibbon, Vick, Lytton, Wilcox, Pollet, Tharinger, Ryu, Van De Wege, Buys and Hayes)

Concerning derelict and abandoned vessels.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Natural Resources & Parks be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that section 45, chapter 291, Laws of 2013 required the department of natural resources, in consultation with the department of ecology, to evaluate potential changes to laws and rules related to derelict and

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abandoned vessels that increase vessel owner responsibility and address challenges associated with the economics of removing vessels from the water.

(2) The legislature further finds that, during the 2013 legislative interim, the two responsible agencies engaged in a thorough process to satisfy their legislative charge. This process involved exhausting in-state expertise on various topics and reaching out to experts in vessel deconstruction, surety bonding, letters of credit, marine insurance, taxation, federal regulation, similar programs in other states, and more. The process also involved two open invitation public meetings.

(3) The legislature further finds that a significant number of various and competing options were discussed, analyzed, and ultimately dismissed during the process undertaken by the two agencies. It is the intent of the legislature to capture the recommendations for meeting the goals of increased vessel owner responsibility and addressing the challenges associated with the economics of removing vessels from the water that rose to the top from the process undertaken by the agencies.

(4) It is the further intent of the legislature that this act serve as the final report due by the department of natural resources under section 45, chapter 291, Laws of 2013.

Part One--Vessel Owner Responsibility

NEW SECTION. **Sec. 101.** A new section is added to chapter 79.100 RCW to read as follows:

(1) Any individual or company that purchases or otherwise receives a used vessel greater than sixty-five feet in length and more than forty years old must, prior to or concurrent with the transfer of ownership, secure a marine insurance policy consistent with this section. Proof of the marine insurance policy must be provided to:

- (a) The transferor of the vessel upon purchase; and
- (b) If applicable, the department of licensing upon registration or the department of revenue upon the payment of any taxes.

(2) The transferor of a vessel greater than sixty-five feet in length and more than forty years old has an affirmative duty to ensure that any potential transferee has secured a marine insurance policy consistent with this section prior to or concurrent with the finalization of any sale. Nothing in this section prohibits the sale or other transfer of a vessel greater than sixty-five feet in length and more than forty years old to a transferee that fails to secure a marine insurance policy. However, a transferor that chooses to finalize a sale or other transfer with a transferee not in possession of a marine insurance policy assumes secondary liability for the vessel consistent with RCW 79.100.060 if the vessel is later abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

(3) The marine insurance policy required under this section must be secured by the transferee prior to, or concurrent with, assuming ownership of a vessel greater than sixty-five feet in length and more than forty years old. The marine insurance policy must satisfy the following conditions:

- (a) Have a term of at least twelve months following the transferee's assumption of vessel ownership;
- (b) Provide coverage of an amount that is, unless otherwise provided by the department by rule, at least three hundred thousand dollars;
- (c) Provide, unless otherwise provided by the department by rule, coverage for the removal of the vessel if it should sink and coverage should it cause a pollution event.

(4) The purchaser of marine insurance under this section may satisfy the requirements of this section through the purchase of multiple policies as necessary.

(5) The department may, by rule, provide for a purchaser of a vessel to also satisfy the insurance requirements of this section through the posting of adequate security with a financial institution.

(6) A person required to secure marine insurance or show proof of marine insurance under this section who either: (a) Fails to secure a marine insurance policy consistent with this section prior to or concurrent with the transfer of ownership; or (b) cancels a marine insurance policy consistent with this section prior to the end of the twelfth month of vessel ownership or to a subsequent transfer of ownership, whichever occurs first, without securing another marine insurance policy consistent with this section in its place, is guilty of a misdemeanor. The department may contact any vessel owner required by this section to have a marine insurance policy to ensure compliance with this section.

Sec. 102. RCW 79.100.150 and 2013 c 291 s 38 are each amended to read as follows:

(1) A vessel owner must obtain a vessel inspection under this section prior to transferring a vessel that is:

- (a) More than sixty-five feet in length and more than forty years old; and
- (b) Either:
 - (i) Is registered or required to be registered under chapter 88.02 RCW; or
 - (ii) Is listed or required to be listed under chapter 84.40 RCW.

(2) If the vessel inspection determines the vessel is not seaworthy and the value of the vessel is less than the anticipated costs required to return the vessel to seaworthiness, then the vessel owner may not sell or transfer ownership of the vessel unless:

- (a) The vessel is repaired to a seaworthy state prior to the transfer of ownership; or
- (b) The vessel is sold for scrap, salvage, restoration to a seaworthy state, or another use that will remove the vessel from state waters.

(3) Where required under subsection (1) of this section, a vessel owner must provide a copy of the vessel inspection documentation to the transferee and, if the department did not conduct the inspection, to the department prior to the transfer.

~~((3))~~ (4) Unless rules adopted by the department provide otherwise, the vessel inspection required under this section must be contained in a formal marine survey conducted by a third party to the transaction. The survey must include, at a minimum, a conclusion relating to the seaworthiness of the vessel, an estimate of the vessel's fair market value, and, if applicable, an estimate as to the anticipated cost of repairs necessary to return the vessel to seaworthiness.

(5) The department may, by rule, allow other forms of vessel condition determinations, such as United States coast guard certificates of inspection, to replace the requirements for a formal marine survey under this section.

(6) Failure to comply with the requirements of ~~((subsections (1) and (2) of))~~ this section will result in the transferor having secondary liability under RCW 79.100.060 if the vessel is later abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

(7) Nothing in this section prevents a vessel owner from removing, dismantling, and lawfully disposing of any vessel lawfully under the vessel owner's control.

Part Two--Authorities and Requirements Applicable to Marinas

Sec. 201. RCW 79.100.130 and 2013 c 291 s 4 are each amended to read as follows:

(1) A private moorage facility owner, as those terms are defined in RCW 88.26.010, may contract with the department or a local

government for the purpose of participating in the derelict vessel removal program.

(2) If a contract is completed under this section, the department or local government shall serve as the authorized public entity for the removal of a derelict or abandoned vessel from the property of the private moorage facility owner. The contract must provide for the private moorage facility owner to be financially responsible for the removal and disposal costs that are not reimbursed by the department as provided under RCW 79.100.100, and any additional reasonable administrative costs incurred by the department or local government during the removal of the derelict or abandoned vessel.

(3) Prior to the commencement of any removal (~~which~~) under this section for which a local government serves as the authorized public entity and that will seek reimbursement from the derelict vessel removal program, the contract and the proposed vessel removal shall be submitted to the department for review and approval. The local government shall use the procedure specified under RCW 79.100.100(~~(6)~~).

(4) If the private moorage facility owner has already seized the vessel under chapter 88.26 RCW and title has reverted to the moorage facility, the moorage facility is not considered the owner under this chapter for purposes of cost recovery for actions taken under this section.

(5)(a) The department and all local governments have discretion as to whether to enter into contracts to serve as the authorized public entity under this section for vessels located at a private moorage facility.

(b) The department may not enter into a contract to serve as the authorized public entity under this section for vessels located at a private moorage facility if the private moorage facility is not in compliance with the mandatory insurance requirements of section 202 of this act.

NEW SECTION. Sec. 202. A new section is added to chapter 88.26 RCW to read as follows:

(1) Every private moorage facility operator must:

(a) Obtain and maintain insurance coverage for the private moorage facility;

(b) Require, as a condition of moorage, all vessels other than transient vessels to provide proof of marine insurance to the moorage facility.

(2) Unless rules adopted by the department of natural resources require otherwise, insurance maintained by private moorage facility operators and required of moored vessels must:

(a) Provide coverage at liability limits of at least three hundred thousand dollars per occurrence; and

(b) Include, at a minimum, general, legal, and pollution liability coverage.

(3) The purchaser of marine insurance under this section may satisfy the requirements of this section through the purchase of multiple policies as necessary.

(4) The requirement under this section for private moorage facility operators to require proof of marine insurance from mooring vessels applies at the time a moorage agreement is entered into and at the time of any renewals of the agreement. The private moorage facility operator is not required to verify independently whether a mooring vessel's insurance policy meets the requirements of this section and is not responsible for any change in insurance coverage applicable to the vessel that occurs after the initial agreement is entered into or in the time period between agreement renewals.

(5) Any private moorage facility operator who fails to satisfy the requirements of this section incurs secondary liability under RCW 79.100.060 for any vessel located at the private moorage facility that meets the definition of derelict vessel or abandoned vessel as those terms are defined in RCW 79.100.010.

NEW SECTION. Sec. 203. A new section is added to chapter 53.08 RCW to read as follows:

(1) Every moorage facility operator must:

(a) Obtain and maintain insurance coverage for the moorage facility;

(b) Require, as a condition of moorage, all vessels other than transient vessels to provide proof of marine insurance to the moorage facility.

(2) Unless rules adopted by the department of natural resources require otherwise, insurance maintained by moorage facility operators and required of moored vessels must:

(a) Provide coverage at liability limits of at least three hundred thousand dollars per occurrence; and

(b) Include, at a minimum, general, legal, and pollution liability coverage.

(3) The purchaser of marine insurance under this section may satisfy the requirements of this section through the purchase of multiple policies as necessary.

(4) The requirement under this section for moorage facility operators to require proof of marine insurance from mooring vessels applies at the time a moorage agreement is entered into and at the time of any renewals of the agreement. The moorage facility operator is not required to verify independently whether a mooring vessel's insurance policy meets the requirements of this section and is not responsible for any change in insurance coverage applicable to the vessel that occurs after the initial agreement is entered into or in the time period between agreement renewals.

(5) Any moorage facility operator who fails to satisfy the requirements of this section incurs secondary liability under RCW 79.100.060 for any vessel located at the moorage facility that meets the definition of derelict vessel or abandoned vessel as those terms are defined in RCW 79.100.010.

Sec. 204. RCW 53.08.310 and 1986 c 260 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section, section 203 of this act, and RCW 53.08.320.

(1) "Port charges" mean charges of a moorage facility operator for moorage and storage, and all other charges owing or to become owing under a contract between a vessel owner and the moorage facility operator, or under an officially adopted tariff including, but not limited to, costs of sale and related legal expenses.

(2) "Vessel" means every species of watercraft or other artificial contrivance capable of being used as a means of transportation on water and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft.

(3) "Moorage facility" means any properties or facilities owned or operated by a moorage facility operator which are capable of use for the moorage or storage of vessels.

(4) "Moorage facility operator" means any port district, city, town, metropolitan park district, or county which owns and/or operates a moorage facility.

(5) "Owner" means every natural person, firm, partnership, corporation, association, or organization, or agent thereof, with actual or apparent authority, who expressly or impliedly contracts for use of a moorage facility.

(6) "Transient vessel" means a vessel using a moorage facility and which belongs to an owner who does not have a moorage agreement with the moorage facility operator. Transient vessels include, but are not limited to: Vessels seeking a harbor of refuge, day use, or overnight use of a moorage facility on a space-as-available basis.

Part Three--Encouraging Vessel Removal and Deconstruction

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NEW SECTION. Sec. 301. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of vessel deconstruction performed at:

- (a) A qualified vessel deconstruction facility; or
- (b) An area over water that has been permitted under section 402 of the clean water act of 1972 (33 U.S.C. Sec. 1342) for vessel deconstruction.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a)(i) "Vessel deconstruction" means permanently dismantling a vessel, including: Abatement and removal of hazardous materials; the removal of mechanical, hydraulic, or electronic components or other vessel machinery and equipment; and either the cutting apart or disposal, or both, of vessel infrastructure. For the purposes of this subsection, "hazardous materials" includes fuel, lead, asbestos, polychlorinated biphenyls, and oils.

(ii) "Vessel deconstruction" does not include vessel modification or repair.

(b) "Qualified vessel deconstruction facility" means structures, including floating structures, that are permitted under section 402 of the clean water act of 1972 (33 U.S.C. Sec. 1342) for vessel deconstruction.

(3) Sellers making tax-exempt sales under this section must obtain from the purchaser an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files. In lieu of an exemption certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement.

NEW SECTION. Sec. 302. A new section is added to chapter 82.12 RCW to read as follows:

(1) This chapter does not apply to the use of vessel deconstruction services performed at:

- (a) A qualified vessel deconstruction facility; or
- (b) An area over water that has been permitted under section 402 of the federal clean water act of 1972 (33 U.S.C. Sec. 1342) for vessel deconstruction.

(2) The definitions in section 301(2) of this act apply to this section.

NEW SECTION. Sec. 303. A new section is added to chapter 44.28 RCW to read as follows:

(1) This section is the tax preference performance statement for the tax preference contained in sections 301 and 302 of this act. This performance statement is only intended to be used for subsequent evaluation of this tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as intended to induce certain designated behavior by taxpayers as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to decrease the number of abandoned and derelict vessels by providing incentives to increase vessel deconstruction in Washington by lowering the cost of deconstruction. It is the legislature's intent to provide businesses engaged in vessel deconstruction a sales and use tax exemption for sales of vessel deconstruction. This incentive will lower the costs associated with vessel deconstruction and encourage businesses to make investments in vessel deconstruction facilities. Pursuant to chapter 43.136 RCW, the joint legislative audit and review committee must review the sales tax exemptions provided under sections 301 and 302 of this act by December 1, 2018.

(4) If a review finds that the increase in available capacity to deconstruct derelict vessels or a reduction in the average cost to deconstruct vessels has resulted in an increase of the number of

derelict vessels removed from Washington's waters as compared to before the effective date of this section, then the legislature intends for the legislative auditor to recommend extending the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (3) of this section, the joint legislative audit and review committee should refer to data kept and maintained by the department of natural resources.

(6) This section expires January 1, 2019.

NEW SECTION. Sec. 304. Sections 301 and 302 of this act take effect October 1, 2014.

Part Four--Revenue to Support the Derelict Vessel Removal Program

NEW SECTION. Sec. 401. (1) The legislature finds that:

(a) Derelict and abandoned vessels are a threat to the safety of the public waterways, an environmental hazard for humans and marine life, and an occupational danger for persons that make their living on the waters of this state;

(b) Derelict vessel removal fees are imposed when recreational vessels are registered with the department of licensing. The accumulation of these fees is sufficient for the removal and disposal of recreational vessels that become derelict or abandoned;

(c) Derelict vessel removal fees do not apply to commercial vessels. Former commercial vessels are among the most costly to remove from Washington waters and to dispose of in an environmentally responsible manner. The costs for removing and disposing of these vessels far exceeds the funding provided by the derelict vessel removal fees paid by recreational vessels;

(d) According to the department of natural resources, as of the effective date of this section, there is a significant backlog of abandoned or derelict vessels that are former commercial vessels; and

(e) The use of general fund revenue to pay for the removal and disposal of derelict or abandoned vessels places an undue burden on the nonboating public and reduces the revenue available to pay for necessary governmental services.

(2) The legislature intends for either the owners or operators, or both, of commercial vessels to pay their fair share for the removal of abandoned or derelict vessels by imposing a fee for the moorage of commercial vessels.

NEW SECTION. Sec. 402. A new section is added to chapter 79.100 RCW to read as follows:

(1)(a) Except as otherwise provided in (b) of this subsection, an annual derelict vessel removal fee is imposed upon all persons required by RCW 84.40.065 to list any ship or vessel with the department of revenue for state property tax purposes.

(b) The derelict vessel removal fee imposed in (a) of this subsection does not apply in any year that a person required to list a ship or vessel does not owe the state property tax levied for collection in that year with respect to that ship or vessel.

(c) The annual derelict vessel removal fee is equal to one dollar per vessel foot measured by extreme length of the vessel, rounded up to the nearest whole foot.

(2) Each year, the department of revenue must include the amount of the derelict vessel removal fee due under this section for that calendar year in the tax statement required in RCW 84.40.065.

(3) The person listing a ship or vessel and the owner of the ship or vessel, if not the same person, are jointly and severally liable for the fee imposed in this section.

(4) The department of revenue must collect the derelict vessel removal fee imposed in this section as provided in RCW 84.56.440.

(5) All derelict vessel removal fees collected under this section must be deposited into the derelict vessel removal account created in RCW 79.100.100.

Sec. 403. RCW 84.56.440 and 2008 c 181 s 511 are each amended to read as follows:

(1) The department of revenue shall collect the derelict vessel removal fee imposed under section 402 of this act and all ad valorem taxes upon ships and vessels listed with the department in accordance with RCW 84.40.065, and all applicable interest and penalties on such taxes and fees. The taxes and derelict vessel removal fee shall be due and payable to the department on or before the thirtieth day of April and shall be delinquent after that date.

(2) If payment of the tax, derelict vessel removal fee, or both, is not received by the department by the due date, there shall be imposed a penalty of five percent of the amount of the unpaid tax and fee; and if the tax ~~((#))~~ and fee are not received within thirty days after the due date, there shall be imposed a total penalty of ten percent of the amount of the unpaid tax and fee; and if the tax ~~((#))~~ and fee are not received within sixty days after the due date, there shall be imposed a total penalty of twenty percent of the amount of the unpaid tax and fee. No penalty so added shall be less than five dollars.

(3) Delinquent taxes under this section are subject to interest at the rate set forth in RCW 82.32.050 from the date of delinquency until paid. Delinquent derelict vessel removal fees are also subject to interest at the same rate and in the same manner as provided for delinquent taxes under RCW 82.32.050. Interest or penalties collected on delinquent taxes and derelict vessel removal fees under this section shall be paid by the department into the general fund of the state treasury.

(4) If upon information obtained by the department it appears that any ship or vessel required to be listed according to the provisions of RCW 84.40.065 is not so listed, the department shall value the ship or vessel and assess against the owner of the vessel the taxes and derelict vessel removal fees found to be due and shall add thereto interest at the rate set forth in RCW 82.32.050 from the original due date of the tax and fee until the date of payment. The department shall notify the vessel owner by mail of the amount and the same shall become due and shall be paid by the vessel owner within thirty days of the date of the notice. If payment is not received by the department by the due date specified in the notice, the department shall add a penalty of ten percent of the tax and fee found due. A person who willfully gives a false listing or willfully fails to list a ship or vessel as required by RCW 84.40.065 shall be subject to the penalty imposed by RCW 84.40.130(2), which shall be assessed and collected by the department.

(5) Delinquent taxes and fees under this section, along with all penalties and interest thereon, shall be collected by the department according to the procedures set forth in chapter 82.32 RCW for the filing and execution of tax warrants, including the imposition of warrant interest. In the event a warrant is issued by the department for the collection of taxes, derelict vessel removal fees, or both, under this section, the department shall add a penalty of five percent of the amount of the delinquent tax and fee, but not less than ten dollars.

(6) ((The department shall also collect all delinquent taxes pertaining to ships and vessels appearing on the records of the county treasurers for each of the counties of this state as of December 31, 1993, including any applicable interest or penalties. The provisions of subsection (5) of this section shall apply to the collection of such delinquent taxes.

(7))) During a state of emergency declared under RCW 43.06.010(12), the department, on its own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes and fees payable under this section as the department deems proper.

(7) The department of revenue must withhold the decals required under RCW 88.02.570(10) for failure to pay the state property tax or derelict vessel removal fee collectible under this section.

NEW SECTION. **Sec. 404.** Sections 401 through 403 of this act take effect January 1, 2015.

Part Five--Incentivizing the Registration of Moored Vessels

NEW SECTION. **Sec. 501.** A new section is added to chapter 88.02 RCW to read as follows:

(1) A moorage provider that provides long-term moorage must obtain the following information and documentation from persons entering into long-term moorage agreements with the moorage provider:

- (a) The name of the legal owner of the vessel;
- (b) A local contact person and that person's address and telephone number, if different than the owner;
- (c) The owner's address and telephone number;
- (d) The vessel's hull identification number;
- (e) If applicable, the vessel's coast guard registration;
- (f) The vessel's home port;
- (g) The date on which the moorage began;
- (h) The vessel's country or state of registration and registration number; and

(i) Proof of vessel registration, a written statement of the lessee's intent to register a vessel, or an affidavit in a form and manner approved by the department certifying that the vessel is exempt from state vessel registration requirements as provided by RCW 88.02.570.

(2) For moorage agreements entered into effective on or after July 1, 2014, a long-term moorage agreement for vessels not registered in this state must include, in a form and manner approved by the department and the department of revenue, notice of state vessel registration requirements as provided by this chapter and tax requirements as provided by chapters 82.08, 82.12, and 82.49 RCW and listing requirements as provided by RCW 84.40.065.

(3) A moorage provider must maintain records of the information and documents required under this section for at least two years. Upon request, a moorage provider must:

- (a) Permit any authorized agent of a requesting agency to:
 - (i) Inspect the moorage facility for vessels that are not registered as required by this chapter or listed as required under RCW 84.40.065; and
 - (ii) Inspect and copy records identified in subsection (1) of this section for vessels that the requesting agency determines are not properly registered or listed as required by law; or
- (b) Provide to the requesting agency:
 - (i) Information as provided in subsection (1)(a), (c), (d), and (e) of this section; and
 - (ii) Information as provided in subsection (1)(b), (f), (g), (h), and (i) of this section for those vessels that the requesting agency subsequently determines are not registered as required by this chapter or listed as required under RCW 84.40.065.

(4) Requesting agencies must coordinate their requests to ensure that a moorage provider does not receive more than two requests per calendar year. For the purpose of enforcing vessel registration and vessel listing requirements, requesting agencies may share the results of information requests with each other.

(5) The information required to be collected under this section must be collected at the time the long-term moorage agreement is entered into and at the time of any renewals of the agreement. The moorage provider is not responsible for updating any changes in the information that occurs after the initial agreement is entered into or in the time period between agreement renewals.

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(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Long-term moorage" means moorage provided for more than thirty consecutive days.

(b) "Moorage facility" means any properties or facilities located in this state that are used for the moorage of vessels and are owned or operated by a moorage provider.

(c) "Moorage facility operator" has the same meaning as defined in RCW 53.08.310.

(d) "Moorage provider" means any public or private entity that owns or operates any moorage facility, including a moorage facility operator, private moorage facility operator, the state of Washington, or any other person.

(e) "Private moorage facility operator" has the same meaning as defined in RCW 88.26.010.

(f) "Requesting agency" means the department, the department of revenue, or the department of natural resources.

NEW SECTION. Sec. 502. A new section is added to chapter 82.49 RCW to read as follows:

(1) An owner of a vessel that is not registered as required by chapter 88.02 RCW and for which watercraft excise tax is due under this chapter is liable for a penalty in the following amount:

(a) One hundred dollars for the owner's first violation;

(b) Two hundred dollars for the owner's second violation involving the same or any other vessel; or

(c) Four hundred dollars for the owner's third and successive violations involving the same or any other vessel.

(2) The department of revenue may collect this penalty under the procedures established in chapter 82.32 RCW. The penalty imposed under this section is in addition to any other civil or criminal penalty imposed by law.

Sec. 503. RCW 82.49.010 and 2010 c 161 s 1044 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using a vessel upon the waters of this state, except vessels exempt under RCW 82.49.020. The annual amount of the excise tax is one-half of one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater. Violation of this subsection is a misdemeanor.

(2) ~~((Persons who are))~~ A person who is required under chapter 88.02 RCW to register a vessel in this state and who fails to register the vessel in this state or registers the vessel in another state or foreign country and avoids the Washington watercraft excise tax ((are)) is guilty of a gross misdemeanor and ((are)) is liable for such unpaid excise tax. The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalty imposed in section 502 of this act and penalties and interest provided in chapter 82.32 RCW.

(3) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.560. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year.

Part Six--Miscellaneous and Technical

Sec. 601. RCW 79.100.060 and 2013 c 291 s 40 are each amended to read as follows:

(1) The owner of an abandoned or derelict vessel, or any person or entity that has incurred secondary liability ~~((under RCW 79.100.150))~~ for an abandoned or derelict vessel under this chapter

or section 202 or 203 of this act, is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel under this chapter. These costs include, but are not limited to, costs incurred exercising the authority granted in RCW 79.100.030, all administrative costs incurred by the authorized public entity during the procedure set forth in RCW 79.100.040, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. An authorized public entity that has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the vessel be paid before the vessel is released to the owner.

(2) Reimbursement for costs may be sought from an owner, or any person or entity that has incurred secondary liability under ~~((RCW 79.100.150))~~ this chapter or section 202 or 203 of this act, who is identified subsequent to the vessel's removal and disposal.

(3) If the full amount of all costs due to the authorized public entity under this chapter is not paid to the authorized public entity within thirty days after first notifying the responsible parties of the amounts owed, the authorized public entity or the department may bring an action in any court of competent jurisdiction to recover the costs, plus reasonable attorneys' fees and costs incurred by the authorized public entity.

Sec. 602. RCW 79.100.120 and 2013 c 291 s 32 are each amended to read as follows:

(1) ~~((A person))~~ (a) An owner or lien holder seeking to contest an authorized public entity's decision to take temporary possession or custody of a vessel under this chapter, or to contest the amount of reimbursement owed to an authorized public entity under this chapter, may request a hearing in accordance with this section.

(b) A transferor with secondary liability under this chapter or section 202 or 203 of this act may commence a lawsuit in the superior court for the county in which custody of the vessel was taken to contest the transferor's liability or the amount of reimbursement owed the authorized public entity under this chapter.

(2)(a) If the contested decision or action was undertaken by a state agency, a written request for a hearing related to the decision or action must be filed with the pollution control hearings board and served on the state agency in accordance with RCW 43.21B.230 (2) and (3) within thirty days of the date the authorized public entity acquires custody of the vessel under RCW 79.100.040, or if the vessel is redeemed before the authorized public entity acquires custody, the date of redemption, or the right to a hearing is deemed waived and the vessel's owner is liable for any costs owed the authorized public entity. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(b) Upon receipt of a timely hearing request, the pollution control hearings board shall proceed to hear and determine the validity of the decision to take the vessel into temporary possession or custody and the reasonableness of any towing, storage, or other charges permitted under this chapter. Within five business days after the request for a hearing is filed, the pollution control hearings board shall notify the vessel owner requesting the hearing and the authorized public entity of the date, time, and location for the hearing. Unless the vessel is redeemed before the request for hearing is filed, the pollution control hearings board shall set the hearing on a date that is within ten business days of the filing of the request for hearing. If the vessel is redeemed before the request for a hearing is filed, the pollution control hearings board shall set the hearing on a date that is within sixty days of the filing of the request for hearing.

(c) Consistent with RCW 43.21B.305, a proceeding brought under this subsection may be heard by one member of the pollution control hearings board, whose decision is the final decision of the board.

(3)(a) If the contested decision or action was undertaken by a metropolitan park district, port district, city, town, or county, which has adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, those rules or procedures must be followed in order to contest a decision to take temporary possession or custody of a vessel, or to contest the amount of reimbursement owed.

(b) If the metropolitan park district, port district, city, town, or county has not adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, then ((a person)) an owner or lien holder requesting a hearing under this section must follow the procedure established in subsection (2) of this section.

Sec. 603. RCW 79.100.100 and 2013 c 291 s 2 are each amended to read as follows:

(1)(a) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in RCW 88.02.640 must be deposited into the account. The account is authorized to receive fund transfers and appropriations from the general fund, deposits from the derelict vessel removal surcharge under RCW 88.02.640(4), deposits under section 402 of this act, as well as gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter.

(b) Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used by the department for developing and administering the vessel turn-in program created in RCW 79.100.160 and to reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. Reimbursement may not be made unless the department determines that the public entity has made reasonable efforts to identify and locate the party responsible for the vessel, or any other person or entity that has incurred secondary liability ((under RCW 79.100.150)) for the vessel under this chapter or section 202 or 203 of this act, regardless of the title of owner of the vessel.

(c) Funds in the account resulting from transfers from the general fund or from the deposit of funds from the watercraft excise tax as provided for under RCW 82.49.030 must be used to reimburse one hundred percent of costs and should be prioritized for the removal of large vessels.

(d) Costs associated with the removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account.

(e) In each biennium, up to twenty percent of the expenditures from the derelict vessel removal account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

(3) The department must keep all authorized public entities apprised of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection (3) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

(4) An authorized public entity may contribute its ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

(5) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

Sec. 604. 2013 c 291 s 39 (uncodified) is amended to read as follows:

(1) By December 31, ((2013)) 2014, the department of natural resources shall adopt by rule initial procedures and standards for the vessel inspections required under ((section 38 of this act)) RCW 79.100.150. The procedures and standards must identify the public or private entities authorized to conduct inspections, the required elements of an inspection, and the manner in which inspection results must be documented. The vessel inspection required under this section must be designed to:

(a) Provide the transferee with current information about the condition of the vessel, including the condition of its hull and key operating systems, prior to the transfer;

(b) Provide the department of natural resources with information under (a) of this subsection for each applicable vessel and, more broadly, to improve the department's understanding of the condition of the larger, older boats in the state's waters;

(c) Discourage the future abandonment or dereliction of the vessel; and

(d) Maximize the efficiency and effectiveness of the inspection process, including with respect to the time and resources of the transferor, transferee, and the state.

(2) The department of natural resources shall work with appropriate government agencies and stakeholders in designing the inspection process and standards under this section.

(3) This section expires July 31, ((2014)) 2015.

NEW SECTION. Sec. 605. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "vessels;" strike the remainder of the title and insert "amending RCW 79.100.150, 79.100.130, 53.08.310, 84.56.440, 82.49.010, 79.100.060, 79.100.120, and 79.100.100; amending 2013 c 291 s 39 (uncodified); adding new sections to chapter 79.100 RCW; adding a new section to chapter 88.26 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 44.28 RCW; adding a new section to chapter 88.02 RCW; adding a new section to chapter 82.49 RCW; creating new sections; prescribing penalties; providing effective dates; and providing expiration dates."

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The President declared the question before the Senate to be the motion by Senator Pearson to not adopt the committee striking amendment by the Committee on Natural Resources & Parks to Second Substitute House Bill No. 2457.

The motion by Senator Pearson carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Pearson moved that the following striking amendment by Senators Pearson and Lias be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that section 45, chapter 291, Laws of 2013 required the department of natural resources, in consultation with the department of ecology, to evaluate potential changes to laws and rules related to derelict and abandoned vessels that increase vessel owner responsibility and address challenges associated with the economics of removing vessels from the water.

(2) The legislature further finds that, during the 2013 legislative interim, the two responsible agencies engaged in a thorough process to satisfy their legislative charge. This process involved exhausting in-state expertise on various topics and reaching out to experts in vessel deconstruction, surety bonding, letters of credit, marine insurance, taxation, federal regulation, similar programs in other states, and more. The process also involved two open invitation public meetings.

(3) The legislature further finds that a significant number of various and competing options were discussed, analyzed, and ultimately dismissed during the process undertaken by the two agencies. It is the intent of the legislature to capture the recommendations for meeting the goals of increased vessel owner responsibility and addressing the challenges associated with the economics of removing vessels from the water that rose to the top from the process undertaken by the agencies.

(4) It is the further intent of the legislature that this act serve as the final report due by the department of natural resources under section 45, chapter 291, Laws of 2013.

Part One--Vessel Owner Responsibility

NEW SECTION. Sec. 101. A new section is added to chapter 79.100 RCW to read as follows:

(1) Any individual or company that purchases or otherwise receives a used vessel greater than sixty-five feet in length and more than forty years old must, prior to or concurrent with the transfer of ownership, secure a marine insurance policy consistent with this section. Proof of the marine insurance policy must be provided to:

(a) The transferor of the vessel upon purchase or other transfer; and

(b) If applicable, the department of licensing upon registration or the department of revenue upon the payment of any taxes.

(2) The transferor of a vessel greater than sixty-five feet in length and more than forty years old has an affirmative duty to ensure that any potential transferee has secured a marine insurance policy consistent with this section prior to or concurrent with the finalization of any sale or transfer. Nothing in this section prohibits the sale or other transfer of a vessel greater than sixty-five feet in length and more than forty years old to a transferee that fails to secure a marine insurance policy. However, a transferor that chooses to finalize a sale or other transfer with a transferee not in possession of a marine insurance policy assumes secondary liability for the vessel consistent with RCW 79.100.060 if the vessel is later

abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

(3) The marine insurance policy required under this section must be secured by the transferee prior to, or concurrent with, assuming ownership of a vessel greater than sixty-five feet in length and more than forty years old. The marine insurance policy must satisfy the following conditions:

(a) Have a term of at least twelve months following the transferee's assumption of vessel ownership;

(b) Provide coverage of an amount that is, unless otherwise provided by the department by rule, at least three hundred thousand dollars;

(c) Provide, unless otherwise provided by the department by rule, coverage for the removal of the vessel if it should sink and coverage should it cause a pollution event.

(4) The purchaser of marine insurance under this section may satisfy the requirements of this section through the purchase of multiple policies as necessary.

(5) The department may, by rule, provide for a purchaser of a vessel to also satisfy the insurance requirements of this section through the posting of adequate security with a financial institution.

(6) A person required to secure marine insurance or show proof of marine insurance under this section who either: (a) Fails to secure a marine insurance policy consistent with this section prior to or concurrent with the transfer of ownership, unless the vessel was sold consistent with RCW 79.100.150(2)(b); or (b) cancels a marine insurance policy consistent with this section prior to the end of the twelfth month of vessel ownership or to a subsequent transfer of ownership, whichever occurs first, without securing another marine insurance policy consistent with this section in its place, is guilty of a misdemeanor. The department may contact any vessel owner required by this section to have a marine insurance policy to ensure compliance with this section.

Sec. 102. RCW 79.100.150 and 2013 c 291 s 38 are each amended to read as follows:

(1) A vessel owner must obtain a vessel inspection under this section prior to transferring a vessel that is:

(a) More than sixty-five feet in length and more than forty years old; and

(b) Either:

(i) Is registered or required to be registered under chapter 88.02 RCW; or

(ii) Is listed or required to be listed under chapter 84.40 RCW.

(2) If the vessel inspection determines the vessel is not seaworthy and the value of the vessel is less than the anticipated costs required to return the vessel to seaworthiness, then the vessel owner may not sell or transfer ownership of the vessel unless:

(a) The vessel is repaired to a seaworthy state prior to the transfer of ownership; or

(b) The vessel is sold for scrap, restoration, salvage, or another use that will remove the vessel from state waters to a person displaying a business license issued under RCW 19.02.070 that a reasonable person in the seller's position would believe has the capability and intent to do based on factors that may include the buyer's facilities, resources, documented intent, and relevant history.

(3) Where required under subsection (1) of this section, a vessel owner must provide a copy of the vessel inspection documentation to the transferee and, if the department did not conduct the inspection, to the department prior to the transfer.

~~((3))~~ (4) Unless rules adopted by the department provide otherwise, the vessel inspection required under this section must be contained in a formal marine survey conducted by a third party to the transaction. The survey must include, at a minimum, a conclusion relating to the seaworthiness of the vessel, an estimate of the vessel's fair market value, and, if applicable, an estimate as to the

anticipated cost of repairs necessary to return the vessel to seaworthiness.

(5) The department may, by rule, allow other forms of vessel condition determinations, such as United States coast guard certificates of inspection, to replace the requirements for a formal marine survey under this section.

(6) Failure to comply with the requirements of ~~((subsections (4) and (2) of))~~ this section will result in the transferor having secondary liability under RCW 79.100.060 if the vessel is later abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

(7) Nothing in this section prevents a vessel owner from removing, dismantling, and lawfully disposing of any vessel lawfully under the vessel owner's control.

Part Two--Authorities and Requirements Applicable to Marinas

Sec. 201. RCW 79.100.130 and 2013 c 291 s 4 are each amended to read as follows:

(1) A private moorage facility owner, as those terms are defined in RCW 88.26.010, may contract with the department or a local government for the purpose of participating in the derelict vessel removal program.

(2) If a contract is completed under this section, the department or local government shall serve as the authorized public entity for the removal of a derelict or abandoned vessel from the property of the private moorage facility owner. The contract must provide for the private moorage facility owner to be financially responsible for the removal and disposal costs that are not reimbursed by the department as provided under RCW 79.100.100, and any additional reasonable administrative costs incurred by the department or local government during the removal of the derelict or abandoned vessel.

(3) Prior to the commencement of any removal ~~((which))~~ under this section for which a local government serves as the authorized public entity and that will seek reimbursement from the derelict vessel removal program, the contract and the proposed vessel removal shall be submitted to the department for review and approval. The local government shall use the procedure specified under RCW 79.100.100~~((6))~~.

(4) If the private moorage facility owner has already seized the vessel under chapter 88.26 RCW and title has reverted to the moorage facility, the moorage facility is not considered the owner under this chapter for purposes of cost recovery for actions taken under this section.

(5)(a) The department and all local governments have discretion as to whether to enter into contracts to serve as the authorized public entity under this section for vessels located at a private moorage facility.

(b) The department may not enter into a contract to serve as the authorized public entity under this section for vessels located at a private moorage facility if the private moorage facility is not in compliance with the mandatory insurance requirements of section 202 of this act.

NEW SECTION. Sec. 202. A new section is added to chapter 88.26 RCW to read as follows:

(1) Every private moorage facility operator must:

(a) Obtain and maintain insurance coverage for the private moorage facility;

(b) Require, as a condition of moorage, all vessels other than transient vessels to provide proof of marine insurance to the moorage facility.

(2) Unless rules adopted by the department of natural resources require otherwise, insurance maintained by private moorage facility operators and required of moored vessels must:

(a) Provide coverage at liability limits of at least three hundred thousand dollars per occurrence; and

(b) Include, at a minimum, general, legal, and pollution liability coverage.

(3) The purchaser of marine insurance under this section may satisfy the requirements of this section through the purchase of multiple policies as necessary.

(4) The requirement under this section for private moorage facility operators to require proof of marine insurance from mooring vessels applies whenever a private moorage facility operator enters an initial or renewal moorage agreement after the effective date of this section. The private moorage facility operator is not required to verify independently whether a mooring vessel's insurance policy meets the requirements of this section and is not responsible for any change in insurance coverage applicable to the vessel that occurs after the initial agreement is entered into or in the time period between agreement renewals.

(5) Any private moorage facility operator who fails to satisfy the requirements of this section incurs secondary liability under RCW 79.100.060 for any vessel located at the private moorage facility that meets the definition of derelict vessel or abandoned vessel as those terms are defined in RCW 79.100.010.

NEW SECTION. Sec. 203. A new section is added to chapter 53.08 RCW to read as follows:

(1) Every moorage facility operator must:

(a) Obtain and maintain insurance coverage for the moorage facility;

(b) Require, as a condition of moorage, all vessels other than transient vessels to provide proof of marine insurance to the moorage facility.

(2) Unless rules adopted by the department of natural resources require otherwise, insurance maintained by moorage facility operators and required of moored vessels must:

(a) Provide coverage at liability limits of at least three hundred thousand dollars per occurrence; and

(b) Include, at a minimum, general, legal, and pollution liability coverage.

(3) The purchaser of marine insurance under this section may satisfy the requirements of this section through the purchase of multiple policies as necessary.

(4) The requirement under this section for moorage facility operators to require proof of marine insurance from mooring vessels applies whenever a moorage facility operator enters an initial or renewal moorage agreement after the effective date of this section. The moorage facility operator is not required to verify independently whether a mooring vessel's insurance policy meets the requirements of this section and is not responsible for any change in insurance coverage applicable to the vessel that occurs after the initial agreement is entered into or in the time period between agreement renewals.

(5) Any moorage facility operator that the department has determined has failed to satisfy the requirements of this section is not eligible for reimbursement from the derelict vessel removal account under RCW 79.100.100.

Sec. 204. RCW 88.26.010 and 1993 c 474 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Charges" means charges of a private moorage facility operator for moorage and storage, all other charges owing to or that become owing under a contract between a vessel owner and the private moorage facility operator, or any costs of sale and related legal expenses for implementing RCW 88.26.020.

(2) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water. "Vessel" includes any trailer used for the transportation of watercraft.

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(3) "Private moorage facility" means any properties or facilities owned or operated by a private moorage facility operator that are capable of use for the moorage or storage of vessels.

(4) "Private moorage facility operator" means every natural person, firm, partnership, corporation, association, organization, or any other legal entity, employee, or their agent, that owns or operates a private moorage facility. Private moorage facility operation does not include a "moorage facility operator" as defined in RCW 53.08.310.

(5) "Owner" means every natural person, firm, partnership, corporation, association, or organization, or their agent, with actual or apparent authority, who expressly or impliedly contracts for use of a moorage facility.

(6) "Transient vessel" means a vessel using a private moorage facility and that belongs to an owner who does not have a moorage agreement with the private moorage facility operator. Transient vessels include, but are not limited to, vessels seeking a harbor or refuge, day use, or overnight use of a private moorage facility on a space-as-available basis. Transient vessels may also include vessels taken into custody under RCW 79.100.040.

Sec. 205. RCW 53.08.310 and 1986 c 260 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section, section 203 of this act, and RCW 53.08.320.

(1) "Port charges" mean charges of a moorage facility operator for moorage and storage, and all other charges owing or to become owing under a contract between a vessel owner and the moorage facility operator, or under an officially adopted tariff including, but not limited to, costs of sale and related legal expenses.

(2) "Vessel" means every species of watercraft or other artificial contrivance capable of being used as a means of transportation on water and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft.

(3) "Moorage facility" means any properties or facilities owned or operated by a moorage facility operator which are capable of use for the moorage or storage of vessels.

(4) "Moorage facility operator" means any port district, city, town, metropolitan park district, or county which owns and/or operates a moorage facility.

(5) "Owner" means every natural person, firm, partnership, corporation, association, or organization, or agent thereof, with actual or apparent authority, who expressly or impliedly contracts for use of a moorage facility.

(6) "Transient vessel" means a vessel using a moorage facility and which belongs to an owner who does not have a moorage agreement with the moorage facility operator. Transient vessels include, but are not limited to: Vessels seeking a harbor of refuge, day use, or overnight use of a moorage facility on a space-as-available basis. Transient vessels may also include vessels taken into custody under RCW 79.100.040.

Part Three--Encouraging Vessel Removal and Deconstruction

NEW SECTION. Sec. 301. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of vessel deconstruction performed at:

(a) A qualified vessel deconstruction facility; or

(b) An area over water that has been permitted under section 402 of the clean water act of 1972 (33 U.S.C. Sec. 1342) for vessel deconstruction.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a)(i) "Vessel deconstruction" means permanently dismantling a vessel, including: Abatement and removal of hazardous materials; the removal of mechanical, hydraulic, or electronic components or other vessel machinery and equipment; and either the cutting apart or disposal, or both, of vessel infrastructure. For the purposes of this subsection, "hazardous materials" includes fuel, lead, asbestos, polychlorinated biphenyls, and oils.

(ii) "Vessel deconstruction" does not include vessel modification or repair.

(b) "Qualified vessel deconstruction facility" means structures, including floating structures, that are permitted under section 402 of the clean water act of 1972 (33 U.S.C. Sec. 1342) for vessel deconstruction.

(3) Sellers making tax-exempt sales under this section must obtain from the purchaser an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files. In lieu of an exemption certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement.

NEW SECTION. Sec. 302. A new section is added to chapter 82.12 RCW to read as follows:

(1) This chapter does not apply to the use of vessel deconstruction services performed at:

(a) A qualified vessel deconstruction facility; or

(b) An area over water that has been permitted under section 402 of the federal clean water act of 1972 (33 U.S.C. Sec. 1342) for vessel deconstruction.

(2) The definitions in section 301(2) of this act apply to this section.

NEW SECTION. Sec. 303. (1) This section is the tax preference performance statement for the tax preference contained in sections 301 and 302 of this act. This performance statement is only intended to be used for subsequent evaluation of this tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as intended to induce certain designated behavior by taxpayers as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to decrease the number of abandoned and derelict vessels by providing incentives to increase vessel deconstruction in Washington by lowering the cost of deconstruction. It is the legislature's intent to provide businesses engaged in vessel deconstruction a sales and use tax exemption for sales of vessel deconstruction. This incentive will lower the costs associated with vessel deconstruction and encourage businesses to make investments in vessel deconstruction facilities. Pursuant to chapter 43.136 RCW, the joint legislative audit and review committee must review the sales tax exemptions provided under sections 301 and 302 of this act by December 1, 2018.

(4) If a review finds that the increase in available capacity to deconstruct derelict vessels or a reduction in the average cost to deconstruct vessels has resulted in an increase of the number of derelict vessels removed from Washington's waters as compared to before the effective date of this section, then the legislature intends for the legislative auditor to recommend extending the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (3) of this section, the joint legislative audit and review committee should refer to data kept and maintained by the department of natural resources.

(6) This section expires January 1, 2019.

NEW SECTION. Sec. 304. Sections 301 and 302 of this act take effect October 1, 2014.

Part Four--Revenue to Support the Derelict Vessel Removal Program

NEW SECTION. Sec. 401. (1) The legislature finds that:

(a) Derelict and abandoned vessels are a threat to the safety of the public waterways, an environmental hazard for humans and marine life, and an occupational danger for persons that make their living on the waters of this state;

(b) Derelict vessel removal fees are imposed when recreational vessels are registered with the department of licensing. The accumulation of these fees is sufficient for the removal and disposal of recreational vessels that become derelict or abandoned;

(c) Derelict vessel removal fees do not apply to commercial vessels. Former commercial vessels are among the most costly to remove from Washington waters and to dispose of in an environmentally responsible manner. The costs for removing and disposing of these vessels far exceeds the funding provided by the derelict vessel removal fees paid by recreational vessels;

(d) According to the department of natural resources, as of the effective date of this section, there is a significant backlog of abandoned or derelict vessels that are former commercial vessels; and

(e) The use of general fund revenue to pay for the removal and disposal of derelict or abandoned vessels places an undue burden on the nonboating public and reduces the revenue available to pay for necessary governmental services.

(2) The legislature intends for either the owners or operators, or both, of commercial vessels to pay their fair share for the removal of abandoned or derelict vessels by imposing a per foot fee on commercial vessels.

NEW SECTION. Sec. 402. A new section is added to chapter 79.100 RCW to read as follows:

(1)(a) Except as otherwise provided in (b) of this subsection, an annual derelict vessel removal fee is imposed upon all persons required by RCW 84.40.065 to list any ship or vessel with the department of revenue for state property tax purposes.

(b) The derelict vessel removal fee imposed in (a) of this subsection does not apply in any year that a person required to list a ship or vessel does not owe the state property tax levied for collection in that year with respect to that ship or vessel.

(c) The annual derelict vessel removal fee is equal to one dollar per vessel foot measured by extreme length of the vessel, rounded up to the nearest whole foot.

(2) Each year, the department of revenue must include the amount of the derelict vessel removal fee due under this section for that calendar year in the tax statement required in RCW 84.40.065.

(3) The person listing a ship or vessel and the owner of the ship or vessel, if not the same person, are jointly and severally liable for the fee imposed in this section.

(4) The department of revenue must collect the derelict vessel removal fee imposed in this section as provided in RCW 84.56.440.

(5) All derelict vessel removal fees collected under this section must be deposited into the derelict vessel removal account created in RCW 79.100.100.

Sec. 403. RCW 84.56.440 and 2008 c 181 s 511 are each amended to read as follows:

(1) The department of revenue shall collect the derelict vessel removal fee imposed under section 402 of this act and all ad valorem taxes upon ships and vessels listed with the department in accordance with RCW 84.40.065, and all applicable interest and penalties on such taxes and fees. The taxes and derelict vessel removal fee shall be due and payable to the department on or before the thirtieth day of April and shall be delinquent after that date.

(2) If payment of the tax, derelict vessel removal fee, or both, is not received by the department by the due date, there shall be imposed a penalty of five percent of the amount of the unpaid tax and fee; and if the tax ~~((#))~~ and fee are not received within thirty days after the due date, there shall be imposed a total penalty of ten percent of the amount of the unpaid tax and fee; and if the tax ~~((#))~~ and fee are not received within sixty days after the due date, there shall be imposed a total penalty of twenty percent of the amount of the unpaid tax and fee. No penalty so added shall be less than five dollars.

(3) Delinquent taxes under this section are subject to interest at the rate set forth in RCW 82.32.050 from the date of delinquency until paid. Delinquent derelict vessel removal fees are also subject to interest at the same rate and in the same manner as provided for delinquent taxes under RCW 82.32.050. Interest or penalties collected on delinquent taxes and derelict vessel removal fees under this section shall be paid by the department into the general fund of the state treasury.

(4) If upon information obtained by the department it appears that any ship or vessel required to be listed according to the provisions of RCW 84.40.065 is not so listed, the department shall value the ship or vessel and assess against the owner of the vessel the taxes and derelict vessel removal fees found to be due and shall add thereto interest at the rate set forth in RCW 82.32.050 from the original due date of the tax and fee until the date of payment. The department shall notify the vessel owner by mail of the amount and the same shall become due and shall be paid by the vessel owner within thirty days of the date of the notice. If payment is not received by the department by the due date specified in the notice, the department shall add a penalty of ten percent of the tax and fee found due. A person who willfully gives a false listing or willfully fails to list a ship or vessel as required by RCW 84.40.065 shall be subject to the penalty imposed by RCW 84.40.130(2), which shall be assessed and collected by the department.

(5) Delinquent taxes and fees under this section, along with all penalties and interest thereon, shall be collected by the department according to the procedures set forth in chapter 82.32 RCW for the filing and execution of tax warrants, including the imposition of warrant interest. In the event a warrant is issued by the department for the collection of taxes, derelict vessel removal fees, or both, under this section, the department shall add a penalty of five percent of the amount of the delinquent tax and fee, but not less than ten dollars.

(6) ((The department shall also collect all delinquent taxes pertaining to ships and vessels appearing on the records of the county treasurers for each of the counties of this state as of December 31, 1993, including any applicable interest or penalties. The provisions of subsection (5) of this section shall apply to the collection of such delinquent taxes.

(7)) During a state of emergency declared under RCW 43.06.010(12), the department, on its own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes and fees payable under this section as the department deems proper.

(7) The department of revenue must withhold the decals required under RCW 88.02.570(10) for failure to pay the state property tax or derelict vessel removal fee collectible under this section.

NEW SECTION. Sec. 404. Sections 401 through 403 of this act take effect January 1, 2015.

Part Five--Incentivizing the Registration of Moored Vessels

NEW SECTION. Sec. 501. A new section is added to chapter 88.02 RCW to read as follows:

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(1) A moorage provider that provides long-term moorage must obtain the following information and documentation from persons entering into long-term moorage agreements with the moorage provider:

- (a) The name of the legal owner of the vessel;
- (b) A local contact person and that person's address and telephone number, if different than the owner;
- (c) The owner's address and telephone number;
- (d) The vessel's hull identification number;
- (e) If applicable, the vessel's coast guard registration;
- (f) The vessel's home port;
- (g) The date on which the moorage began;
- (h) The vessel's country or state of registration and registration number; and

(i) Proof of vessel registration, a written statement of the lessee's intent to register a vessel, or an affidavit in a form and manner approved by the department certifying that the vessel is exempt from state vessel registration requirements as provided by RCW 88.02.570.

(2) For moorage agreements entered into effective on or after July 1, 2014, a long-term moorage agreement for vessels not registered in this state must include, in a form and manner approved by the department and the department of revenue, notice of state vessel registration requirements as provided by this chapter and tax requirements as provided by chapters 82.08, 82.12, and 82.49 RCW and listing requirements as provided by RCW 84.40.065.

(3) A moorage provider must maintain records of the information and documents required under this section for at least two years. Upon request, a moorage provider must:

- (a) Permit any authorized agent of a requesting agency to:
 - (i) Inspect the moorage facility for vessels that are not registered as required by this chapter or listed as required under RCW 84.40.065; and
 - (ii) Inspect and copy records identified in subsection (1) of this section for vessels that the requesting agency determines are not properly registered or listed as required by law; or
- (b) Provide to the requesting agency:
 - (i) Information as provided in subsection (1)(a), (c), (d), and (e) of this section; and
 - (ii) Information as provided in subsection (1)(b), (f), (g), (h), and (i) of this section for those vessels that the requesting agency subsequently determines are not registered as required by this chapter or listed as required under RCW 84.40.065.

(4) Requesting agencies must coordinate their requests to ensure that a moorage provider does not receive more than two requests per calendar year. For the purpose of enforcing vessel registration and vessel listing requirements, requesting agencies may share the results of information requests with each other.

(5) The information required to be collected under this section must be collected at the time the long-term moorage agreement is entered into and at the time of any renewals of the agreement. The moorage provider is not responsible for updating any changes in the information that occurs after the initial agreement is entered into or in the time period between agreement renewals.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Long-term moorage" means moorage provided for more than thirty consecutive days, unless the moorage is for a vessel that has been taken into custody under RCW 79.100.040.

(b) "Moorage facility" means any properties or facilities located in this state that are used for the moorage of vessels and are owned or operated by a moorage provider.

(c) "Moorage facility operator" has the same meaning as defined in RCW 53.08.310.

(d) "Moorage provider" means any public or private entity that owns or operates any moorage facility, including a moorage facility operator, private moorage facility operator, the state of Washington, or any other person.

(e) "Private moorage facility operator" has the same meaning as defined in RCW 88.26.010.

(f) "Requesting agency" means the department, the department of revenue, or the department of natural resources.

NEW SECTION. Sec. 502. A new section is added to chapter 82.49 RCW to read as follows:

(1) An owner of a vessel that is not registered as required by chapter 88.02 RCW and for which watercraft excise tax is due under this chapter is liable for a penalty in the following amount:

- (a) One hundred dollars for the owner's first violation;
- (b) Two hundred dollars for the owner's second violation involving the same or any other vessel; or
- (c) Four hundred dollars for the owner's third and successive violations involving the same or any other vessel.

(2) The department of revenue may collect this penalty under the procedures established in chapter 82.32 RCW. The penalty imposed under this section is in addition to any other civil or criminal penalty imposed by law.

Sec. 503. RCW 82.49.010 and 2010 c 161 s 1044 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using a vessel upon the waters of this state, except vessels exempt under RCW 82.49.020. The annual amount of the excise tax is one-half of one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater. Violation of this subsection is a misdemeanor.

(2) ~~((Persons who are))~~ A person who is required under chapter 88.02 RCW to register a vessel in this state and who fails to register the vessel in this state or registers the vessel in another state or foreign country and avoids the Washington watercraft excise tax ~~((are))~~ is guilty of a gross misdemeanor and ~~((are))~~ is liable for such unpaid excise tax. The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalty imposed in section 502 of this act and penalties and interest provided in chapter 82.32 RCW.

(3) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.560. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year.

Part Six--Miscellaneous and Technical

Sec. 601. RCW 79.100.060 and 2013 c 291 s 40 are each amended to read as follows:

(1) The owner of an abandoned or derelict vessel, or any person or entity that has incurred secondary liability ~~((under RCW 79.100.150))~~ for an abandoned or derelict vessel under this chapter or section 202 of this act, is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel under this chapter. These costs include, but are not limited to, costs incurred exercising the authority granted in RCW 79.100.030, all administrative costs incurred by the authorized public entity during the procedure set forth in RCW 79.100.040, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. An authorized public entity that

has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the vessel be paid before the vessel is released to the owner.

(2) Reimbursement for costs may be sought from an owner, or any person or entity that has incurred secondary liability under ~~(RCW 79.100.150)~~ this chapter or section 202 of this act, who is identified subsequent to the vessel's removal and disposal.

(3) If the full amount of all costs due to the authorized public entity under this chapter is not paid to the authorized public entity within thirty days after first notifying the responsible parties of the amounts owed, the authorized public entity or the department may bring an action in any court of competent jurisdiction to recover the costs, plus reasonable attorneys' fees and costs incurred by the authorized public entity.

Sec. 602. RCW 79.100.120 and 2013 c 291 s 32 are each amended to read as follows:

(1) ~~((A person))~~ (a) An owner or lien holder seeking to contest an authorized public entity's decision to take temporary possession or custody of a vessel under this chapter, or to contest the amount of reimbursement owed to an authorized public entity under this chapter, may request a hearing in accordance with this section.

(b) A transferor or other entity with secondary liability under this chapter or section 202 of this act may commence a lawsuit in the superior court for the county in which custody of the vessel was taken to contest the transferor's or other entity's liability or the amount of reimbursement owed the authorized public entity under this chapter.

(2)(a) If the contested decision or action was undertaken by a state agency, a written request for a hearing related to the decision or action must be filed with the pollution control hearings board and served on the state agency in accordance with RCW 43.21B.230 (2) and (3) within thirty days of the date the authorized public entity acquires custody of the vessel under RCW 79.100.040, or if the vessel is redeemed before the authorized public entity acquires custody, the date of redemption, or the right to a hearing is deemed waived and the vessel's owner is liable for any costs owed the authorized public entity. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(b) Upon receipt of a timely hearing request, the pollution control hearings board shall proceed to hear and determine the validity of the decision to take the vessel into temporary possession or custody and the reasonableness of any towing, storage, or other charges permitted under this chapter. Within five business days after the request for a hearing is filed, the pollution control hearings board shall notify the vessel owner requesting the hearing and the authorized public entity of the date, time, and location for the hearing. Unless the vessel is redeemed before the request for hearing is filed, the pollution control hearings board shall set the hearing on a date that is within ten business days of the filing of the request for hearing. If the vessel is redeemed before the request for a hearing is filed, the pollution control hearings board shall set the hearing on a date that is within sixty days of the filing of the request for hearing.

(c) Consistent with RCW 43.21B.305, a proceeding brought under this subsection may be heard by one member of the pollution control hearings board, whose decision is the final decision of the board.

(3)(a) If the contested decision or action was undertaken by a metropolitan park district, port district, city, town, or county, which has adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, those rules or procedures must be followed in order to contest a decision to take temporary possession or custody of a vessel, or to contest the amount of reimbursement owed.

(b) If the metropolitan park district, port district, city, town, or county has not adopted rules or procedures for contesting decisions

or actions pertaining to derelict or abandoned vessels, then ~~((a person))~~ an owner or lien holder requesting a hearing under this section must follow the procedure established in subsection (2) of this section.

Sec. 603. RCW 79.100.100 and 2013 c 291 s 2 are each amended to read as follows:

(1)(a) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in RCW 88.02.640 must be deposited into the account. The account is authorized to receive fund transfers and appropriations from the general fund, deposits from the derelict vessel removal surcharge under RCW 88.02.640(4), deposits under section 402 of this act, as well as gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter.

(b) Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used by the department for developing and administering the vessel turn-in program created in RCW 79.100.160 and to, except as provided in RCW 79.100.130 and section 203 of this act, reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. Reimbursement may not be made unless the department determines that the public entity has made reasonable efforts to identify and locate the party responsible for the vessel, or any other person or entity that has incurred secondary liability ~~((under RCW 79.100.150))~~ for the vessel under this chapter or section 202 of this act, regardless of the title of owner of the vessel.

(c) Funds in the account resulting from transfers from the general fund or from the deposit of funds from the watercraft excise tax as provided for under RCW 82.49.030 must be used to reimburse one hundred percent of costs and should be prioritized for the removal of large vessels.

(d) Costs associated with the removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account.

(e) In each biennium, up to twenty percent of the expenditures from the derelict vessel removal account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

(3) The department must keep all authorized public entities apprised of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection (3) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

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(4) An authorized public entity may contribute its ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

(5) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

Sec. 604. RCW 79.100.010 and 2007 c 342 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned vessel" means a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessel's owner is: (a) Not known or cannot be located; or (b) known and located but is unwilling to take control of the vessel. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

(2) "Aquatic lands" means all tidelands, shorelands, harbor areas, and the beds of navigable waters, including lands owned by the state and lands owned by other public or private entities.

(3) "Authorized public entity" includes any of the following: The department of natural resources; the department of fish and wildlife; the parks and recreation commission; a metropolitan park district; a port district; and any city, town, or county with ownership, management, or jurisdiction over the aquatic lands where an abandoned or derelict vessel is located.

(4) "Department" means the department of natural resources.

(5) "Derelict vessel" means the vessel's owner is known and can be located, and exerts control of a vessel that:

(a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW 79.02.300 or rules adopted by an authorized public entity;

(b) Has been left on private property without authorization of the owner; or

(c) Has been left for a period of seven consecutive days, and:

(i) Is sunk or in danger of sinking;

(ii) Is obstructing a waterway; or

(iii) Is endangering life or property.

(6) "Owner" means any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(7) "Vessel" means every species of watercraft or other mobile artificial contrivance, powered or unpowered, intended to be used for transporting people or goods on water or for floating marine construction or repair and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft, or any attached floats or debris.

(8) "Ship" means every species of watercraft or other mobile artificial contrivance, powered or unpowered, intended to be used

for transporting people or goods on water or for floating marine construction or repair and that exceeds two hundred feet in length.

Sec. 605. 2013 c 291 s 39 (uncodified) is amended to read as follows:

(1) By December 31, ~~((2013))~~ 2014, the department of natural resources shall adopt by rule initial procedures and standards for the vessel inspections required under ~~((section 38 of this act))~~ RCW 79.100.150. The procedures and standards must identify the public or private entities authorized to conduct inspections, the required elements of an inspection, and the manner in which inspection results must be documented. The vessel inspection required under this section must be designed to:

(a) Provide the transferee with current information about the condition of the vessel, including the condition of its hull and key operating systems, prior to the transfer;

(b) Provide the department of natural resources with information under (a) of this subsection for each applicable vessel and, more broadly, to improve the department's understanding of the condition of the larger, older boats in the state's waters;

(c) Discourage the future abandonment or dereliction of the vessel; and

(d) Maximize the efficiency and effectiveness of the inspection process, including with respect to the time and resources of the transferor, transferee, and the state.

(2) The department of natural resources shall work with appropriate government agencies and stakeholders in designing the inspection process and standards under this section.

(3) This section expires July 31, ~~((2014))~~ 2015.

NEW SECTION. Sec. 606. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senators Pearson and Liias spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Pearson and Liias to Second Substitute House Bill No. 2457.

The motion by Senator Pearson carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "vessels;" strike the remainder of the title and insert "amending RCW 79.100.150, 79.100.130, 88.26.010, 53.08.310, 84.56.440, 82.49.010, 79.100.060, 79.100.120, 79.100.100, and 79.100.010; amending 2013 c 291 s 39 (uncodified); adding new sections to chapter 79.100 RCW; adding a new section to chapter 88.26 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 88.02 RCW; adding a new section to chapter 82.49 RCW; creating new sections; prescribing penalties; providing effective dates; and providing expiration dates."

MOTION

On motion of Senator Pearson, the rules were suspended, Second Substitute House Bill No. 2457 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson, Liias and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2457 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2457 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Sheldon and Tom

Voting nay: Senators Hewitt, Holmquist Newbry, Padden and Schoesler

SECOND SUBSTITUTE HOUSE BILL NO. 2457 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2125, by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Schmick, Cody and Buys)

Removing the requirements that all fines collected be credited to the Washington horse racing commission class C purse fund account.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute House Bill No. 2125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2125.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2125 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hargrove

SUBSTITUTE HOUSE BILL NO. 2125, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2155, by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Dahlquist, Hurst, S. Hunt, Morrell and Moscoso)

Preventing theft of alcoholic spirits from licensed retailers.

The measure was read the second time.

MOTION

Senator Conway moved that the following striking amendment by Senator Conway and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 66.28 RCW to read as follows:

(1) The board must adopt rules by January 1, 2015, that require each spirits retail licensee that is licensed to sell spirits in original containers to consumers for consumption off the licensed premises, to report to the board quarterly, any and all loss of spirits, due to theft, breakage, loss, or diversion. The report must include the amount of spirits that is stolen, broken, lost, or diverted by type of spirits, manner of loss, and retail value. Spirits retail licensees required to report under this section must report the retail cost of the loss of spirits.

(2) The board must report to the appropriate committees of legislature annually the amount of spirits stolen, broken, lost, or diverted. The report must include the amount of loss totals, such as the amount and retail value, by each licensed retail establishment as well as the total value of the lost, taxes, and fees. Information must be made available to the public in a searchable format on a web site maintained by the board. The first report is due by January 1, 2016."

On page 1, line 2 of the title, after "retailers;" strike the remainder of the title and insert "and adding a new section to chapter 66.28 RCW."

Senator Conway spoke in favor of adoption of the striking amendment.

Senator Holmquist Newbry spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Conway and others to Engrossed Substitute House Bill No. 2155.

The motion by Senator Conway failed and the striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Engrossed Substitute House Bill No. 2155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist Newbry spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2155.

ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2155 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1724, by Representatives Roberts, Kagi, Pettigrew, Goodman, Green, Reykdal, Cody, Jinkins, Appleton, Freeman, Moeller, Ryu, Pollet, Moscoso and Bergquist

Concerning statements made by juveniles during assessments or screenings for mental health or chemical dependency treatment.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, House Bill No. 1724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1724.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1724 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Danel and Padden

HOUSE BILL NO. 1724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2115, by Representatives Johnson, Appleton, Seaquist, Goodman, Moscoso, Klippert, Morrell,

Orwall, Tarleton, Green, Smith, Zeiger, Haler, Ross, Hayes and Walkinshaw

Concerning the composition of the officer promotion board.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2115.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2115 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

HOUSE BILL NO. 2115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2461, by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Ryu)

Addressing the financial solvency of insurance companies.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Financial Institutions, Housing & Insurance be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.31B.005 and 1993 c 462 s 2 are each amended to read as follows:

((As used in this chapter, the following terms have the meanings set forth in this section, unless the context requires otherwise.)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~((An))~~ "Affiliate" means an affiliate of, or person ~~((is))~~ affiliated ~~((is))~~ with, a specific person, ~~((is))~~ and includes a person ~~((who))~~ that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) ~~((The term))~~ "Commissioner" means the insurance commissioner, the commissioner's deputies, or the office of the

insurance commissioner, as appropriate.

(3) "Control" means as follows:

(a) For a for-profit person, "control," including the terms "controlling," "controlled by," and "under common control with," means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control is presumed to exist if ~~((a))~~ any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in a manner similar to that provided by RCW 48.31B.025(11) that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

~~((3-A))~~ (b) For a nonprofit corporation organized under chapters 24.03 and 24.06 RCW, control exists if a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing a majority of voting rights of the person or the power to elect or appoint a majority of the board of directors, trustees, or other governing body of the person, unless the power is the result of an official position of, or corporate office held by, the person; and

(c) Control includes either permanent or temporary control.

(4) "Enterprise risk" means any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole including, but not limited to, anything that would cause the insurer's risk-based capital to fall into company action level as set forth in RCW 48.05.440 or 48.43.310 or would cause the insurer to be in hazardous financial condition as defined in WAC 284-16-310.

(5) "Insurance holding company system" means a system that consists of two or more affiliated persons, one or more of which is an insurer.

~~((4-The term))~~ (6) "Insurer" ~~((has the same meaning as set forth in RCW 48.01.050))~~ includes an insurer authorized under chapter 48.05 RCW, a fraternal mutual insurer or society holding a license under RCW 48.36A.290, a health care service contractor registered under chapter 48.44 RCW, a health maintenance organization registered under chapter 48.46 RCW, and a self-funded multiple employer welfare arrangement under chapter 48.125 RCW, as well as all persons engaged as, or purporting to be engaged as insurers, fraternal benefit societies, health care service contractors, health maintenance organizations, or self-funded multiple employer welfare arrangements in this state, and to persons in process of organization to become insurers, fraternal benefit societies, health care service contractors, health maintenance organizations, or self-funded multiple employer welfare arrangements, except it does not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

~~((5-A))~~ (7) "Person" ~~((is))~~ means an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, ~~((a))~~ any similar entity, or any combination of the foregoing acting in concert, but does not include a joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property.

~~((6-A))~~ (8) "Securityholder" means a securityholder of a specified person ~~((is one))~~ who owns ~~((a))~~ any security of that

person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing.

~~((7-A))~~ (9) "Subsidiary" means a subsidiary of a specified person who is an affiliate controlled by that person directly or indirectly through one or more intermediaries.

~~((8-The term))~~ (10) "Supervisory colleges" means a forum for cooperation and communication among involved regulators and international supervisors facilitating the effectiveness of supervision of entities which belong to an insurance group and supervision of the group as a whole on a group-wide basis and improving the legal entity supervision of the entities within the insurance group.

(11) "Voting security" includes ~~((a))~~ any security convertible into or evidencing a right to acquire a voting security.

Sec. 2. RCW 48.31B.010 and 1993 c 462 s 3 are each amended to read as follows:

(1) A domestic insurer, either by itself or in cooperation with one or more persons, may organize or acquire one or more subsidiaries. The subsidiaries may conduct any kind of business or businesses authorized in RCW 48.13.061(4) and subject to the percentage limitations contained in chapter 48.13 RCW.

(2) If an insurer ceases to control a subsidiary, it shall dispose of any investment in the subsidiary within three years from the time of the cessation of control or within such further time as the commissioner may prescribe, unless at any time after the investment ~~((has been))~~ was made, the investment ~~((meets))~~ met the requirements for investment under any other section of this title, and the insurer has notified the commissioner thereof.

Sec. 3. RCW 48.31B.015 and 1993 c 462 s 4 are each amended to read as follows:

(1)~~(a)~~ No person other than the issuer may make a tender offer for or a request or invitation for tenders of, or enter into an agreement to exchange securities of, seek to acquire, or acquire, in the open market or otherwise, voting security of a domestic insurer if, after the consummation thereof, the person would, directly or indirectly, or by conversion or by exercise of a right to acquire, be in control of the insurer~~(-)~~ and no person may enter into an agreement to merge with or otherwise to acquire control of a domestic insurer or any person controlling a domestic insurer unless, at the time the offer, request, or invitation is made or the agreement is entered into, or ~~((before))~~ prior to the acquisition of the securities if no offer or agreement is involved, the person has filed with the commissioner and has sent to the insurer, a statement containing the information required by this section and the offer, request, invitation, agreement, or acquisition has been approved by the commissioner as prescribed in this ~~((section))~~ chapter.

(b) For purposes of this section, any controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer, in any manner, must file with the commissioner, with a copy to the insurer, notice of its proposed divestiture at least thirty days prior to the cessation of control. If the statement referred to in (a) of this subsection is otherwise filed, this subsection does not apply.

(c) With respect to a transaction subject to this section, the acquiring person must also file a preacquisition notification with the commissioner, which must contain the information set forth in RCW 48.31B.020(3)(a). A failure to file the notification may be subject to penalties specified in RCW 48.31B.020(5)(c).

(d) For purposes of this section a domestic insurer includes a person controlling a domestic insurer unless the person, as determined by the commissioner, is either directly or through its affiliates primarily engaged in business other than the business of insurance. ~~((However, the person shall file a preacquisition notification with the commissioner containing the information set forth in RCW 48.31B.020(3)(a) sixty days before the proposed effective date of the acquisition. Persons who fail to file the~~

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required preacquisition notification with the commissioner are subject to the penalties in RCW 48.31B.020(5)(c).)) For the purposes of this section, "person" does not include ((a)) any securities broker holding, in usual and customary broker's function, less than twenty percent of the voting securities of an insurance company or of ((a)) any person who controls an insurance company.

(2) The statement to be filed with the commissioner under this section must be made under oath or affirmation and must contain the following ((information)):

(a) The name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in subsection (1) of this section is to be effected, ((hereinafter called--)) and referred to in this section as the acquiring party((-)) and:

(i) If that person is an individual, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past ten years; and

(ii) If that person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as the person and any predecessors have been in existence; an informative description of the business intended to be done by the person and the person's subsidiaries; any convictions of crimes during the past ten years; and a list of all individuals who are or who have been selected to become directors or executive officers of the person, or who perform or will perform functions appropriate to those positions. The list must include for each such individual the information required by (a)(i) of this subsection((-));

(b) The source, nature, and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction ((in which)) where funds were or are to be obtained for any such purpose, including ((a)) any pledge of the insurer's stock((-)) or the stock of any of its subsidiaries or controlling affiliates, and the identity of persons furnishing ((the)) consideration. However, ((where)) when a source of ((the)) consideration is a loan made in the lender's ordinary course of business, the identity of the lender must remain confidential, if the person filing the statement so requests((-));

(c) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each acquiring party, or for such lesser period as the acquiring party and any predecessors have been in existence, and similar unaudited information as of a date not earlier than ninety days ((before)) prior to the filing of the statement((-));

(d) Any plans or proposals that each acquiring party may have to liquidate the insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management((-));

(e) The number of shares of any security referred to in subsection (1) of this section ((that)) which each acquiring party proposes to acquire, the terms of the offer, request, invitation, agreement, or acquisition referred to in subsection (1) of this section, and a statement as to the method by which the fairness of the proposal was arrived at((-));

(f) The amount of each class of any security referred to in subsection (1) of this section that is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party((-));

(g) A full description of any contracts, arrangements, or understandings with respect to any security referred to in subsection (1) of this section in which an acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies. The description

must identify the persons with whom the contracts, arrangements, or understandings have been entered into((-));

(h) A description of the purchase of any security referred to in subsection (1) of this section during the twelve calendar months ((before)) preceding the filing of the statement, by an acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid ((for the security));

(i) A description of any recommendations to purchase any security referred to in subsection (1) of this section made during the twelve calendar months ((before)) preceding the filing of the statement, by an acquiring party, or by anyone based upon interviews or at the suggestion of the acquiring party((-));

(j) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection (1) of this section, and, if distributed, of additional soliciting material relating to ((the securities)) them;

(k) The term of an agreement, contract, or understanding made with or proposed to be made with ((a)) any broker-dealer as to solicitation or securities referred to in subsection (1) of this section for tender, and the amount of fees, commissions, or other compensation to be paid to broker-dealers with regard ((to the securities)) thereto;

(l) An agreement by the person required to file the statement referred to in subsection (1) of this section that it will provide the annual report, specified in RCW 48.31B.025(12), for so long as control exists;

(m) An acknowledgement by the person required to file the statement referred to in subsection (1) of this section that the person and all subsidiaries within its control in the insurance holding company system will provide information to the commissioner upon request as necessary to evaluate enterprise risk to the insurer;

(n) Such additional information as the commissioner may prescribe by rule as necessary or appropriate for the protection of policyholders of the insurer or in the public interest((-));

(o) If the person required to file the statement referred to in subsection (1) of this section is a partnership, limited partnership, syndicate, or other group, the commissioner may require that the information called for by (a) through ((4)) (n) of this subsection shall be given with respect to each partner of the partnership or limited partnership, each member of the syndicate or group, and each person who controls a partner or member. If ((a)) any partner, member, or person is a corporation((-)) or the person required to file the statement referred to in subsection (1) of this section is a corporation, the commissioner may require that the information called for by (a) through ((4)) (n) of this subsection ((shall)) be given with respect to the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of more than ten percent of the outstanding voting securities of the corporation((-));

(p) If ((a)) any material change occurs in the facts set forth in the statement filed with the commissioner and sent to the insurer under this section, an amendment setting forth the change, together with copies of all documents and other material relevant to the change, must be filed with the commissioner and sent to the insurer within two business days after the person learns of the change.

(3) If ((a)) any offer, request, invitation, agreement, or acquisition referred to in subsection (1) of this section is proposed to be made by means of a registration statement under the securities act of 1933 or in circumstances requiring the disclosure of similar information under the securities exchange act of 1934, or under a state law requiring similar registration or disclosure, the person required to file the statement referred to in subsection (1) of this section may ((use those)) utilize the documents in furnishing the information called for by that statement.

(4)(a) The commissioner shall approve a merger or other acquisition of control referred to in subsection (1) of this section unless, after a public hearing thereon, he or she finds that:

(i) After the change of control, the domestic insurer referred to in subsection (1) of this section would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(ii) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this state or tend to create a monopoly therein. In applying the competitive standard in this subsection (4)(a)(ii) ~~((of this subsection))~~:

(A) The informational requirements of RCW 48.31B.020(3)(a) and the standards of RCW 48.31B.020(4)(b) apply;

(B) The ~~((commissioner may not disapprove the))~~ merger or other acquisition may not be disapproved if the commissioner finds that any of the situations meeting the criteria provided by RCW 48.31B.020(4)(c) exist; and

(C) The commissioner may condition the approval of the merger or other acquisition on the removal of the basis of disapproval within a specified period of time;

(iii) The financial condition of ~~((an))~~ any acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders;

(iv) The plans or proposals ~~((that))~~ which the acquiring party has to liquidate the insurer, sell its assets, consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest;

(v) The competence, experience, and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control; or

(vi) The acquisition is likely to be hazardous or prejudicial to the insurance-buying public.

(b) The commissioner shall approve an exchange or other acquisition of control referred to in this section within sixty days after he or she declares the statement filed under this section to be complete and after holding a public hearing. At the hearing, the person filing the statement, the insurer, and any person whose significant interest is determined by the commissioner to be affected may present evidence, examine and cross-examine witnesses, and offer oral and written arguments and in connection therewith may conduct discovery proceedings in the same manner as is allowed in the superior court of this state. All discovery proceedings must be concluded not later than three days before the commencement of the public hearing.

(c) If the proposed acquisition of control will require the approval of more than one commissioner, the public hearing referred to in (b) of this subsection may be held on a consolidated basis upon request of the person filing the statement referred to in subsection (1) of this section. Such person shall file the statement referred to in subsection (1) of this section with the national association of insurance commissioners within five days of making the request for a public hearing. A commissioner may opt out of a consolidated hearing, and shall provide notice to the applicant of the opt out within ten days of the receipt of the statement referred to in subsection (1) of this section. A hearing conducted on a consolidated basis shall be public and shall be held within the United States before the commissioners of the states in which the insurers are domiciled. Such commissioners shall hear and receive evidence. A commissioner may attend such hearing, in person, or by telecommunication.

(d) In connection with a change of control of a domestic insurer, any determination by the commissioner that the person acquiring control of the insurer shall be required to maintain or restore the

capital of the insurer to the level required by the laws and rules of this state shall be made not later than sixty days after the date of notification of the change in control submitted pursuant to subsection (1)(a) of this section.

(e) The commissioner may retain at the acquiring person's expense any attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as may be reasonably necessary to assist the commissioner in reviewing the proposed acquisition of control. All reasonable costs of a hearing held under this section, as determined by the commissioner, including costs associated with the commissioner's use of investigatory, professional, and other necessary personnel, mailing of required notices and other information, and use of equipment or facilities, must be paid before issuance of the commissioner's order by the acquiring person.

(5) This section does not apply to:

(a) ~~((A))~~ Any transaction that is subject to RCW 48.31.010, dealing with the merger or consolidation of two or more insurers;

(b) An offer, request, invitation, agreement, or acquisition ~~((that))~~ which the commissioner by order ~~((has exempted from this section as: (i) Not))~~ exempts as not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer, or ~~((it))~~ as otherwise not comprehended within the purposes of this section.

(6) The following are violations of this section:

(a) The failure to file a statement, amendment, or other material required to be filed under subsection (1) or (2) of this section; or

(b) The effectuation or an attempt to effectuate an acquisition of control of, divestiture of, or merger with, a domestic insurer unless the commissioner has given approval thereto.

(7) The courts of this state ~~((have))~~ are hereby vested with jurisdiction over every person not resident, domiciled, or authorized to do business in this state who files a statement with the commissioner under this section, and over all actions involving that person arising out of violations of this section, and each such person is deemed to have performed acts equivalent to and constituting an appointment by that person of the commissioner to be the person's true and lawful attorney upon whom may be served all lawful process in an action, suit, or proceeding arising out of violations of this section. Copies of all ~~((such))~~ lawful process ~~((shall))~~ must be served on the commissioner and transmitted by registered or certified mail by the commissioner to such person at the person's last known address.

Sec. 4. RCW 48.31B.020 and 1993 c 462 s 5 are each amended to read as follows:

(1) The following definitions ~~((in this subsection))~~ apply ~~((only))~~ for the purposes of this section ~~((:))~~ only:

(a) "Acquisition" means ~~((an))~~ any agreement, arrangement, or activity ~~((:))~~ the consummation of which results in a person acquiring directly or indirectly the control of another person, and includes but is not limited to the acquisition of voting securities, the acquisition of assets, bulk reinsurance, and mergers.

(b) An "involved insurer" includes an insurer which either acquires or is acquired, is affiliated with an acquirer or acquired, or is the result of a merger.

(2)(a) Except as exempted in (b) of this subsection, this section applies to any acquisition in which there is a change in control of an insurer authorized to do business in this state.

(b) This section does not apply to the following:

(i) ~~((An acquisition subject to approval or disapproval by the commissioner under RCW 48.31B.015;~~

~~((ii)))~~ A purchase of securities solely for investment purposes so long as the securities are not used by voting or otherwise to cause or attempt to cause the substantial lessening of competition in any insurance market in this state. If a purchase of securities results in a presumption of control under RCW 48.31B.005 ~~((2))~~ (3), it is not

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solely for investment purposes unless the commissioner of the insurer's state of domicile accepts a disclaimer of control or affirmatively finds that control does not exist and the disclaimer action or affirmative finding is communicated by the domiciliary commissioner to the commissioner of this state;

~~((iii))~~ (ii) The acquisition of a person by another person when neither person is directly nor through affiliates primarily engaged in the business of insurance, if preacquisition notification is filed with the commissioner in accordance with subsection (3)(a) of this section sixty days ~~((before))~~ prior to the proposed effective date of the acquisition. However, the preacquisition notification is not required for exclusion from this section if the acquisition would otherwise be excluded from this section by this subsection (2)(b);

~~((iv))~~ (iii) The acquisition of already affiliated persons;

~~((v))~~ (iv) An acquisition if, as an immediate result of the acquisition:

(A) In no market would the combined market share of the involved insurers exceed five percent of the total market;

(B) There would be no increase in any market share; or

(C) In no market would the:

(I) ~~((The))~~ Combined market share of the involved insurers exceed twelve percent of the total market; and

(II) ~~((The))~~ Market share increase by more than two percent of the total market.

For the purpose of this subsection (2)(b)~~((v) of this subsection)~~ (iv), a ~~((=))~~ market ~~((=))~~ means direct written insurance premium in this state for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this state;

~~((vi))~~ (v) An acquisition for which a preacquisition notification would be required under this section due solely to the resulting effect on the ocean marine insurance line of business;

~~((vii))~~ (vi) An acquisition of an insurer whose domiciliary commissioner affirmatively finds ~~((=))~~ that the insurer is in failing condition ~~((=))~~, there is a lack of feasible alternative to improving such condition ~~((=))~~, and the public benefits of improving the insurer's condition through the acquisition exceed the public benefits that would arise from not lessening competition; and the findings are communicated by the domiciliary commissioner to the commissioner of this state.

(3) An acquisition covered by subsection (2) of this section may be subject to an order under subsection (5) of this section unless the acquiring person files a preacquisition notification and the waiting period has expired. The acquired person may file a preacquisition notification.

(a) The preacquisition notification must be in such form and contain such information as prescribed by the national association of insurance commissioners relating to those markets that, under subsection (2)(b)~~((v))~~ (iv) of this section, cause the acquisition not to be exempted from this section. The commissioner may require such additional material and information as he or she deems necessary to determine whether the proposed acquisition, if consummated, would violate the competitive standard of subsection (4) of this section. The required information may include an opinion of an economist as to the competitive impact of the acquisition in this state accompanied by a summary of the education and experience of the person indicating his or her ability to render an informed opinion.

(b) The waiting period required begins on the date the commissioner declares the preacquisition notification to be complete and ends on the earlier of the sixtieth day after the date of the declaration or the termination of the waiting period by the commissioner. ~~((Before))~~ Prior to the end of the waiting period, the commissioner on a one-time basis may require the submission of additional needed information relevant to the proposed acquisition ~~((If additional information is required))~~, in which

event the waiting period ends on the earlier of the sixtieth day after ~~((the commissioner declares he or she has received))~~ receipt of the additional information by the commissioner or the termination of the waiting period by the commissioner.

(4)(a) The commissioner may enter an order under subsection (5)(a) of this section with respect to an acquisition if there is substantial evidence that the effect of the acquisition may be substantially to lessen competition in a line of insurance in this state or tend to create a monopoly therein or if the insurer fails to file adequate information in compliance with subsection (3) of this section.

(b) In determining whether a proposed acquisition would violate the competitive standard of (a) of this subsection, the commissioner shall consider the following:

(i) An acquisition covered under subsection (2) of this section involving two or more insurers competing in the same market is prima facie evidence of violation of the competitive standards, as follows:

(A) If the market is highly concentrated and the involved insurers possess the following shares of the market:

Insurer A	Insurer B
4%	4% or more
10%	2% or more
15%	1% or more; or

(B) If the market is not highly concentrated and the involved insurers possess the following shares of the market:

Insurer A	Insurer B
5%	5% or more
10%	4% or more
15%	3% or more
19%	1% or more

A highly concentrated market is one in which the share of the four largest insurers is seventy-five percent or more of the market. Percentages not shown in the tables are interpolated proportionately to the percentages that are shown. If more than two insurers are involved, exceeding the total of the two columns in the table is prima facie evidence of violation of the competitive standard in (a) of this subsection. For the purpose of this subsection (4)(b)(i) ~~((of this subsection))~~, the insurer with the largest share of the market is Insurer A.

(ii) There is a significant trend toward increased concentration when the aggregate market share of a grouping of the largest insurers in the market, from the two largest to the eight largest, has increased by seven percent or more of the market over a period of time extending from a base year five to ten years before the acquisition up to the time of the acquisition. An acquisition or merger covered under subsection (2) of this section involving two or more insurers competing in the same market is prima facie evidence of violation of the competitive standard in (a) of this subsection if:

(A) There is a significant trend toward increased concentration in the market;

(B) One of the insurers involved is one of the insurers in a grouping of such large insurers showing the requisite increase in the market share; and

(C) Another involved insurer's market is two percent or more.

(iii) For the purposes of this subsection (4)(b) (~~(of this subsection)~~):

(A) (~~The term~~) "Insurer" includes (~~(a)~~) any company or group of companies under common management, ownership, or control;

(B) (~~The term~~) "Market" means the relevant product and geographical markets. In determining the relevant product and geographical markets, the commissioner shall give due consideration to, among other things, the definitions or guidelines, if any, adopted by the National Association of Insurance Commissioners and to information, if any, submitted by parties to the acquisition. In the absence of sufficient information to the contrary, the relevant product market is assumed to be the direct written insurance premium for a line of business, such line being that used in the annual statement required to be filed by insurers doing business in this state, and the relevant geographical market is assumed to be this state;

(C) The burden of showing prima facie evidence of violation of the competitive standard rests upon the commissioner.

(iv) Even though an acquisition is not prima facie violative of the competitive standard under (b)(i) and (ii) of this subsection, the commissioner may establish the requisite anticompetitive effect based upon other substantial evidence. Even though an acquisition is prima facie violative of the competitive standard under (b)(i) and (ii) of this subsection, a party may establish the absence of the requisite anticompetitive effect based upon other substantial evidence. Relevant factors in making a determination under (~~(b)(iv)~~) ~~(of)~~ this subsection include, but are not limited to, the following: Market shares, volatility of ranking of market leaders, number of competitors, concentration, trend of concentration in the industry, and ease of entry and exit into the market.

(c) An order may not be entered under subsection (5)(a) of this section if:

(i) The acquisition will yield substantial economies of scale or economies in resource use that cannot be feasibly achieved in any other way, and the public benefits that would arise from the economies exceed the public benefits that would arise from not lessening competition; or

(ii) The acquisition will substantially increase the availability of insurance, and the public benefits of the increase exceed the public benefits that would arise from not lessening competition.

(5)(a)(i) If an acquisition violates the standards of this section, the commissioner may enter an order:

(A) Requiring an involved insurer to cease and desist from doing business in this state with respect to the line or lines of insurance involved in the violation; or

(B) Denying the application of an acquired or acquiring insurer for a license to do business in this state.

(ii) (~~The commissioner~~) Such an order may not (~~enter the order~~) be entered unless:

(A) There is a hearing;

(B) Notice of the hearing is issued (~~(before)~~) prior to the end of the waiting period and not less than fifteen days (~~(before)~~) prior to the hearing; and

(C) The hearing is concluded and the order is issued no later than sixty days after the (~~(end of the waiting period)~~) filing of the preacquisition notification with the commissioner.

(iii) Every order must be accompanied by a written decision of the commissioner setting forth (~~(his or her)~~) findings of fact and conclusions of law.

(~~(iii)~~) (iv) An order entered under this subsection (5)(a) (~~(of this subsection)~~) may not become final earlier than thirty days after it is issued, during which time the involved insurer may submit a

plan to remedy the anticompetitive impact of the acquisition within a reasonable time. Based upon the plan or other information, the commissioner shall specify the conditions, if any, under the time period during which the aspects of the acquisition causing a violation of the standards of this section would be remedied and the order vacated or modified.

(~~(iv)~~) (v) An order pursuant to this subsection (5)(a) (~~(of this subsection)~~) does not apply if the acquisition is not consummated.

(b) (~~(A)~~) Any person who violates a cease and desist order of the commissioner under (a) of this subsection and while the order is in effect, may, after notice and hearing and upon order of the commissioner, be subject at the discretion of the commissioner to one or more of the following:

(i) A monetary (~~(penalty)~~) fine of not more than ten thousand dollars for every day of violation; or

(ii) Suspension or revocation of the person's license; or

(iii) Both (b)(i) and (~~(b)~~) (ii) of this subsection.

(c) (~~(An)~~) Any insurer or other person who fails to make a filing required by this section, and who also fails to demonstrate a good faith effort to comply with the filing requirement, is subject to a civil penalty of not more than fifty thousand dollars.

(6) RCW 48.31B.045 (2) and (3) and 48.31B.050 do not apply to acquisitions covered under subsection (2) of this section.

Sec. 5. RCW 48.31B.025 and 2000 c 214 s 1 are each amended to read as follows:

(1) Every insurer that is authorized to do business in this state (~~(that)~~) and is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to registration requirements and standards adopted by statute or regulation in the jurisdiction of its domicile that are substantially similar to those contained in:

(a) This section;

(b) RCW 48.31B.030 (1)(a), (2), and (3); and

(c) Either RCW 48.31B.030(1)(b) or a provision such as the following: Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions within fifteen days after the end of the month in which it learns of each change or addition.

(~~(An)~~) Any insurer which is subject to registration under this section shall register within fifteen days after it becomes subject to registration, and annually thereafter by (~~(May 15th)~~) April 30th of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for registration, and then within the extended time. The commissioner may require (~~(an)~~) any insurer authorized to do business in the state that is a member of a holding company system, (~~(but that)~~) and which is not subject to registration under this section, to furnish a copy of the registration statement, the summary specified in subsection (3) of this section, or other information filed by the insurance company with the insurance regulatory authority of its domiciliary jurisdiction.

(2) (~~(An)~~) Every insurer subject to registration shall file the registration statement on a form and in a format prescribed by the national association of insurance commissioners, containing the following current information:

(a) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer;

(b) The identity and relationship of every member of the insurance holding company system;

(c) The following agreements in force, and transactions currently outstanding or that have occurred during the last calendar year between the insurer and its affiliates:

(i) Loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(ii) Purchases, sales, or exchange of assets;

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- (iii) Transactions not in the ordinary course of business;
 - (iv) Guarantees or undertakings for the benefit of an affiliate that result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;
 - (v) All management agreements, service contracts, and cost-sharing arrangements;
 - (vi) Reinsurance agreements;
 - (vii) Dividends and other distributions to shareholders; and
 - (viii) Consolidated tax allocation agreements;
 - (d) Any pledge of the insurer's stock, including stock of subsidiary or controlling affiliate, for a loan made to a member of the insurance holding company system;
 - (e) If requested by the commissioner, the insurer must include financial statements of or within an insurance holding company system, including all affiliates. Financial statements may include but are not limited to annual audited financial statements filed with the United States securities and exchange commission pursuant to the securities act of 1933, as amended, or the securities exchange act of 1934, as amended. An insurer required to file financial statements pursuant to this subsection (2)(e) may satisfy the request by providing the commissioner with the most recently filed parent corporation financial statements that have been filed with the United States securities and exchange commission;
 - (f) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in registration forms adopted or approved by the commissioner;
 - (g) Statements that the insurer's board of directors oversees corporate governance and internal controls and that the insurer's officers or senior management have approved, implemented, and continue to maintain and monitor corporate governance and internal control procedures; and
 - (h) Any other information required by the commissioner by rule.
- (3) All registration statements must contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.
- (4) No information need be disclosed on the registration statement filed under subsection (2) of this section if the information is not material for the purposes of this section. Unless the commissioner by rule or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, investments, or guarantees involving one-half of one percent or less of an insurer's admitted assets as of ~~((the 31st day of the previous))~~ December 31st next preceding are not material for purposes of this section.
- (5)(a) Subject to RCW 48.31B.030(2), each registered insurer shall report to the commissioner all dividends and other distributions to shareholders within five business days after their declaration and ~~((at least))~~ fifteen business days before payment, and shall provide the commissioner such other information as may be required by rule.
- (b) If the commissioner determines that a registered insurer's surplus as regards policyholders is not reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the commissioner may order the registered insurance company to limit or discontinue the payment of stockholder dividends until such time as the surplus is adequate.
- (6) ~~((A))~~ Any person within an insurance holding company system subject to registration ~~((shall))~~ is required to provide complete and accurate information to an insurer, where the information is reasonably necessary to enable the insurer to comply with this chapter.
- (7) The commissioner shall terminate the registration of an insurer that demonstrates that it no longer is a member of an insurance holding company system.

- (8) The commissioner may require or allow two or more affiliated insurers subject to registration under this section to file a consolidated registration statement.
- (9) The commissioner may allow an insurer authorized to do business in this state and which is part of an insurance holding company system to register on behalf of an affiliated insurer ~~((that))~~ which is required to register under subsection (1) of this section and to file all information and material required to be filed under this section.
- (10) This section does not apply to an insurer, information, or transaction if and to the extent that the commissioner by rule or order exempts the insurer, information, or transaction from this section.
- (11) ~~((A))~~ Any person may file with the commissioner a disclaimer of affiliation with ~~((an))~~ any authorized insurer, or ~~((an))~~ any insurer or ~~((a))~~ any member of ~~((an))~~ any insurance holding company system may file the disclaimer. The person making such a filing with the commissioner shall at the same time deliver a complete copy of the filing to each domestic insurer which is the subject of such filing. The disclaimer must fully disclose all material relationships and bases for affiliation between the person and the insurer as well as the basis for disclaiming the affiliation. ~~((After a disclaimer has been filed, the insurer is relieved of any duty to register or report under this section that may arise out of the insurer's relationship with the person unless and until the commissioner disallows the disclaimer. The commissioner shall disallow the disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support the disallowance.~~
- ~~((12))~~ A disclaimer of affiliation is deemed to have been granted unless the commissioner, within thirty days following receipt of a complete disclaimer, notifies the filing party the disclaimer is disallowed. In the event of disallowance, the disclaiming party may request an administrative hearing, which shall be granted. The disclaiming party is relieved of its duty to register under this section if approval of the disclaimer has been granted by the commissioner, or if the disclaimer is deemed to have been approved.
- ~~((12))~~ The ultimate controlling person of every insurer subject to registration shall also file an annual enterprise risk report. The report must, to the best of the ultimate controlling person's knowledge and belief, identify the material risks within the insurance holding company system that could pose enterprise risk to the insurer. The report must be filed with the lead state commissioner of the insurance holding company system as determined by the procedures within the financial analysis handbook adopted by the national association of insurance commissioners.
- ~~((13))~~ The failure to file a registration statement or ~~((a))~~ any summary of the registration statement or enterprise risk filing required by this section within the time specified for ~~((the))~~ filing is a violation of this section.
- Sec. 6.** RCW 48.31B.030 and 1993 c 462 s 7 are each amended to read as follows:
- (1)(a) Transactions within ~~((a))~~ an insurance holding company system to which an insurer subject to registration is a party are subject to the following standards:
- (i) The terms must be fair and reasonable;
 - (ii) Agreements for cost-sharing services and management must include such provisions as required by rule issued by the commissioner;
 - (iii) Charges or fees for services performed must be fair and reasonable;
- ~~((iii))~~ (iv) Expenses incurred and payment received must be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;

~~((iv))~~ (v) The books, accounts, and records of each party to all such transactions must be so maintained as to clearly and accurately disclose the nature and details of the transactions~~(s;)~~ including such accounting information as is necessary to support the reasonableness of the charges or fees to the respective parties; and

~~((iv))~~ (vi) The insurer's surplus regarding policyholders ~~((after))~~ following any dividends or distributions to shareholders or affiliates must be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(b) The following transactions involving a domestic insurer and a person in its insurance holding company system, including amendments or modifications of affiliate agreements previously filed pursuant to this section, which are subject to the materiality standards contained in this subsection, may not be entered into unless the insurer has notified the commissioner in writing of its intention to enter into the transaction and the commissioner declares the notice to be sufficient at least sixty days before, or such shorter period as the commissioner may permit, and the commissioner has not disapproved it within that period. The notice for amendments or modifications must include the reasons for the change and the financial impact on the domestic insurer. Informal notice must be reported, within thirty days after a termination of a previously filed agreement, to the commissioner for determination of the type of filing required, if any:

(i) Sales, purchases, exchanges, loans or extensions of credit, guarantees, or investments if the transactions are equal to or exceed:

(A) With respect to nonlife insurers and not including health care service contractors and health maintenance organizations, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders;

(B) With respect to life insurers, three percent of the insurer's admitted assets~~(s; each as of the 31st day of the previous December)~~ as of December 31st next preceding;

(C) With respect to health care service contractors and health maintenance organizations, the lesser of five percent of the insurer's admitted assets or twenty-five percent of its capital and surplus or net worth as of December 31st next preceding;

(ii) Loans or extensions of credit to any person who is not an affiliate, where the insurer makes the loans or extensions of credit with the agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, an affiliate of the insurer making the loans or extensions of credit if the transactions are equal to or exceed:

(A) With respect to nonlife insurers and not including health care service contractors and health maintenance organizations, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders;

(B) With respect to life insurers, three percent of the insurer's admitted assets~~(s; each as of the 31st day of the previous December)~~ as of December 31st next preceding;

(C) With respect to health care service contractors and health maintenance organizations, the lesser of five percent of the insurer's admitted assets or twenty-five percent of its capital and surplus or net worth as of December 31st next preceding;

(iii) Reinsurance agreements or modifications ~~((to them))~~ thereto, including:

(A) All reinsurance pooling agreements;

(B) Agreements in which the reinsurance premium or a change in the insurer's liabilities, or the projected reinsurance premium or a change in the insurer's liabilities in any of the next three years, equals or exceeds five percent of the insurer's surplus as regards policyholders, as of ~~((the 31st day of the previous))~~ December 31st next preceding, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and

nonaffiliate that any portion of the assets will be transferred to one or more affiliates of the insurer;

(iv) All management agreements, service contracts, tax allocation agreements, guarantees, and all cost-sharing arrangements; ~~((and))~~

(v) Guarantees when made by a domestic insurer. However, a guarantee which is quantifiable as to amount is not subject to the notice requirements of this subsection (1)(b)(v) unless it exceeds the lesser of one-half of one percent of the insurer's admitted assets or ten percent of surplus as regards policyholders as of December 31st next preceding. Further, all guarantees which are not quantifiable as to amount are subject to the notice requirements of this subsection (1)(b)(v);

(vi) Direct or indirect acquisitions or investments in a person that controls the insurer or in an affiliate of the insurer in an amount which, together with its present holdings in such investments, exceeds two and one-half percent of the insurer's surplus to policyholders. Direct or indirect acquisitions or investments in subsidiaries acquired or authorized pursuant to chapter 48.13 RCW, or in nonsubsidiary insurance affiliates that are subject to this chapter, are exempt from this requirement; and

(vii) Any material transactions, specified by rule, ~~((that))~~ which the commissioner determines may adversely affect the interests of the insurer's policyholders.

~~((Nothing contained in this section authorizes or permits a))~~ This subsection does not authorize or permit any transaction ~~((that))~~ which, in the case of an insurer not a member of the same insurance holding company system, would be otherwise contrary to law.

(c) A domestic insurer may not enter into transactions ~~((that))~~ which are part of a plan or series of like transactions with persons within the insurance holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the commissioner determines that the separate transactions were entered into over ~~((a))~~ any twelve-month period for that purpose, the commissioner may apply for an order as described in RCW 48.31B.045(1).

(d) The commissioner, in reviewing transactions under (b) of this subsection, ~~((shall))~~ must consider whether the transactions comply with the standards set forth in (a) of this subsection and whether they may adversely affect the interests of policyholders.

(e) The commissioner ~~((shall))~~ must be notified within thirty days of an investment of the domestic insurer in any one corporation if the total investment in the corporation by the insurance holding company system exceeds ten percent of the corporation's voting securities.

(2)(a) ~~((No))~~ A domestic insurer may not pay an extraordinary dividend or make any other extraordinary distribution to its shareholders until~~((s;))~~ thirty days after the commissioner declares that he or she has received sufficient notice of the declaration thereof and has not within that period disapproved the payment~~(s;)~~, or ~~((if))~~ until the commissioner has approved the payment within the thirty-day period.

(b) For purposes of this section, an extraordinary dividend or distribution is ~~((a))~~ any dividend or distribution of cash or other property, whose fair market value~~(s;)~~ together with that of other dividends or distributions made within the ~~((period of))~~ preceding twelve ~~((consecutive))~~ months ~~((ending on the date on which the proposed dividend is scheduled for payment or distribution,))~~ exceeds the greater of:

(i) Ten percent of the ~~((company's))~~ insurer's surplus as regards policyholders or net worth as of ~~((the 31st day of the previous))~~ December next preceding; or

(ii) The net gain from operations of the ~~((company))~~ insurer, if the ~~((company))~~ insurer is a life insurance company, or the net income if the company is not a life insurance company, for the

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twelve month period ending ~~((the 31st day of the previous))~~ December next preceding, but does not include pro rata distributions of any class of the ~~((company's))~~ insurer's own securities.

(c) Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution that is conditional upon the commissioner's approval. The declaration confers no rights upon shareholders until: (i) The commissioner has approved the payment of the dividend or distribution; or (ii) the commissioner has not disapproved the payment within the thirty-day period referred to in (a) of this subsection.

(3) For purposes of this chapter, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, ~~((may))~~ must be considered:

(a) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

(b) The extent to which the insurer's business is diversified among ~~((the))~~ several lines of insurance;

(c) The number and size of risks insured in each line of business;

(d) The extent of the geographical dispersion of the insurer's insured risks;

(e) The nature and extent of the insurer's reinsurance program;

(f) The quality, diversification, and liquidity of the insurer's investment portfolio;

(g) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders;

(h) The surplus as regards policyholders maintained by other comparable insurers;

(i) The adequacy of the insurer's reserves;

(j) The quality and liquidity of investments in affiliates. The commissioner may ~~((discount))~~ treat any such investment ~~((or may treat any such investment))~~ as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in ~~((his or her))~~ the judgment of the commissioner the investment so warrants; and

(k) The quality of the insurer's earnings and the extent to which the reported earnings include extraordinary items.

(4)(a) Notwithstanding the control of a domestic insurer by any person, the officers and directors of the insurer are not thereby relieved of any obligation or liability to which they would otherwise be subject by law, and the insurer must be managed so as to assure its separate operating identity consistent with this title.

(b) This section does not preclude a domestic insurer from having or sharing a common management or cooperative or joint use of personnel, property, or services with one or more other persons under arrangements meeting the standards of subsection (1)(a) of this section.

(c) At least one-third of a domestic insurer's directors and at least one-third of the members of each committee of the insurer's board of directors must be persons who are not: (i) Officers or employees of the insurer or of any entity that controls, is controlled by, or is under common control with the insurer; or (ii) beneficial owners of a controlling interest in the voting securities of the insurer or of an entity that controls, is controlled by, or is under common control with the insurer. A quorum for transacting business at a meeting of the insurer's board of directors or any committee of the board of directors must include at least one person with the qualifications described in (a) of this subsection.

(d)(i) For a for-profit person, the board of directors of a domestic insurer shall establish one or more committees comprised solely of directors who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer and who are not beneficial owners of a controlling

interest in the voting stock of the insurer or any such entity. The committee or committees have responsibility for nominating candidates for director for election by shareholders or policyholders, evaluating the performance of officers deemed to be principal officers of the insurer, and recommending to the board of directors the selection and compensation of the principal officers.

(ii) For a nonprofit person, the board of directors of a domestic insurer shall establish one or more committees comprised solely of directors who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer. The committee or committees have responsibility for nominating candidates for director for election, evaluating the performance of officers deemed to be principal officers of the insurer, and recommending to the board of directors the selection and compensation of the principal officers.

(e) The provisions of (c) and (d) of this subsection do not apply to a domestic insurer if the person controlling the insurer has a board of directors and committees thereof that meet the requirements of (c) and (d) of this subsection with respect to such controlling entity.

(f) An insurer may make application to the commissioner for a waiver from the requirements of this subsection, if the insurer's annual direct written and assumed premium, excluding premiums reinsured with the federal crop insurance corporation and federal flood program, is less than three hundred million dollars. An insurer may also make application to the commissioner for a waiver from the requirements of this subsection based upon unique circumstances. The commissioner may consider various factors including, but not limited to, the type of business entity, volume of business written, availability of qualified board members, or the ownership or organizational structure of the entity.

Sec. 7. RCW 48.31B.035 and 1993 c 462 s 8 are each amended to read as follows:

(1) Subject to the limitation contained in this section and in addition to the powers that the commissioner has under chapter 48.03 RCW relating to the examination of insurers, the commissioner ~~((also may order an insurer registered under RCW 48.31B.025 to produce such records, books, or other information papers in the possession of the insurer or its affiliates as are reasonably necessary to ascertain the financial condition of the insurer or to determine compliance with this title. If the insurer fails to comply with the order, the commissioner may examine the affiliates to obtain the information))~~ has the power to examine any insurer registered under RCW 48.31B.025 and its affiliates to ascertain the financial condition of the insurer, including the enterprise risk to the insurer by the ultimate controlling party, or by any entity or combination of entities within the insurance holding company system, or by the insurance holding company system on a consolidated basis.

(2)(a) The commissioner may order any insurer registered under RCW 48.31B.025 to produce such records, books, or other information papers in the possession of the insurer or its affiliates as are reasonably necessary to determine compliance with this title.

(b) To determine compliance with this title, the commissioner may order any insurer registered under RCW 48.31B.025 to produce information not in the possession of the insurer if the insurer can obtain access to such information pursuant to contractual relationships, statutory obligations, or other method. In the event the insurer cannot obtain the information requested by the commissioner, the insurer shall provide the commissioner a detailed explanation of the reason that the insurer cannot obtain the information and the identity of the holder of information. Whenever it appears to the commissioner that the detailed explanation is without merit, the commissioner may require, after notice and hearing, the insurer to pay a fine of ten thousand dollars for each day's delay, or may suspend or revoke the insurer's license.

The commissioner shall transfer the fine collected under this section to the state treasurer for deposit into the general fund.

(3) The commissioner may retain at the registered insurer's expense such attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as are reasonably necessary to assist in the conduct of the examination under subsection (1) of this section. Any persons so retained are under the direction and control of the commissioner and shall act in a purely advisory capacity.

~~((3))~~ (4) Notwithstanding the provisions under RCW 48.03.060, each registered insurer producing for examination records, books, and papers under subsection (1) of this section ~~((are))~~ is liable for and ~~((shall))~~ must pay the expense of the examination ~~((in accordance with RCW 48.03.060)).~~

(5) In the event the insurer fails to comply with an order, the commissioner has the power to examine the affiliates to obtain the information. The commissioner also has the power to issue subpoenas, to administer oaths, and to examine under oath any person for purposes of determining compliance with this section. Upon the failure or refusal of any person to obey a subpoena, the commissioner may petition a court of competent jurisdiction, and upon proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order is punishable as contempt of court. Every person is required to attend as a witness at the place specified in the subpoena, when subpoenaed, anywhere within the state. Every person is entitled to the same fees and mileage, if claimed, as a witness as provided in RCW 48.03.070.

NEW SECTION. Sec. 8. A new section is added to chapter 48.31B RCW to read as follows:

(1) With respect to any insurer registered under RCW 48.31B.025, and in accordance with subsection (3) of this section, the commissioner has the power to participate in a supervisory college for any domestic insurer that is part of an insurance holding company system with international operations in order to determine compliance by the insurer with this title. The powers of the commissioner with respect to supervisory colleges include, but are not limited to, the following:

- (a) Initiating the establishment of a supervisory college;
- (b) Clarifying the membership and participation of other supervisors in the supervisory college;
- (c) Clarifying the functions of the supervisory college and the role of other regulators, including the establishment of a group-wide supervisor;
- (d) Coordinating the ongoing activities of the supervisory college, including planning meetings, supervisory activities, and processes for information sharing; and
- (e) Establishing a crisis management plan.

(2) Each registered insurer subject to this section is liable for and must pay the reasonable expenses of the commissioner's participation in a supervisory college in accordance with subsection (3) of this section, including reasonable travel expenses. For purposes of this section, a supervisory college may be convened as either a temporary or permanent forum for communication and cooperation between the regulators charged with the supervision of the insurer or its affiliates, and the commissioner may establish a regular assessment to the insurer for the payment of these expenses.

(3) In order to assess the business strategy, financial position, legal and regulatory position, risk exposure, risk management, and governance processes, and as part of the examination of individual insurers in accordance with RCW 48.31B.035, the commissioner may participate in a supervisory college with other regulators charged with supervision of the insurer or its affiliates, including other state, federal, and international regulatory agencies. The commissioner may enter into agreements in accordance with section 9(3) of this act providing the basis for cooperation between the

commissioner and the other regulatory agencies, and the activities of the supervisory college. This section does not delegate to the supervisory college the authority of the commissioner to regulate or supervise the insurer or its affiliates within its jurisdiction.

NEW SECTION. Sec. 9. A new section is added to chapter 48.31B RCW to read as follows:

(1) Documents, materials, or other information in the possession or control of the commissioner that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to RCW 48.31B.035 and all information reported pursuant to RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, and section 8 of this act are confidential by law and privileged, are not subject to chapter 42.56 RCW, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which it pertains. The commissioner may publish all or any part of such information in such manner as is deemed appropriate if: (a) The commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interest of policyholders, shareholders, or the public is served by the publication thereof, and (b) the information is not protected under RCW 48.02.065.

(2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner or with whom such documents, materials, or other information are shared pursuant to this chapter is permitted or may be required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (1) of this section.

(3) In order to assist in the performance of the commissioner's duties, the commissioner:

(a) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection (1) of this section, with other state, federal, and international regulatory agencies, with the national association of insurance commissioners and its affiliates and subsidiaries, with the international association of insurance supervisors and the bank for international settlements and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities, including members of any supervisory college described in section 8 of this act, provided the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information, and has verified in writing the legal authority to maintain confidentiality;

(b) Notwithstanding (a) of this subsection, may only share confidential and privileged documents, material, or information reported pursuant to RCW 48.31B.025(12) with commissioners of states having statutes or rules substantially similar to subsection (1) of this section and who have agreed in writing not to disclose such information;

(c) May receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information from the national association of insurance commissioners and its affiliates and subsidiaries, the international association of insurance supervisors and the bank for international settlements and its affiliates and subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of

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the jurisdiction that is the source of the document, material, or information; and

(d) Shall enter into written agreements with the national association of insurance commissioners governing sharing and use of information provided pursuant to this chapter consistent with this subsection that shall:

(i) Specify procedures and protocols regarding the confidentiality and security of information shared with the national association of insurance commissioners and its affiliates and subsidiaries pursuant to this chapter, including procedures and protocols for sharing by the national association of insurance commissioners with other state, federal, or international regulators including the international association of insurance supervisors and the bank for international settlements and its affiliates and subsidiaries;

(ii) Specify that ownership of information shared with the national association of insurance commissioners and its affiliates and subsidiaries pursuant to this chapter remains with the commissioner and the national association of insurance commissioners' use of the information is subject to the direction of the commissioner;

(iii) Require prompt notice to be given to an insurer whose confidential information in the possession of the national association of insurance commissioners pursuant to this chapter is subject to a request or subpoena to the national association of insurance commissioners for disclosure or production; and

(iv) Require the national association of insurance commissioners and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the national association of insurance commissioners and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the national association of insurance commissioners and its affiliates and subsidiaries pursuant to this chapter.

(4) The sharing of information by the commissioner pursuant to this chapter does not constitute a delegation of regulatory authority or rule making, and the commissioner is solely responsible for the administration, execution, and enforcement of this chapter.

(5) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (3) of this section.

(6) Documents, materials, or other information in the possession or control of the national association of insurance commissioners pursuant to this chapter are confidential by law and privileged, are not subject to chapter 42.56 RCW, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action.

Sec. 10. RCW 48.31B.040 and 1993 c 462 s 9 are each amended to read as follows:

The commissioner may, ((upon notice and opportunity for all interested persons to be heard, adopt rules and issue orders that are necessary to carry out)) in accordance with the administrative procedure act, chapter 34.05 RCW, adopt rules interpreting and implementing this chapter.

Sec. 11. RCW 48.31B.050 and 1993 c 462 s 11 are each amended to read as follows:

(1) The commissioner shall require, after notice and hearing, an insurer failing, without just cause, to file a registration statement as required in this chapter, to pay a penalty of not more than ten thousand dollars per day. The maximum penalty under this section is one million dollars. The commissioner may reduce the penalty if the insurer demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the insurer.

The commissioner shall pay a fine collected under this section to the state treasurer for the account of the general fund.

(2) Every director or officer of an insurance holding company system who knowingly violates this chapter, or participates in, or assents to, or who knowingly permits an officer or agent of the insurer to engage in transactions or make investments that have not been properly reported or submitted under RCW 48.31B.025(1) or 48.31B.030(1)(b) or (2), or that violate this chapter, shall pay, in their individual capacity, a civil forfeiture of not more than ten thousand dollars per violation, after notice and hearing before the commissioner. In determining the amount of the civil forfeiture, the commissioner shall take into account the appropriateness of the forfeiture with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.

(3) Whenever it appears to the commissioner that an insurer subject to this chapter or a director, officer, employee, or agent of the insurer has engaged in a transaction or entered into a contract that is subject to RCW 48.31B.030 and that would not have been approved had approval been requested, the commissioner may order the insurer to cease and desist immediately any further activity under that transaction or contract. After notice and hearing the commissioner may also order the insurer to void any such contracts and restore the status quo if that action is in the best interest of the policyholders, creditors, or the public.

(4) Whenever it appears to the commissioner that an insurer or a director, officer, employee, or agent of the insurer has committed a willful violation of this chapter, the commissioner may refer the matter to the prosecuting attorney of Thurston county or the county in which the principal office of the insurer is located. An insurer that willfully violates this chapter may be fined not more than one million dollars. Any individual who willfully violates this chapter may be fined in his or her individual capacity not more than ten thousand dollars, or be imprisoned for not more than three years, or both.

(5) An officer, director, or employee of an insurance holding company system who willfully and knowingly subscribes to or makes or causes to be made a false statement or false report or false filing with the intent to deceive the commissioner in the performance of his or her duties under this chapter, upon conviction thereof, shall be imprisoned for not more than three years or fined not more than ten thousand dollars or both. The officer, director, or employee upon whom the fine is imposed shall pay the fine in his or her individual capacity.

(6) Whenever it appears to the commissioner that any person has committed a violation of RCW 48.31B.015 and which prevents the full understanding of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation may serve as an independent basis for disapproving dividends or distributions and for placing the insurer under an order of supervision in accordance with RCW 48.31.400.

Sec. 12. RCW 48.31B.070 and 1993 c 462 s 15 are each amended to read as follows:

(1) A person aggrieved by an act, determination, rule, order, or any other action of the commissioner under this chapter may proceed in accordance with the administrative procedure act, chapter 34.05 RCW.

(2) A person aggrieved by a failure of the commissioner to act or make a determination required by this chapter may petition the commissioner under the procedure described in ((~~RCW 34.05.330~~)) the administrative procedure act, chapter 34.05 RCW.

Sec. 13. RCW 42.56.400 and 2013 c 277 s 5 and 2013 c 65 s 5 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) ((Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070)) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and section 8 of this act, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210; ~~(and)~~

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017; and

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5).

Sec. 14. RCW 42.56.400 and 2013 c 65 s 5 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) ((Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070)) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and section 8 of this act, all of which are confidential and privileged;

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(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210; and

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017.

Sec. 15. RCW 48.02.065 and 2007 c 126 s 1 are each amended to read as follows:

(1) Documents, materials, or other information as described in either subsection (5) or (6), or both, of this section are confidential by law and privileged, are not subject to public disclosure under chapter 42.56 RCW, and are not subject to subpoena directed to the commissioner or any person who received documents, materials, or other information while acting under the authority of the commissioner. The commissioner is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The confidentiality and privilege created by this section and RCW 42.56.400(~~(9)~~) (8) applies only to the commissioner, any person acting under the authority of the

commissioner, the national association of insurance commissioners and its affiliates and subsidiaries, regulatory and law enforcement officials of other states and nations, the federal government, and international authorities.

(2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner is permitted or required to testify in any private civil action concerning any confidential and privileged documents, materials, or information subject to subsection (1) of this section.

(3) The commissioner:

(a) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection (1) of this section, with (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, if the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

(b) May receive documents, materials, or information, including otherwise either confidential or privileged, or both, documents, materials, or information, from (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities and shall maintain as confidential and privileged any document, material, or information received that is either confidential or privileged, or both, under the laws of the jurisdiction that is the source of the document, material, or information; and

(c) May enter into agreements governing the sharing and use of information consistent with this subsection.

(4) No waiver of an existing privilege or claim of confidentiality in the documents, materials, or information may occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (3) of this section.

(5) Documents, materials, or information, which is either confidential or privileged, or both, which has been provided to the commissioner by (a) the national association of insurance commissioners and its affiliates and subsidiaries, (b) regulatory or law enforcement officials of other states and nations, the federal government, or international authorities, or (c) agencies of this state, is confidential and privileged only if the documents, materials, or information is protected from disclosure by the applicable laws of the jurisdiction that is the source of the document, material, or information.

(6) Working papers, documents, materials, or information produced by, obtained by, or disclosed to the commissioner or any other person in the course of a financial ~~((€))~~ examination under RCW 48.03.010, a market conduct examination under RCW 48.37.060, a financial examination or investigation under RCW 48.31B.035, or in the course of financial analysis or market conduct analysis or desk audit, or submitted under RCW 48.31B.025(12) or an agreement submitted by an insurer in conjunction with a filing under RCW 48.31B.030(1)(b) are not required to be disclosed by the commissioner unless cited by the commissioner in connection with an agency action as defined in RCW 34.05.010(3). The commissioner shall notify a party that produced the documents, materials, or information five business days before disclosure in connection with an agency action. The notified party may seek injunctive relief in any Washington state superior court to prevent disclosure of any documents, materials, or information it believes is confidential or privileged. In civil actions between private parties or in criminal actions, disclosure to the commissioner under this section does not create any privilege or claim of confidentiality or waive any existing privilege or claim of confidentiality.

(7)(a) After receipt of a public disclosure request, the commissioner shall disclose the documents, materials, or information under subsection (6) of this section that relate to a financial or market conduct examination undertaken as a result of a proposed change of control of a nonprofit or mutual health insurer governed in whole or in part by chapter 48.31B ~~((or 48.31C))~~ RCW.

(b) The commissioner is not required to disclose the documents, materials, or information in (a) of this subsection if:

(i) The documents, materials, or information are otherwise privileged or exempted from public disclosure; or

(ii) The commissioner finds that the public interest in disclosure of the documents, materials, or information is outweighed by the public interest in nondisclosure in that particular instance.

(8) Any person may petition a Washington state superior court to allow inspection of information exempt from public disclosure under subsection (6) of this section when the information is connected to allegations of negligence or malfeasance by the commissioner related to a financial or market conduct examination. The court shall conduct an in-camera review after notifying the commissioner and every party that produced the information. The court may order the commissioner to allow the petitioner to have access to the information provided the petitioner maintains the confidentiality of the information. The petitioner must not disclose the information to any other person, except upon further order of the court. After conducting a regular hearing, the court may order that the information can be disclosed publicly if the court finds that there is a public interest in the disclosure of the information and the exemption of the information from public disclosure is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

Sec. 16. RCW 48.13.061 and 2011 c 188 s 7 are each amended to read as follows:

The following classes of investments may be counted for the purposes specified in RCW 48.13.101, whether they are made directly or as a participant in a partnership, joint venture, or limited liability company. Investments in partnerships, joint ventures, and limited liability companies are authorized investments only pursuant to subsection (12) of this section:

(1) Cash in the direct possession of the insurer or on deposit with a financial institution regulated by any federal or state agency of the United States;

(2) Bonds, debt-like preferred stock, and other evidences of indebtedness of governmental units in the United States or Canada, or the instrumentalities of the governmental units, or private business entities domiciled in the United States or Canada, including asset-backed securities and securities valuation office listed mutual funds;

(3) Loans secured by first mortgages, first trust deeds, or other first security interests in real property located in the United States or Canada or secured by insurance against default issued by a government insurance corporation of the United States or Canada or by an insurer authorized to do business in this state;

(4) Common stock or equity-like preferred stock or equity interests in any United States or Canadian business entity, or shares of mutual funds registered with the securities and exchange commission of the United States under the investment company act of 1940, other than securities valuation office listed mutual funds, and, subsidiaries, as defined in RCW 48.31B.005 ~~((or 48.31C.010))~~, engaged exclusively in the following businesses:

(a) Acting as an insurance producer, surplus line broker, or title insurance agent for its parent or for any of its parent's insurer subsidiaries or affiliates;

(b) Investing, reinvesting, or trading in securities or acting as a securities broker or dealer for its own account, that of its parent, any subsidiary of its parent, or any affiliate or subsidiary;

(c) Rendering management, sales, or other related services to any investment company subject to the federal investment company act of 1940, as amended;

(d) Rendering investment advice;

(e) Rendering services related to the functions involved in the operation of an insurance business including, but not limited to, actuarial, loss prevention, safety engineering, data processing, accounting, claims appraisal, and collection services;

(f) Acting as administrator of employee welfare benefit and pension plans for governments, government agencies, corporations, or other organizations or groups;

(g) Ownership and management of assets which the parent could itself own and manage: PROVIDED, that the aggregate investment by the insurer and its subsidiaries acquired pursuant to this subsection (4)(g) shall not exceed the limitations otherwise applicable to such investments by the parent;

(h) Acting as administrative agent for a government instrumentality which is performing an insurance function or is responsible for a health or welfare program;

(i) Financing of insurance premiums;

(j) Any other business activity reasonably ancillary to an insurance business;

(k) Owning one or more subsidiary;

(i) Insurers, health care service contractors, or health maintenance organizations to the extent permitted by this chapter;

(ii) Businesses specified in (a) through (k) of this subsection inclusive; or

(iii) Any combination of such insurers and businesses;

(5) Real property necessary for the convenient transaction of the insurer's business;

(6) Real property, together with the fixtures, furniture, furnishings, and equipment pertaining thereto in the United States or Canada, which produces or after suitable improvement can reasonably be expected to produce income;

(7) Loans, securities, or other investments of the types described in subsections (1) through (6) of this section in national association of insurance commissioners securities valuation office I debt rated countries other than the United States and Canada;

(8) Bonds or other evidences of indebtedness of international development organizations of which the United States is a member;

(9) Loans upon the security of the insurer's own policies in amounts that are adequately secured by the policies and that in no case exceed the surrender values of the policies;

(10) Tangible personal property under contract of sale or lease under which contractual payments may reasonably be expected to return the principal of and provide earnings on the investment within its anticipated useful life;

(11) Other investments the commissioner authorizes by rule; and

(12) Investments not otherwise permitted by this section, and not specifically prohibited by statute, to the extent of not more than five percent of the first five hundred million dollars of the insurer's admitted assets plus ten percent of the insurer's admitted assets exceeding five hundred million dollars.

Sec. 17. RCW 48.97.005 and 2008 c 217 s 75 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accredited state" means a state in which the insurance department or regulatory agency has qualified as meeting the minimum financial regulatory standards promulgated and established from time to time by the National Association of Insurance Commissioners.

(2) "Control" or "controlled by" has the meaning ascribed in RCW 48.31B.005 ~~((2))~~ (3).

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(3) "Controlled insurer" means a licensed insurer that is controlled, directly or indirectly, by a broker.

(4) "Controlling producer" means a producer who, directly or indirectly, controls an insurer.

(5) "Licensed insurer" or "insurer" means a person, firm, association, or corporation licensed to transact property and casualty insurance business in this state. The following, among others, are not licensed insurers for purposes of this chapter:

(a) ((Risk retention groups as defined in the Superfund Amendments Reauthorization Act of 1986, P.L. 99-499, 100 Stat. 1613 (1986), the Risk Retention Act, 15 U.S.C. Sec. 3901 et seq. (1982 Supp. 1986), and chapter 48.92 RCW;

(b))) All residual market pools and joint underwriting associations; and

~~((c) Captive insurers. For the purposes of this chapter,)) (b) captive insurers other than risk retention groups as defined in 15 U.S.C. Sec. 3901 et seq. and 42 U.S.C. Sec. 9671 are insurance companies owned by another organization((:)) whose exclusive purpose is to insure risks of the parent organization and affiliated companies or, in the case of groups and associations, insurance organizations owned by the insureds whose exclusive purpose is to insure risks to member organizations or group members, or both, and their affiliates.~~

(6) "Producer" means an insurance broker or brokers or any other person, firm, association, or corporation when, for compensation, commission, or other thing of value, the person, firm, association, or corporation acts or aids in any manner in soliciting, negotiating, or procuring the making of an insurance contract on behalf of an insured other than the person, firm, association, or corporation.

Sec. 18. RCW 48.125.140 and 2004 c 260 s 16 are each amended to read as follows:

(1) The commissioner may make an examination of the operations of any self-funded multiple employer welfare arrangement as often as he or she deems necessary in order to carry out the purposes of this chapter.

(2) Every self-funded multiple employer welfare arrangement shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate them. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the ~~((self-funded))~~ self-funded multiple employer welfare arrangement.

(3) The commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the self-funded multiple employer welfare arrangement in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his or her report of the examination.

(4)(a) The commissioner may also examine any affiliate of the self-funded multiple employer welfare arrangement. An examination of an affiliate is limited to the activities or operations of the affiliate that may impact the financial position of the arrangement.

(b) For the purposes of this section, "affiliate" has the same meaning as defined in RCW ~~((48.31C.010))~~ 48.31B.005.

(5) Whenever an examination is made, all of the provisions of chapter 48.03 RCW not inconsistent with this chapter shall be applicable. In lieu of making an examination himself or herself, the commissioner may, in the case of a foreign self-funded multiple employer welfare arrangement, accept an examination report of the applicant by the regulatory official in its state of domicile. In the case of a domestic self-funded multiple employer welfare arrangement, the commissioner may accept an examination report

of the applicant by the regulatory official of a state that has already licensed the arrangement.

Sec. 19. RCW 48.155.010 and 2010 c 27 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) "Commissioner" means the Washington state insurance commissioner.

(3)(a) "Control" or "controlled by" or "under common control with" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person.

(b) Control exists when any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing ten percent or more of the voting securities of any other person. A presumption of control may be rebutted by a showing made in the manner provided by RCW 48.31B.005~~((2))~~ (3) and 48.31B.025(11) that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

(4)(a) "Discount plan" means a business arrangement or contract in which a person or organization, in exchange for fees, dues, charges, or other consideration, provides or purports to provide discounts to its members on charges by providers for health care services.

(b) "Discount plan" does not include:

(i) A plan that does not charge a membership or other fee to use the plan's discount card;

(ii) A patient access program as defined in this chapter;

(iii) A medicare prescription drug plan as defined in this chapter; or

(iv) A discount plan offered by a health carrier authorized under chapter 48.20, 48.21, 48.44, or 48.46 RCW.

(5)(a) "Discount plan organization" means a person that, in exchange for fees, dues, charges, or other consideration, provides or purports to provide access to discounts to its members on charges by providers for health care services. "Discount plan organization" also means a person or organization that contracts with providers, provider networks, or other discount plan organizations to offer discounts on health care services to its members. This term also includes all persons that determine the charge to or other consideration paid by members.

(b) "Discount plan organization" does not mean:

(i) Pharmacy benefit managers;

(ii) Health care provider networks, when the network's only involvement in discount plans is contracting with the plan to provide discounts to the plan's members;

(iii) Marketers who market the discount plans of discount plan organizations which are licensed under this chapter as long as all written communications of the marketer in connection with a discount plan clearly identify the licensed discount plan organization as the responsible entity; or

(iv) Health carriers, if the discount on health care services is offered by a health carrier authorized under chapter 48.20, 48.21, 48.44, or 48.46 RCW.

(6) "Health care facility" or "facility" has the same meaning as in RCW 48.43.005~~((15))~~ (22).

(7) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005(~~((46))~~) (23).

(8) "Health care provider network," "provider network," or "network" means any network of health care providers, including any person or entity that negotiates directly or indirectly with a discount plan organization on behalf of more than one provider to provide health care services to members.

(9) "Health care services" has the same meaning as in RCW 48.43.005(~~((47))~~) (24).

(10) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005(~~((48))~~) (25).

(11) "Marketer" means a person or entity that markets, promotes, sells, or distributes a discount plan, including a contracted marketing organization and a private label entity that places its name on and markets or distributes a discount plan pursuant to a marketing agreement with a discount plan organization.

(12) "Medicare prescription drug plan" means a plan that provides a medicare part D prescription drug benefit in accordance with the requirements of the federal medicare prescription drug improvement and modernization act of 2003.

(13) "Member" means any individual who pays fees, dues, charges, or other consideration for the right to receive the benefits of a discount plan, but does not include any individual who enrolls in a patient access program.

(14) "Patient access program" means a voluntary program sponsored by a pharmaceutical manufacturer, or a consortium of pharmaceutical manufacturers, that provides free or discounted health care products for no additional consideration directly to low-income or uninsured individuals either through a discount card or direct shipment.

(15) "Person" means an individual, a corporation, a governmental entity, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the persons listed in this subsection.

(16)(a) "Pharmacy benefit manager" means a person that performs pharmacy benefit management for a covered entity.

(b) For purposes of this subsection, a "covered entity" means an insurer, a health care service contractor, a health maintenance organization, or a multiple employer welfare arrangement licensed, certified, or registered under the provisions of this title. "Covered entity" also means a health program administered by the state as a provider of health coverage, a single employer that provides health coverage to its employees, or a labor union that provides health coverage to its members as part of a collective bargaining agreement.

Sec. 20. RCW 48.155.015 and 2009 c 175 s 4 are each amended to read as follows:

(1) This chapter applies to all discount plans and all discount plan organizations doing business in or from this state or that affect subjects located wholly or in part or to be performed within this state, and all persons having to do with this business.

(2) A discount plan organization that is a health carrier, as defined under RCW 48.43.005, with a license, certificate of authority, or registration (~~(under RCW 48.05.030 or chapter 48.31C RCW)~~):

(a) Is not required to obtain a license under RCW 48.155.020, except that any of its affiliates that operate as a discount plan organization in this state must obtain a license under RCW 48.155.020 and comply with all other provisions of this chapter;

(b) Is required to comply with RCW 48.155.060 through 48.155.090 and report, in the form and manner as the commissioner may require, any of the information described in RCW 48.155.110(2) (b), (c), or (d) that is not otherwise already reported; and

(c) Is subject to RCW 48.155.130 and 48.155.140.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) RCW 48.31C.010 (Definitions) and 2001 c 179 s 1;

(2) RCW 48.31C.020 (Acquisition of a foreign health carrier--Preacquisition notification--Review) and 2001 c 179 s 2;

(3) RCW 48.31C.030 (Acquisition of a domestic health carrier--Filing--Review--Jurisdiction of courts) and 2001 c 179 s 3;

(4) RCW 48.31C.040 (Registration with commissioner--Information required--Rule making--Disclaimer of affiliation--Failure to file) and 2001 c 179 s 4;

(5) RCW 48.31C.050 (Health carrier subject to registration--Standards for transactions within a holding company system--Notice to commissioner--Review) and 2001 c 179 s 5;

(6) RCW 48.31C.060 (Extraordinary dividends or distributions--Restrictions--Definition of distribution) and 2001 c 179 s 6;

(7) RCW 48.31C.070 (Examination of health carriers--Commissioner may order production of information--Failure to comply--Costs) and 2001 c 179 s 7;

(8) RCW 48.31C.080 (Violations of chapter--Commissioner may seek superior court order) and 2001 c 179 s 8;

(9) RCW 48.31C.090 (Violations of chapter--Penalties--Civil forfeitures--Orders--Referral to prosecuting attorney--Imprisonment) and 2001 c 179 s 9;

(10) RCW 48.31C.100 (Violations of chapter--Impairment of financial condition) and 2001 c 179 s 10;

(11) RCW 48.31C.110 (Order for liquidation or rehabilitation--Recovery of distributions or payments--Liability--Maximum amount recoverable) and 2001 c 179 s 11;

(12) RCW 48.31C.120 (Violations of chapter--Contrary to interests of subscribers or the public) and 2001 c 179 s 12;

(13) RCW 48.31C.130 (Confidential proprietary and trade secret information--Exempt from public disclosure--Exceptions) and 2001 c 179 s 13;

(14) RCW 48.31C.140 (Person aggrieved by actions of commissioner) and 2001 c 179 s 15;

(15) RCW 48.31C.150 (Rule making) and 2001 c 179 s 16;

(16) RCW 48.31C.160 (Dual holding company system membership) and 2001 c 179 s 17;

(17) RCW 48.31C.900 (Severability--2001 c 179) and 2001 c 179 s 18; and

(18) RCW 48.31C.901 (Effective date--2001 c 179) and 2001 c 179 s 19.

NEW SECTION. Sec. 22. PURPOSE AND SCOPE. (1) The purpose of this chapter is to provide the requirements for maintaining a risk management framework and completing an own risk and solvency assessment and provide guidance and instructions for filing an ORSA summary report with the insurance commissioner of this state.

(2) The requirements of this chapter apply to all insurers domiciled in this state unless exempt pursuant to section 27 of this act.

(3) The legislature finds and declares that the ORSA summary report contains confidential and sensitive information related to an insurer or insurance group's identification of risks material and relevant to the insurer or insurance group filing the report. This information includes proprietary and trade secret information that has the potential for harm and competitive disadvantage to the insurer or insurance group if the information is made public. It is the intent of this legislature that the ORSA summary report is a confidential document filed with the commissioner, that the ORSA summary report may be shared only as stated in this chapter and to assist the commissioner in the performance of his or her duties, and that in no event may the ORSA summary report be subject to public disclosure.

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NEW SECTION. Sec. 23. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Insurance group" means, for the purposes of conducting an ORSA, those insurers and affiliates included within an insurance holding company system as defined in RCW 48.31B.005.

(2) "Insurer" includes an insurer authorized under chapter 48.05 RCW, a fraternal mutual insurer or society holding a license under RCW 48.36A.290, a health care service contractor registered under chapter 48.44 RCW, a health maintenance organization registered under chapter 48.46 RCW, and a self-funded multiple employer welfare arrangement under chapter 48.125 RCW, as well as all persons engaged as, or purporting to be engaged as insurers, fraternal benefit societies, health care service contractors, health maintenance organizations, or self-funded multiple employer welfare arrangements in this state, and to persons in process of organization to become insurers, fraternal benefit societies, health care service contractors, health maintenance organizations, or self-funded multiple employer welfare arrangements, except that it does not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

(3) "Own risk and solvency assessment" or "ORSA" means a confidential internal assessment, appropriate to the nature, scale, and complexity of an insurer or insurance group, conducted by that insurer or insurance group of the material and relevant risks associated with the insurer or insurance group's current business plan, and the sufficiency of capital resources to support those risks.

(4) "ORSA guidance manual" means the own risk and solvency assessment guidance manual developed and adopted by the national association of insurance commissioners.

(5) "ORSA summary report" means a confidential high-level ORSA summary of an insurer or insurance group.

NEW SECTION. Sec. 24. RISK MANAGEMENT FRAMEWORK. An insurer shall maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing, and reporting on its material and relevant risks. This requirement is satisfied if the insurance group of which the insurer is a member maintains a risk management framework applicable to the operations of the insurer.

NEW SECTION. Sec. 25. ORSA REQUIREMENT. Subject to section 27 of this act, an insurer, or the insurance group of which the insurer is a member, shall regularly conduct an ORSA consistent with a process comparable to the ORSA guidance manual. The ORSA must be conducted annually but also at any time when there are significant changes to the risk profile of the insurer or the insurance group of which the insurer is a member.

NEW SECTION. Sec. 26. ORSA SUMMARY REPORT. (1) Upon the commissioner's request, and no more than once each year, an insurer shall submit to the commissioner an ORSA summary report or any combination of reports that together contain the information described in the ORSA guidance manual, applicable to the insurer or the insurance group of which it is a member. Notwithstanding any request from the commissioner, if the insurer is a member of an insurance group, the insurer shall submit the report or set of reports required by this subsection if the commissioner is the lead state commissioner of the insurance group as determined by the procedures within the financial analysis handbook adopted by the national association of insurance commissioners.

(2) The report shall include a signature of the insurer or insurance group's chief risk officer or other executive having responsibility for the oversight of the insurer's enterprise risk management process attesting to the best of his or her belief and

knowledge that the insurer applies the enterprise risk management process described in the ORSA summary report and that a copy of the report has been provided to the insurer's board of directors or the appropriate governing committee.

(3) An insurer may comply with subsection (1) of this section by providing the most recent and substantially similar report or reports provided by the insurer or another member of an insurance group of which the insurer is a member to the commissioner of another state or to a supervisor or regulator of a foreign jurisdiction, if that report provides information that is comparable to the information described in the ORSA guidance manual. Any such report in a language other than English must be accompanied by a translation of that report into the English language.

NEW SECTION. Sec. 27. EXEMPTIONS. (1) An insurer is exempt from the requirements of this chapter, if:

(a) The insurer has annual direct written and unaffiliated assumed premium including international direct and assumed premium, but excluding premium reinsured with the federal crop insurance corporation and federal flood program, less than five hundred million dollars; and

(b) The insurance group of which the insurer is a member has annual direct written and unaffiliated assumed premium including international direct and assumed premium, but excluding premium reinsured with the federal crop insurance corporation and federal flood program, less than one billion dollars.

(2) If an insurer qualifies for exemption pursuant to subsection (1)(a) of this section, but the insurance group of which the insurer is a member does not qualify for exemption pursuant to subsection (1)(b) of this section, then the ORSA summary report that may be required pursuant to section 26 of this act must include every insurer within the insurance group. This requirement is satisfied by the submission of more than one ORSA summary report for any combination of insurers, provided any combination of reports includes every insurer within the insurance group.

(3) If an insurer does not qualify for exemption pursuant to subsection (1)(a) of this section, but the insurance group of which the insurer is a member does qualify for exemption pursuant to subsection (1)(b) of this section, then the only ORSA summary report that may be required pursuant to section 26 of this act is the report applicable to that insurer.

(4) If an insurer does not qualify for exemption pursuant to subsection (1)(a) of this section, the insurer may apply to the commissioner for a waiver from the requirements of this chapter based upon unique circumstances. In deciding whether to grant the insurer's request for waiver, the commissioner may consider the type and volume of business written, ownership and organizational structure, and any other factor the commissioner considers relevant to the insurer or insurance group of which the insurer is a member. If the insurer is a part of an insurance group with insurers domiciled in more than one state, the commissioner shall coordinate with the lead state commissioner and with the other domiciliary commissioners in considering whether to grant the insurer's request for a waiver.

(5) Notwithstanding the exemptions stated in this section, the commissioner may require that an insurer maintain a risk management framework, conduct an ORSA, and file an ORSA summary report (a) based on unique circumstances including, but not limited to, the type and volume of business written, ownership and organizational structure, federal agency requests, and international supervisor requests; and (b) if the insurer has risk-based capital at the company action level event as set forth in RCW 48.05.440 or 48.43.310, meets one or more of the standards of an insurer deemed to be in hazardous financial condition as defined in WAC 284-16-310, or otherwise exhibits qualities of a troubled insurer as determined by the commissioner.

(6) If an insurer that qualifies for exemption pursuant to subsection (1)(a) of this section subsequently no longer qualifies for that exemption due to changes in premium reflected in the insurer's most recent annual statement or in the most recent annual statements of the insurers within the insurance group of which the insurer is a member, the insurer has one year following the year the threshold is exceeded to comply with the requirement of this chapter.

NEW SECTION. Sec. 28. CONTENTS OF ORSA SUMMARY REPORT. (1) The ORSA summary report shall be prepared consistent with the ORSA guidance manual, subject to the requirements of subsection (2) of this section. Documentation and supporting information must be maintained and made available upon examination or upon the request of the commissioner.

(2) The review of the ORSA summary report, and any additional requests for information, must be made using similar procedures currently used in the analysis and examination of multistate or global insurers and insurance groups.

NEW SECTION. Sec. 29. CONFIDENTIAL TREATMENT. (1) Documents, materials, or other information, including the ORSA summary report, in the possession or control of the commissioner that are obtained by, created by, or disclosed to the commissioner or any other person under this chapter, is recognized by this state as being proprietary and to contain trade secrets. All such documents, materials, or other information is confidential by law and privileged, is not subject to chapter 42.56 RCW, is not subject to subpoena, and is not subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner may not otherwise make the documents, materials, or other information public without the prior written consent of the insurer.

(2) Neither the commissioner nor any person who received documents, materials, or other ORSA-related information, through examination or otherwise, while acting under the authority of the commissioner or with whom such documents, materials, or other information are shared pursuant to this chapter, is permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (1) of this section.

(3) In order to assist in the performance of the commissioner's regulatory duties, the commissioner:

(a) May share documents, materials, or other ORSA-related information, including the confidential and privileged documents, materials, or information subject to subsection (1) of this section, including proprietary and trade secret documents and materials with other state, federal, and international regulatory agencies, including members of any supervisory college under section 8(3) of this act, with the national association of insurance commissioners, with the international association of insurance supervisors and the bank for international settlements, and with any third-party consultants designated by the commissioner, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related documents, materials, or other information and has verified in writing the legal authority to maintain confidentiality;

(b) May receive documents, materials, or ORSA-related information, including otherwise confidential and privileged documents, materials, or information, including proprietary and trade secret information or documents, from regulatory officials of other foreign or domestic jurisdictions, including members of any supervisory college under section 8(3) of this act, from the national association of insurance commissioners, the international association of insurance supervisors and the bank for international settlements, and must maintain as confidential or privileged any document, material, or information received with notice or the

understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information;

(c) Shall enter into written agreements with the national association of insurance commissioners or a third-party consultant governing sharing and use of information provided pursuant to this chapter, consistent with this subsection that specifies procedures and protocols regarding the confidentiality and security of information shared with the national association of insurance commissioners or third-party consultant pursuant to this chapter, including procedures and protocols for sharing by the national association of insurance commissioners with other state regulators from states in which the insurance group has domiciled insurers. The agreement must provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related documents, materials, or other information and has verified in writing the legal authority to maintain confidentiality;

(d) Shall specify that ownership of information shared with the national association of insurance commissioners or third-party consultants pursuant to this chapter remains with the commissioner and the national association of insurance commissioners' or a third-party consultant's use of the information is subject to the direction of the commissioner;

(e) Shall prohibit the national association of insurance commissioners or third-party consultant from storing the information shared pursuant to this chapter in a permanent database after the underlying analysis is completed;

(f) Shall require prompt notice to be given to an insurer whose confidential information in the possession of the national association of insurance commissioners or a third-party consultant pursuant to this chapter is subject to a request or subpoena to the national association of insurance commissioners for disclosure or production;

(g) Shall require the national association of insurance commissioners and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the national association of insurance commissioners and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the national association of insurance commissioners and its affiliates and subsidiaries pursuant to this chapter; and

(h) In the case of an agreement involving a third-party consultant, shall provide the insurer's written consent.

(4) The sharing of information by the commissioner pursuant to this chapter shall not constitute a delegation of regulatory authority or rule making, and the commissioner is solely responsible for the administration, execution, and enforcement of the provisions of this chapter.

(5) A waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall not occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in this chapter.

(6) Documents, materials, or other information in the possession or control of the national association of insurance commissioners pursuant to this chapter are confidential by law and privileged, are not subject to chapter 42.56 RCW, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action.

NEW SECTION. Sec. 30. SANCTIONS. The commissioner shall require any insurer failing, without just cause, to file the ORSA summary report as required in this chapter, after notice and hearing, to pay a fine of five hundred dollars for each day's delay, to be recovered by the commissioner and the fine collected shall be transferred to the treasurer for deposit into the state general fund. The maximum fine under this section is one hundred thousand dollars. The commissioner may reduce the fine if the

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insurer demonstrates to the commissioner that the imposition of the fine would constitute a financial hardship to the insurer.

Sec. 31. RCW 42.56.400 and 2013 c 277 s 5 and 2013 c 65 s 5 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) ((Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070)) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and section 8 of this act, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210; ~~((and))~~

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017; ~~((and))~~

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5); and

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.-- RCW (the new chapter created in section 36 of this act).

Sec. 32. RCW 42.56.400 and 2013 c 65 s 5 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) ((Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070)) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and section 8 of this act, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210; ((and))

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017; and

(23) Documents, materials, or information obtained by the insurance commissioner under chapter 48.-- RCW (the new chapter created in section 36 of this act).

Sec. 33. RCW 48.15.050 and 1947 c 79 s .15.05 are each amended to read as follows:

Every insurance contract procured and delivered as a surplus line coverage pursuant to this chapter ((shall)) must have stamped upon it and be initialed by or bear the name of the surplus line broker who procured it, the following:

"This contract is registered and delivered as a surplus line coverage under the insurance code of the state of Washington, ((enacted in 1947)) Title 48 RCW."

Sec. 34. RCW 48.15.120 and 2011 c 31 s 8 are each amended to read as follows:

(1) On or before the first day of March of each year each surplus line broker must remit to the state treasurer through the commissioner a tax on the premiums, exclusive of sums collected to cover federal and state taxes and examination fees, on surplus line insurance subject to tax transacted by him or her during the preceding calendar year as shown by his or her annual statement filed with the commissioner, and at the same rate as is applicable to the premiums of authorized foreign insurers under this code. The tax when collected must be credited to the general fund.

(2) For property and casualty insurance other than industrial insurance under Title 51 RCW, ((#)) when this state is the insured's home state;

(a) If the surplus line insurance covers risks or exposures located inside the United States, its territories, or both, the tax so payable must be computed upon the entire premium under subsection (1) of this section, without regard to whether the policy covers risks or exposures that are located in this state; and

(b) If the surplus line insurance covers risks or exposures located outside of the United States and its territories, no tax under subsection (1) of this section is due or payable for the premium properly allocable to the risks and exposures located outside the United States and its territories.

(3) For all other lines of insurance, if a surplus line policy covers risks or exposures only partially in this state, the tax so payable must be computed upon the proportion of the premium that is properly allocable to the risks or exposures located in this state.

NEW SECTION. **Sec. 35.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 36.** Sections 22 through 30 and 37 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. **Sec. 37.** SHORT TITLE. This chapter may be known and cited as the risk management and solvency assessment act.

NEW SECTION. **Sec. 38.** EFFECTIVE DATE. Except for sections 14 and 32 of this act, which take effect July 1, 2017, this act takes effect January 1, 2015.

NEW SECTION. **Sec. 39.** Sections 13 and 31 of this act expire July 1, 2017."

On page 1, line 1 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 48.31B.005, 48.31B.010, 48.31B.015, 48.31B.020, 48.31B.025, 48.31B.030, 48.31B.035, 48.31B.040, 48.31B.050, 48.31B.070, 42.56.400, 48.02.065, 48.13.061, 48.97.005, 48.125.140, 48.155.010, 48.155.015, 42.56.400, 48.15.050, and 48.15.120; reenacting and amending RCW 42.56.400 and 42.56.400; adding new sections to chapter 48.31B RCW; adding a new chapter to Title 48 RCW; repealing RCW 48.31C.010, 48.31C.020, 48.31C.030, 48.31C.040, 48.31C.050, 48.31C.060, 48.31C.070, 48.31C.080, 48.31C.090, 48.31C.100, 48.31C.110, 48.31C.120, 48.31C.130, 48.31C.140, 48.31C.150, 48.31C.160, 48.31C.900, and 48.31C.901; prescribing penalties; providing effective dates; and providing an expiration date."

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The President declared the question before the Senate to be the motion by Senator Hobbs to not adopt the committee striking amendment by the Committee on Financial Institutions, Housing & Insurance to Substitute House Bill No. 2461.

The motion by Senator Hobbs carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hobbs moved that the following striking amendment by Senator Hobbs and others be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 48.31B.005 and 1993 c 462 s 2 are each amended to read as follows:

((As used in this chapter, the following terms have the meanings set forth in this section, unless the context requires otherwise.)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~((A))~~ "Affiliate" means an affiliate of, or person ~~((is))~~ affiliated ~~((is))~~ with, a specific person, ~~((is))~~ and includes a person ~~((who))~~ that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) ~~((The term))~~ "Commissioner" means the insurance commissioner, the commissioner's deputies, or the office of the insurance commissioner, as appropriate.

(3) "Control" means as follows:

(a) For a for-profit person, "control," including the terms "controlling," "controlled by," and "under common control with," means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control is presumed to exist if ~~((a))~~ any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in a manner similar to that provided by RCW 48.31B.025(11) that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

~~((3-A))~~ (b) For a nonprofit corporation organized under chapters 24.03 and 24.06 RCW, control exists if a person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing a majority of voting rights of the person or the power to elect or appoint a majority of the board of directors, trustees, or other governing body of the person, unless the power is the result of an official position of, or corporate office held by, the person; and

(c) Control includes either permanent or temporary control.

(4) "Enterprise risk" means any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole including, but not limited to, anything that would cause the insurer's risk-based capital to fall into company action level as set forth in RCW 48.05.440 or 48.43.310 or would cause the insurer to be in hazardous financial condition as defined in WAC 284-16-310.

(5) "Insurance holding company system" means a system that

consists of two or more affiliated persons, one or more of which is an insurer.

~~((4-The term))~~ (6) "Insurer" ~~((has the same meaning as set forth in RCW 48.01.050.))~~ includes an insurer authorized under chapter 48.05 RCW, a fraternal mutual insurer or society holding a license under RCW 48.36A.290, a health care service contractor registered under chapter 48.44 RCW, a health maintenance organization registered under chapter 48.46 RCW, and a self-funded multiple employer welfare arrangement under chapter 48.125 RCW, as well as all persons engaged as, or purporting to be engaged as insurers, fraternal benefit societies, health care service contractors, health maintenance organizations, or self-funded multiple employer welfare arrangements in this state, and to persons in process of organization to become insurers, fraternal benefit societies, health care service contractors, health maintenance organizations, or self-funded multiple employer welfare arrangements, except it does not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

~~((5-A))~~ (7) "Person" ~~((is))~~ means an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, ~~((a))~~ any similar entity, or any combination of the foregoing acting in concert, but does not include a joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property.

~~((6-A))~~ (8) "Securityholder" means a securityholder of a specified person ~~((is one))~~ who owns ~~((a))~~ any security of that person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing.

~~((7-A))~~ (9) "Subsidiary" means a subsidiary of a specified person who is an affiliate controlled by that person directly or indirectly through one or more intermediaries.

~~((8-The term))~~ (10) "Supervisory colleges" means a forum for cooperation and communication among involved regulators and international supervisors facilitating the effectiveness of supervision of entities which belong to an insurance group and supervision of the group as a whole on a group-wide basis and improving the legal entity supervision of the entities within the insurance group.

(11) "Voting security" includes ~~((a))~~ any security convertible into or evidencing a right to acquire a voting security.

Sec. 2. RCW 48.31B.010 and 1993 c 462 s 3 are each amended to read as follows:

(1) A domestic insurer, either by itself or in cooperation with one or more persons, may organize or acquire one or more subsidiaries. The subsidiaries may conduct any kind of business or businesses authorized in RCW 48.13.061(4) and subject to the percentage limitations contained in chapter 48.13 RCW.

(2) If an insurer ceases to control a subsidiary, it shall dispose of any investment in the subsidiary within three years from the time of the cessation of control or within such further time as the commissioner may prescribe, unless at any time after the investment ~~((has been))~~ was made, the investment ~~((meets))~~ met the requirements for investment under any other section of this title, and the insurer has notified the commissioner thereof.

Sec. 3. RCW 48.31B.015 and 1993 c 462 s 4 are each amended to read as follows:

(1)(a) No person other than the issuer may make a tender offer for or a request or invitation for tenders of, or enter into an agreement to exchange securities of, seek to acquire, or acquire, in the open market or otherwise, voting security of a domestic insurer if, after the consummation thereof, the person would, directly or indirectly, or by conversion or by exercise of a right to acquire, be in control of the insurer~~((s))~~ and no person may enter into an agreement

to merge with or otherwise to acquire control of a domestic insurer or any person controlling a domestic insurer unless, at the time the offer, request, or invitation is made or the agreement is entered into, or ~~((before))~~ prior to the acquisition of the securities if no offer or agreement is involved, the person has filed with the commissioner and has sent to the insurer, a statement containing the information required by this section and the offer, request, invitation, agreement, or acquisition has been approved by the commissioner as prescribed in this ~~((section))~~ chapter.

(b) For purposes of this section, any controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer, in any manner, must file with the commissioner, with a copy to the insurer, notice of its proposed divestiture at least thirty days prior to the cessation of control. If the statement referred to in (a) of this subsection is otherwise filed, this subsection does not apply.

(c) With respect to a transaction subject to this section, the acquiring person must also file a preacquisition notification with the commissioner, which must contain the information set forth in RCW 48.31B.020(3)(a). A failure to file the notification may be subject to penalties specified in RCW 48.31B.020(5)(c).

(d) For purposes of this section a domestic insurer includes a person controlling a domestic insurer unless the person, as determined by the commissioner, is either directly or through its affiliates primarily engaged in business other than the business of insurance. ~~((However, the person shall file a preacquisition notification with the commissioner containing the information set forth in RCW 48.31B.020(3)(a) sixty days before the proposed effective date of the acquisition. Persons who fail to file the required preacquisition notification with the commissioner are subject to the penalties in RCW 48.31B.020(5)(c).))~~ For the purposes of this section, "person" does not include ~~((a))~~ any securities broker holding, in usual and customary broker's function, less than twenty percent of the voting securities of an insurance company or of ~~((a))~~ any person who controls an insurance company.

(2) The statement to be filed with the commissioner under this section must be made under oath or affirmation and must contain the following ~~((information))~~:

(a) The name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in subsection (1) of this section is to be effected, ~~((hereinafter called"))~~ and referred to in this section as the acquiring party~~((s))~~ and:

(i) If that person is an individual, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past ten years; and

(ii) If that person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as the person and any predecessors have been in existence; an informative description of the business intended to be done by the person and the person's subsidiaries; any convictions of crimes during the past ten years; and a list of all individuals who are or who have been selected to become directors or executive officers of the person, or who perform or will perform functions appropriate to those positions. The list must include for each such individual the information required by (a)(i) of this subsection~~((s))~~;

(b) The source, nature, and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction ~~((in which))~~ where funds were or are to be obtained for any such purpose, including ~~((a))~~ any pledge of the insurer's stock~~((s))~~ or the stock of any of its subsidiaries or controlling affiliates, and the identity of persons furnishing ~~((the))~~ consideration. However, ~~((where))~~ when a source of ~~((the))~~ consideration is a loan made in the lender's ordinary course of business, the identity of the lender must remain confidential, if the person filing the statement so requests~~((s))~~;

(c) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each acquiring party, or for such lesser period as the acquiring party and any predecessors have been in existence, and similar unaudited information as of a date not earlier than ninety days ~~((before))~~ prior to the filing of the statement~~((s))~~;

(d) Any plans or proposals that each acquiring party may have to liquidate the insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management~~((s))~~;

(e) The number of shares of any security referred to in subsection (1) of this section ~~((that))~~ which each acquiring party proposes to acquire, the terms of the offer, request, invitation, agreement, or acquisition referred to in subsection (1) of this section, and a statement as to the method by which the fairness of the proposal was arrived at~~((s))~~;

(f) The amount of each class of any security referred to in subsection (1) of this section that is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party~~((s))~~;

(g) A full description of any contracts, arrangements, or understandings with respect to any security referred to in subsection (1) of this section in which an acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. The description must identify the persons with whom the contracts, arrangements, or understandings have been entered into~~((s))~~;

(h) A description of the purchase of any security referred to in subsection (1) of this section during the twelve calendar months ~~((before))~~ preceding the filing of the statement, by an acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid ~~((for the security))~~;

(i) A description of any recommendations to purchase any security referred to in subsection (1) of this section made during the twelve calendar months ~~((before))~~ preceding the filing of the statement, by an acquiring party, or by anyone based upon interviews or at the suggestion of the acquiring party~~((s))~~;

(j) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection (1) of this section, and, if distributed, of additional soliciting material relating to ~~((the securities))~~ them;

(k) The term of an agreement, contract, or understanding made with or proposed to be made with ~~((a))~~ any broker-dealer as to solicitation or securities referred to in subsection (1) of this section for tender, and the amount of fees, commissions, or other compensation to be paid to broker-dealers with regard ~~((to the securities))~~ thereto;

(l) An agreement by the person required to file the statement referred to in subsection (1) of this section that it will provide the annual report, specified in RCW 48.31B.025(12), for so long as control exists;

(m) An acknowledgement by the person required to file the statement referred to in subsection (1) of this section that the person and all subsidiaries within its control in the insurance holding company system will provide information to the commissioner upon request as necessary to evaluate enterprise risk to the insurer;

(n) Such additional information as the commissioner may prescribe by rule as necessary or appropriate for the protection of policyholders of the insurer or in the public interest~~((s))~~;

(o) If the person required to file the statement referred to in subsection (1) of this section is a partnership, limited partnership, syndicate, or other group, the commissioner may require that the information called for by (a) through ~~((h))~~ (n) of this subsection

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shall be given with respect to each partner of the partnership or limited partnership, each member of the syndicate or group, and each person who controls a partner or member. If ~~((a))~~ any partner, member, or person is a corporation~~(-)~~ or the person required to file the statement referred to in subsection (1) of this section is a corporation, the commissioner may require that the information called for by (a) through ~~((b))~~ (n) of this subsection ~~((shall))~~ be given with respect to the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of more than ten percent of the outstanding voting securities of the corporation~~(-)~~;

(p) If ~~((a))~~ any material change occurs in the facts set forth in the statement filed with the commissioner and sent to the insurer under this section, an amendment setting forth the change, together with copies of all documents and other material relevant to the change, must be filed with the commissioner and sent to the insurer within two business days after the person learns of the change.

(3) If ~~((a))~~ any offer, request, invitation, agreement, or acquisition referred to in subsection (1) of this section is proposed to be made by means of a registration statement under the securities act of 1933 or in circumstances requiring the disclosure of similar information under the securities exchange act of 1934, or under a state law requiring similar registration or disclosure, the person required to file the statement referred to in subsection (1) of this section may ~~((use those))~~ utilize the documents in furnishing the information called for by that statement.

(4)(a) The commissioner shall approve a merger or other acquisition of control referred to in subsection (1) of this section unless, after a public hearing thereon, he or she finds that:

(i) After the change of control, the domestic insurer referred to in subsection (1) of this section would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(ii) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this state or tend to create a monopoly therein. In applying the competitive standard in this subsection (4)(a)(ii) ~~((of this subsection))~~:

(A) The informational requirements of RCW 48.31B.020(3)(a) and the standards of RCW 48.31B.020(4)(b) apply;

(B) The ~~((commissioner may not disapprove the))~~ merger or other acquisition may not be disapproved if the commissioner finds that any of the situations meeting the criteria provided by RCW 48.31B.020(4)(c) exist; and

(C) The commissioner may condition the approval of the merger or other acquisition on the removal of the basis of disapproval within a specified period of time;

(iii) The financial condition of ~~((a))~~ any acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders;

(iv) The plans or proposals ~~((that))~~ which the acquiring party has to liquidate the insurer, sell its assets, consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest;

(v) The competence, experience, and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control; or

(vi) The acquisition is likely to be hazardous or prejudicial to the insurance-buying public.

(b) The commissioner shall approve an exchange or other acquisition of control referred to in this section within sixty days after he or she declares the statement filed under this section to be complete and after holding a public hearing. At the hearing, the

person filing the statement, the insurer, and any person whose significant interest is determined by the commissioner to be affected may present evidence, examine and cross-examine witnesses, and offer oral and written arguments and in connection therewith may conduct discovery proceedings in the same manner as is allowed in the superior court of this state. All discovery proceedings must be concluded not later than three days before the commencement of the public hearing.

(c) If the proposed acquisition of control will require the approval of more than one commissioner, the public hearing referred to in (b) of this subsection may be held on a consolidated basis upon request of the person filing the statement referred to in subsection (1) of this section. Such person shall file the statement referred to in subsection (1) of this section with the national association of insurance commissioners within five days of making the request for a public hearing. A commissioner may opt out of a consolidated hearing, and shall provide notice to the applicant of the opt out within ten days of the receipt of the statement referred to in subsection (1) of this section. A hearing conducted on a consolidated basis shall be public and shall be held within the United States before the commissioners of the states in which the insurers are domiciled. Such commissioners shall hear and receive evidence. A commissioner may attend such hearing, in person, or by telecommunication.

(d) In connection with a change of control of a domestic insurer, any determination by the commissioner that the person acquiring control of the insurer shall be required to maintain or restore the capital of the insurer to the level required by the laws and rules of this state shall be made not later than sixty days after the date of notification of the change in control submitted pursuant to subsection (1)(a) of this section.

(e) The commissioner may retain at the acquiring person's expense any attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as may be reasonably necessary to assist the commissioner in reviewing the proposed acquisition of control. All reasonable costs of a hearing held under this section, as determined by the commissioner, including costs associated with the commissioner's use of investigatory, professional, and other necessary personnel, mailing of required notices and other information, and use of equipment or facilities, must be paid before issuance of the commissioner's order by the acquiring person.

(5) This section does not apply to:

(a) ~~((A))~~ Any transaction that is subject to RCW 48.31.010, dealing with the merger or consolidation of two or more insurers;

(b) An offer, request, invitation, agreement, or acquisition ~~((that))~~ which the commissioner by order ~~((has exempted from this section as: (i) Not))~~ exempts as not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer, or ~~((if))~~ as otherwise not comprehended within the purposes of this section.

(6) The following are violations of this section:

(a) The failure to file a statement, amendment, or other material required to be filed under subsection (1) or (2) of this section; or

(b) The effectuation or an attempt to effectuate an acquisition of control of, divestiture of, or merger with, a domestic insurer unless the commissioner has given approval thereto.

(7) The courts of this state ~~((have))~~ are hereby vested with jurisdiction over every person not resident, domiciled, or authorized to do business in this state who files a statement with the commissioner under this section, and over all actions involving that person arising out of violations of this section, and each such person is deemed to have performed acts equivalent to and constituting an appointment by that person of the commissioner to be the person's true and lawful attorney upon whom may be served all lawful

process in an action, suit, or proceeding arising out of violations of this section. Copies of all (~~such~~) lawful process (~~shall~~) must be served on the commissioner and transmitted by registered or certified mail by the commissioner to such person at the person's last known address.

Sec. 4. RCW 48.31B.020 and 1993 c 462 s 5 are each amended to read as follows:

(1) The following definitions (~~in this subsection~~) apply (~~only~~) for the purposes of this section(~~s~~) only:

(a) "Acquisition" means (~~an~~) any agreement, arrangement, or activity(~~s~~) the consummation of which results in a person acquiring directly or indirectly the control of another person, and includes but is not limited to the acquisition of voting securities, the acquisition of assets, bulk reinsurance, and mergers.

(b) An "involved insurer" includes an insurer which either acquires or is acquired, is affiliated with an acquirer or acquired, or is the result of a merger.

(2)(a) Except as exempted in (b) of this subsection, this section applies to any acquisition in which there is a change in control of an insurer authorized to do business in this state.

(b) This section does not apply to the following:

(i) (~~An acquisition subject to approval or disapproval by the commissioner under RCW 48.31B.015;~~

~~(ii))~~ A purchase of securities solely for investment purposes so long as the securities are not used by voting or otherwise to cause or attempt to cause the substantial lessening of competition in any insurance market in this state. If a purchase of securities results in a presumption of control under RCW 48.31B.005(~~(2))~~ (3), it is not solely for investment purposes unless the commissioner of the insurer's state of domicile accepts a disclaimer of control or affirmatively finds that control does not exist and the disclaimer action or affirmative finding is communicated by the domiciliary commissioner to the commissioner of this state;

~~(iii))~~ (ii) The acquisition of a person by another person when neither person is directly nor through affiliates primarily engaged in the business of insurance, if preacquisition notification is filed with the commissioner in accordance with subsection (3)(a) of this section sixty days (~~before~~) prior to the proposed effective date of the acquisition. However, the preacquisition notification is not required for exclusion from this section if the acquisition would otherwise be excluded from this section by this subsection (2)(b);

~~(iv))~~ (iii) The acquisition of already affiliated persons;

~~(v))~~ (iv) An acquisition if, as an immediate result of the acquisition:

(A) In no market would the combined market share of the involved insurers exceed five percent of the total market;

(B) There would be no increase in any market share; or

(C) In no market would the:

(I) (~~The~~) Combined market share of the involved insurers exceed twelve percent of the total market; and

(II) (~~The~~) Market share increase by more than two percent of the total market.

For the purpose of this subsection (2)(b)(~~of this subsection~~) (iv), a (~~market~~) market means direct written insurance premium in this state for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this state;

~~(vi))~~ (v) An acquisition for which a preacquisition notification would be required under this section due solely to the resulting effect on the ocean marine insurance line of business;

~~(vii))~~ (vi) An acquisition of an insurer whose domiciliary commissioner affirmatively finds(~~s~~) that the insurer is in failing condition(~~s~~), there is a lack of feasible alternative to improving such condition(~~s~~), and the public benefits of improving the insurer's condition through the acquisition exceed the public benefits that would arise from not lessening competition; and the

findings are communicated by the domiciliary commissioner to the commissioner of this state.

(3) An acquisition covered by subsection (2) of this section may be subject to an order under subsection (5) of this section unless the acquiring person files a preacquisition notification and the waiting period has expired. The acquired person may file a preacquisition notification.

(a) The preacquisition notification must be in such form and contain such information as prescribed by the national association of insurance commissioner~~s~~ relating to those markets that, under subsection (2)(b)(~~(v))~~ (iv) of this section, cause the acquisition not to be exempted from this section. The commissioner may require such additional material and information as he or she deems necessary to determine whether the proposed acquisition, if consummated, would violate the competitive standard of subsection (4) of this section. The required information may include an opinion of an economist as to the competitive impact of the acquisition in this state accompanied by a summary of the education and experience of the person indicating his or her ability to render an informed opinion.

(b) The waiting period required begins on the date the commissioner declares the preacquisition notification to be complete and ends on the earlier of the sixtieth day after the date of the declaration or the termination of the waiting period by the commissioner. (~~Before~~) Prior to the end of the waiting period, the commissioner on a one-time basis may require the submission of additional needed information relevant to the proposed acquisition(~~(If additional information is required)~~), in which event the waiting period ends on the earlier of the sixtieth day after (~~the commissioner declares he or she has received~~) receipt of the additional information by the commissioner or the termination of the waiting period by the commissioner.

(4)(a) The commissioner may enter an order under subsection (5)(a) of this section with respect to an acquisition if there is substantial evidence that the effect of the acquisition may be substantially to lessen competition in a line of insurance in this state or tend to create a monopoly therein or if the insurer fails to file adequate information in compliance with subsection (3) of this section.

(b) In determining whether a proposed acquisition would violate the competitive standard of (a) of this subsection, the commissioner shall consider the following:

(i) An acquisition covered under subsection (2) of this section involving two or more insurers competing in the same market is prima facie evidence of violation of the competitive standards, as follows:

(A) If the market is highly concentrated and the involved insurers possess the following shares of the market:

Insurer A	Insurer B
4%	4% or more
10%	2% or more
15%	1% or more; or

(B) If the market is not highly concentrated and the involved insurers possess the following shares of the market:

Insurer A	Insurer B
5%	5% or more

10%	4% or more
15%	3% or more
19%	1% or more

A highly concentrated market is one in which the share of the four largest insurers is seventy-five percent or more of the market. Percentages not shown in the tables are interpolated proportionately to the percentages that are shown. If more than two insurers are involved, exceeding the total of the two columns in the table is prima facie evidence of violation of the competitive standard in (a) of this subsection. For the purpose of this subsection (4)(b)(i) (~~of this subsection~~), the insurer with the largest share of the market is Insurer A.

(ii) There is a significant trend toward increased concentration when the aggregate market share of a grouping of the largest insurers in the market, from the two largest to the eight largest, has increased by seven percent or more of the market over a period of time extending from a base year five to ten years before the acquisition up to the time of the acquisition. An acquisition or merger covered under subsection (2) of this section involving two or more insurers competing in the same market is prima facie evidence of violation of the competitive standard in (a) of this subsection if:

(A) There is a significant trend toward increased concentration in the market;

(B) One of the insurers involved is one of the insurers in a grouping of such large insurers showing the requisite increase in the market share; and

(C) Another involved insurer's market is two percent or more.

(iii) For the purposes of this subsection (4)(b) (~~of this subsection~~):

(A) (~~The term~~) "Insurer" includes ~~(a)~~ any company or group of companies under common management, ownership, or control;

(B) (~~The term~~) "Market" means the relevant product and geographical markets. In determining the relevant product and geographical markets, the commissioner shall give due consideration to, among other things, the definitions or guidelines, if any, adopted by the National Association of Insurance Commissioners and to information, if any, submitted by parties to the acquisition. In the absence of sufficient information to the contrary, the relevant product market is assumed to be the direct written insurance premium for a line of business, such line being that used in the annual statement required to be filed by insurers doing business in this state, and the relevant geographical market is assumed to be this state;

(C) The burden of showing prima facie evidence of violation of the competitive standard rests upon the commissioner.

(iv) Even though an acquisition is not prima facie violative of the competitive standard under (b)(i) and (ii) of this subsection, the commissioner may establish the requisite anticompetitive effect based upon other substantial evidence. Even though an acquisition is prima facie violative of the competitive standard under (b)(i) and (ii) of this subsection, a party may establish the absence of the requisite anticompetitive effect based upon other substantial evidence. Relevant factors in making a determination under ~~((b)(iv) of)~~ this subsection include, but are not limited to, the following: Market shares, volatility of ranking of market leaders, number of competitors, concentration, trend of concentration in the industry, and ease of entry and exit into the market.

(c) An order may not be entered under subsection (5)(a) of this section if:

(i) The acquisition will yield substantial economies of scale or economies in resource use that cannot be feasibly achieved in any other way, and the public benefits that would arise from the

economies exceed the public benefits that would arise from not lessening competition; or

(ii) The acquisition will substantially increase the availability of insurance, and the public benefits of the increase exceed the public benefits that would arise from not lessening competition.

(5)(a)(i) If an acquisition violates the standards of this section, the commissioner may enter an order:

(A) Requiring an involved insurer to cease and desist from doing business in this state with respect to the line or lines of insurance involved in the violation; or

(B) Denying the application of an acquired or acquiring insurer for a license to do business in this state.

(ii) (~~The commissioner~~) Such an order may not (~~enter the order~~) be entered unless:

(A) There is a hearing;

(B) Notice of the hearing is issued (~~before~~) prior to the end of the waiting period and not less than fifteen days (~~before~~) prior to the hearing; and

(C) The hearing is concluded and the order is issued no later than sixty days after the (~~end of the waiting period~~) filing of the preacquisition notification with the commissioner.

(iii) Every order must be accompanied by a written decision of the commissioner setting forth (~~his or her~~) findings of fact and conclusions of law.

~~((iii))~~ (iv) An order entered under this subsection (5)(a) (~~of this subsection~~) may not become final earlier than thirty days after it is issued, during which time the involved insurer may submit a plan to remedy the anticompetitive impact of the acquisition within a reasonable time. Based upon the plan or other information, the commissioner shall specify the conditions, if any, under the time period during which the aspects of the acquisition causing a violation of the standards of this section would be remedied and the order vacated or modified.

~~((iv))~~ (v) An order pursuant to this subsection (5)(a) (~~of this subsection~~) does not apply if the acquisition is not consummated.

(b) (~~A~~) Any person who violates a cease and desist order of the commissioner under (a) of this subsection and while the order is in effect, may, after notice and hearing and upon order of the commissioner, be subject at the discretion of the commissioner to one or more of the following:

(i) A monetary (~~penalty~~) fine of not more than ten thousand dollars for every day of violation; or

(ii) Suspension or revocation of the person's license; or

(iii) Both (b)(i) and ~~((b))~~(ii) of this subsection.

(c) (~~An~~) Any insurer or other person who fails to make a filing required by this section, and who also fails to demonstrate a good faith effort to comply with the filing requirement, is subject to a civil penalty of not more than fifty thousand dollars.

(6) RCW 48.31B.045 (2) and (3) and 48.31B.050 do not apply to acquisitions covered under subsection (2) of this section.

Sec. 5. RCW 48.31B.025 and 2000 c 214 s 1 are each amended to read as follows:

(1) Every insurer that is authorized to do business in this state (~~that~~) and is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to registration requirements and standards adopted by statute or regulation in the jurisdiction of its domicile that are substantially similar to those contained in:

(a) This section;

(b) RCW 48.31B.030 (1)(a), (2), and (3); and

(c) Either RCW 48.31B.030(1)(b) or a provision such as the following: Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions within fifteen days after the end of the month in which it learns of each change or addition.

~~((Aa))~~ Any insurer which is subject to registration under this section shall register within fifteen days after it becomes subject to registration, and annually thereafter by ~~((May 15th))~~ April 30th of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for registration, and then within the extended time. The commissioner may require ~~((an))~~ any insurer authorized to do business in the state that is a member of a holding company system, ~~((but that))~~ and which is not subject to registration under this section, to furnish a copy of the registration statement, the summary specified in subsection (3) of this section, or other information filed by the insurance company with the insurance regulatory authority of its domiciliary jurisdiction.

(2) ~~((Aa))~~ Every insurer subject to registration shall file the registration statement on a form and in a format prescribed by the national association of insurance commissioners, containing the following current information:

(a) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer;

(b) The identity and relationship of every member of the insurance holding company system;

(c) The following agreements in force, and transactions currently outstanding or that have occurred during the last calendar year between the insurer and its affiliates:

(i) Loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(ii) Purchases, sales, or exchange of assets;

(iii) Transactions not in the ordinary course of business;

(iv) Guarantees or undertakings for the benefit of an affiliate that result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(v) All management agreements, service contracts, and cost-sharing arrangements;

(vi) Reinsurance agreements;

(vii) Dividends and other distributions to shareholders; and

(viii) Consolidated tax allocation agreements;

(d) Any pledge of the insurer's stock, including stock of subsidiary or controlling affiliate, for a loan made to a member of the insurance holding company system;

(e) If requested by the commissioner, the insurer must include financial statements of or within an insurance holding company system, including all affiliates. Financial statements may include but are not limited to annual audited financial statements filed with the United States securities and exchange commission pursuant to the securities act of 1933, as amended, or the securities exchange act of 1934, as amended. An insurer required to file financial statements pursuant to this subsection (2)(e) may satisfy the request by providing the commissioner with the most recently filed parent corporation financial statements that have been filed with the United States securities and exchange commission;

(f) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in registration forms adopted or approved by the commissioner;

(g) Statements that the insurer's board of directors oversees corporate governance and internal controls and that the insurer's officers or senior management have approved, implemented, and continue to maintain and monitor corporate governance and internal control procedures; and

(h) Any other information required by the commissioner by rule.

(3) All registration statements must contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

(4) No information need be disclosed on the registration statement filed under subsection (2) of this section if the information is not material for the purposes of this section. Unless the commissioner by rule or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, investments, or guarantees involving one-half of one percent or less of an insurer's admitted assets as of ~~((the 31st day of the previous))~~ December 31st next preceding are not material for purposes of this section.

(5)(a) Subject to RCW 48.31B.030(2), each registered insurer shall report to the commissioner all dividends and other distributions to shareholders within five business days after their declaration and ~~((at least))~~ fifteen business days before payment, and shall provide the commissioner such other information as may be required by rule.

(b) If the commissioner determines that a registered insurer's surplus as regards policyholders is not reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the commissioner may order the registered insurance company to limit or discontinue the payment of stockholder dividends until such time as the surplus is adequate.

(6) ~~((A))~~ Any person within an insurance holding company system subject to registration ~~((shall))~~ is required to provide complete and accurate information to an insurer, where the information is reasonably necessary to enable the insurer to comply with this chapter.

(7) The commissioner shall terminate the registration of an insurer that demonstrates that it no longer is a member of an insurance holding company system.

(8) The commissioner may require or allow two or more affiliated insurers subject to registration under this section to file a consolidated registration statement.

(9) The commissioner may allow an insurer authorized to do business in this state and which is part of an insurance holding company system to register on behalf of an affiliated insurer ~~((that))~~ which is required to register under subsection (1) of this section and to file all information and material required to be filed under this section.

(10) This section does not apply to an insurer, information, or transaction if and to the extent that the commissioner by rule or order exempts the insurer, information, or transaction from this section.

(11) ~~((A))~~ Any person may file with the commissioner a disclaimer of affiliation with ~~((an))~~ any authorized insurer, or ~~((an))~~ any insurer or ~~((a))~~ any member of ~~((an))~~ any insurance holding company system may file the disclaimer. The person making such a filing with the commissioner shall at the same time deliver a complete copy of the filing to each domestic insurer which is the subject of such filing. The disclaimer must fully disclose all material relationships and bases for affiliation between the person and the insurer as well as the basis for disclaiming the affiliation. ~~((After a disclaimer has been filed, the insurer is relieved of any duty to register or report under this section that may arise out of the insurer's relationship with the person unless and until the commissioner disallows the disclaimer. The commissioner shall disallow the disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support the disallowance.~~

~~((12))~~ A disclaimer of affiliation is deemed to have been granted unless the commissioner, within thirty days following receipt of a complete disclaimer, notifies the filing party the disclaimer is disallowed. In the event of disallowance, the disclaiming party may request an administrative hearing, which shall be granted. The disclaiming party is relieved of its duty to register under this section if approval of the disclaimer has been granted by the commissioner, or if the disclaimer is deemed to have been approved.

~~((12))~~ The ultimate controlling person of every insurer subject to

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registration shall also file an annual enterprise risk report. The report must, to the best of the ultimate controlling person's knowledge and belief, identify the material risks within the insurance holding company system that could pose enterprise risk to the insurer. The report must be filed with the lead state commissioner of the insurance holding company system as determined by the procedures within the financial analysis handbook adopted by the national association of insurance commissioners.

(13) The failure to file a registration statement or ((a)) any summary of the registration statement or enterprise risk filing required by this section within the time specified for ((the)) filing is a violation of this section.

Sec. 6. RCW 48.31B.030 and 1993 c 462 s 7 are each amended to read as follows:

(1)(a) Transactions within ((a)) an insurance holding company system to which an insurer subject to registration is a party are subject to the following standards:

- (i) The terms must be fair and reasonable;
- (ii) Agreements for cost-sharing services and management must include such provisions as required by rule issued by the commissioner;
- (iii) Charges or fees for services performed must be fair and reasonable;
- ((iiii)) (iv) Expenses incurred and payment received must be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;
- ((v)) (v) The books, accounts, and records of each party to all such transactions must be so maintained as to clearly and accurately disclose the nature and details of the transactions((s)) including such accounting information as is necessary to support the reasonableness of the charges or fees to the respective parties; and
- ((vi)) (vi) The insurer's surplus regarding policyholders ((after)) following any dividends or distributions to shareholders or affiliates must be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(b) The following transactions involving a domestic insurer and a person in its insurance holding company system, including amendments or modifications of affiliate agreements previously filed pursuant to this section, which are subject to the materiality standards contained in this subsection, may not be entered into unless the insurer has notified the commissioner in writing of its intention to enter into the transaction and the commissioner declares the notice to be sufficient at least sixty days before, or such shorter period as the commissioner may permit, and the commissioner has not disapproved it within that period. The notice for amendments or modifications must include the reasons for the change and the financial impact on the domestic insurer. Informal notice must be reported, within thirty days after a termination of a previously filed agreement, to the commissioner for determination of the type of filing required, if any:

- (i) Sales, purchases, exchanges, loans or extensions of credit, guarantees, or investments if the transactions are equal to or exceed:
 - (A) With respect to nonlife insurers and not including health care service contractors and health maintenance organizations, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders;
 - (B) With respect to life insurers, three percent of the insurer's admitted assets((; each as of the 31st day of the previous December)) as of December 31st next preceding;
 - (C) With respect to health care service contractors and health maintenance organizations, the lesser of five percent of the insurer's admitted assets or twenty-five percent of its capital and surplus or net worth as of December 31st next preceding;

(ii) Loans or extensions of credit to any person who is not an affiliate, where the insurer makes the loans or extensions of credit with the agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, an affiliate of the insurer making the loans or extensions of credit if the transactions are equal to or exceed:

(A) With respect to nonlife insurers and not including health care service contractors and health maintenance organizations, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders;

(B) With respect to life insurers, three percent of the insurer's admitted assets((; each as of the 31st day of the previous December)) as of December 31st next preceding;

(C) With respect to health care service contractors and health maintenance organizations, the lesser of five percent of the insurer's admitted assets or twenty-five percent of its capital and surplus or net worth as of December 31st next preceding;

(iii) Reinsurance agreements or modifications ((to them)) thereto, including:

- (A) All reinsurance pooling agreements;
- (B) Agreements in which the reinsurance premium or a change in the insurer's liabilities, or the projected reinsurance premium or a change in the insurer's liabilities in any of the next three years, equals or exceeds five percent of the insurer's surplus as regards policyholders, as of ((the 31st day of the previous)) December 31st next preceding, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of the assets will be transferred to one or more affiliates of the insurer;

(iv) All management agreements, service contracts, tax allocation agreements, guarantees, and all cost-sharing arrangements; ((and))

(v) Guarantees when made by a domestic insurer. However, a guarantee which is quantifiable as to amount is not subject to the notice requirements of this subsection (1)(b)(v) unless it exceeds the lesser of one-half of one percent of the insurer's admitted assets or ten percent of surplus as regards policyholders as of December 31st next preceding. Further, all guarantees which are not quantifiable as to amount are subject to the notice requirements of this subsection (1)(b)(v);

(vi) Direct or indirect acquisitions or investments in a person that controls the insurer or in an affiliate of the insurer in an amount which, together with its present holdings in such investments, exceeds two and one-half percent of the insurer's surplus to policyholders. Direct or indirect acquisitions or investments in subsidiaries acquired or authorized pursuant to chapter 48.13 RCW, or in nonsubsidiary insurance affiliates that are subject to this chapter, are exempt from this requirement; and

(vii) Any material transactions, specified by rule, ((that)) which the commissioner determines may adversely affect the interests of the insurer's policyholders.

((Nothing contained in this section authorizes or permits a)) This subsection does not authorize or permit any transaction ((that)) which, in the case of an insurer not a member of the same insurance holding company system, would be otherwise contrary to law.

(c) A domestic insurer may not enter into transactions ((that)) which are part of a plan or series of like transactions with persons within the insurance holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the commissioner determines that the separate transactions were entered into over ((a)) any twelve-month period for that purpose, the

commissioner may apply for an order as described in RCW 48.31B.045(1).

(d) The commissioner, in reviewing transactions under (b) of this subsection, ~~((shall))~~ must consider whether the transactions comply with the standards set forth in (a) of this subsection and whether they may adversely affect the interests of policyholders.

(e) The commissioner ~~((shall))~~ must be notified within thirty days of an investment of the domestic insurer in any one corporation if the total investment in the corporation by the insurance holding company system exceeds ten percent of the corporation's voting securities.

(2)(a) ~~((No))~~ A domestic insurer may not pay an extraordinary dividend or make any other extraordinary distribution to its shareholders until ~~((=))~~ thirty days after the commissioner declares that he or she has received sufficient notice of the declaration thereof and has not within that period disapproved the payment ~~((;))~~, or ~~((if))~~ until the commissioner has approved the payment within the thirty-day period.

(b) For purposes of this section, an extraordinary dividend or distribution is ~~((a))~~ any dividend or distribution of cash or other property, whose fair market value ~~((;))~~ together with that of other dividends or distributions made within the ~~((period of))~~ preceding twelve ~~((consecutive))~~ months ~~((ending on the date on which the proposed dividend is scheduled for payment or distribution,))~~ exceeds the greater of:

(i) Ten percent of the ~~((company's))~~ insurer's surplus as regards policyholders or net worth as of ~~((the 31st day of the previous))~~ December next preceding; or

(ii) The net gain from operations of the ~~((company))~~ insurer, if the ~~((company))~~ insurer is a life insurance company, or the net income if the company is not a life insurance company, for the twelve month period ending ~~((the 31st day of the previous))~~ December next preceding, but does not include pro rata distributions of any class of the ~~((company's))~~ insurer's own securities.

(c) Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution that is conditional upon the commissioner's approval. The declaration confers no rights upon shareholders until: (i) The commissioner has approved the payment of the dividend or distribution; or (ii) the commissioner has not disapproved the payment within the thirty-day period referred to in (a) of this subsection.

(3) For purposes of this chapter, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, ~~((may))~~ must be considered:

(a) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

(b) The extent to which the insurer's business is diversified among ~~((the))~~ several lines of insurance;

(c) The number and size of risks insured in each line of business;

(d) The extent of the geographical dispersion of the insurer's insured risks;

(e) The nature and extent of the insurer's reinsurance program;

(f) The quality, diversification, and liquidity of the insurer's investment portfolio;

(g) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders;

(h) The surplus as regards policyholders maintained by other comparable insurers;

(i) The adequacy of the insurer's reserves;

(j) The quality and liquidity of investments in affiliates. The commissioner may ~~((discount))~~ treat any such investment ~~((or may treat any such investment))~~ as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders

whenever in ~~((his or her))~~ the judgment of the commissioner the investment so warrants; and

(k) The quality of the insurer's earnings and the extent to which the reported earnings include extraordinary items.

(4)(a) Notwithstanding the control of a domestic insurer by any person, the officers and directors of the insurer are not thereby relieved of any obligation or liability to which they would otherwise be subject by law, and the insurer must be managed so as to assure its separate operating identity consistent with this title.

(b) This section does not preclude a domestic insurer from having or sharing a common management or cooperative or joint use of personnel, property, or services with one or more other persons under arrangements meeting the standards of subsection (1)(a) of this section.

(c) At least one-third of a domestic insurer's directors and at least one-third of the members of each committee of the insurer's board of directors must be persons who are not: (i) Officers or employees of the insurer or of any entity that controls, is controlled by, or is under common control with the insurer; or (ii) beneficial owners of a controlling interest in the voting securities of the insurer or of an entity that controls, is controlled by, or is under common control with the insurer. A quorum for transacting business at a meeting of the insurer's board of directors or any committee of the board of directors must include at least one person with the qualifications described in (a) of this subsection.

(d)(i) For a for-profit person, the board of directors of a domestic insurer shall establish one or more committees comprised solely of directors who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer and who are not beneficial owners of a controlling interest in the voting stock of the insurer or any such entity. The committee or committees have responsibility for nominating candidates for director for election by shareholders or policyholders, evaluating the performance of officers deemed to be principal officers of the insurer, and recommending to the board of directors the selection and compensation of the principal officers.

(ii) For a nonprofit person, the board of directors of a domestic insurer shall establish one or more committees comprised solely of directors who are not officers or employees of the insurer or of any entity controlling, controlled by, or under common control with the insurer. The committee or committees have responsibility for nominating candidates for director for election, evaluating the performance of officers deemed to be principal officers of the insurer, and recommending to the board of directors the selection and compensation of the principal officers.

(e) The provisions of (c) and (d) of this subsection do not apply to a domestic insurer if the person controlling the insurer has a board of directors and committees thereof that meet the requirements of (c) and (d) of this subsection with respect to such controlling entity.

(f) An insurer may make application to the commissioner for a waiver from the requirements of this subsection, if the insurer's annual direct written and assumed premium, excluding premiums reinsured with the federal crop insurance corporation and federal flood program, is less than three hundred million dollars. An insurer may also make application to the commissioner for a waiver from the requirements of this subsection based upon unique circumstances. The commissioner may consider various factors including, but not limited to, the type of business entity, volume of business written, availability of qualified board members, or the ownership or organizational structure of the entity.

Sec. 7. RCW 48.31B.035 and 1993 c 462 s 8 are each amended to read as follows:

(1) Subject to the limitation contained in this section and in addition to the powers that the commissioner has under chapter 48.03 RCW relating to the examination of insurers, the commissioner ~~((also may order an insurer registered under RCW~~

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~~48.31B.025 to produce such records, books, or other information papers in the possession of the insurer or its affiliates as are reasonably necessary to ascertain the financial condition of the insurer or to determine compliance with this title. If the insurer fails to comply with the order, the commissioner may examine the affiliates to obtain the information))~~ has the power to examine any insurer registered under RCW 48.31B.025 and its affiliates to ascertain the financial condition of the insurer, including the enterprise risk to the insurer by the ultimate controlling party, or by any entity or combination of entities within the insurance holding company system, or by the insurance holding company system on a consolidated basis.

(2)(a) The commissioner may order any insurer registered under RCW 48.31B.025 to produce such records, books, or other information papers in the possession of the insurer or its affiliates as are reasonably necessary to determine compliance with this title.

(b) To determine compliance with this title, the commissioner may order any insurer registered under RCW 48.31B.025 to produce information not in the possession of the insurer if the insurer can obtain access to such information pursuant to contractual relationships, statutory obligations, or other method. In the event the insurer cannot obtain the information requested by the commissioner, the insurer shall provide the commissioner a detailed explanation of the reason that the insurer cannot obtain the information and the identity of the holder of information. Whenever it appears to the commissioner that the detailed explanation is without merit, the commissioner may require, after notice and hearing, the insurer to pay a fine of ten thousand dollars for each day's delay, or may suspend or revoke the insurer's license. The commissioner shall transfer the fine collected under this section to the state treasurer for deposit into the general fund.

(3) The commissioner may retain at the registered insurer's expense such attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as are reasonably necessary to assist in the conduct of the examination under subsection (1) of this section. Any persons so retained are under the direction and control of the commissioner and shall act in a purely advisory capacity.

~~((3))~~ (4) Notwithstanding the provisions under RCW 48.03.060, each registered insurer producing for examination records, books, and papers under subsection (1) of this section ((are)) is liable for and ((shall)) must pay the expense of the examination ((in accordance with RCW 48.03.060)).

(5) In the event the insurer fails to comply with an order, the commissioner has the power to examine the affiliates to obtain the information. The commissioner also has the power to issue subpoenas, to administer oaths, and to examine under oath any person for purposes of determining compliance with this section. Upon the failure or refusal of any person to obey a subpoena, the commissioner may petition a court of competent jurisdiction, and upon proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order is punishable as contempt of court. Every person is required to attend as a witness at the place specified in the subpoena, when subpoenaed, anywhere within the state. Every person is entitled to the same fees and mileage, if claimed, as a witness as provided in RCW 48.03.070.

NEW SECTION. Sec. 8. A new section is added to chapter 48.31B RCW to read as follows:

(1) With respect to any insurer registered under RCW 48.31B.025, and in accordance with subsection (3) of this section, the commissioner has the power to participate in a supervisory college for any domestic insurer that is part of an insurance holding company system with international operations in order to determine compliance by the insurer with this title. The powers of the

commissioner with respect to supervisory colleges include, but are not limited to, the following:

- (a) Initiating the establishment of a supervisory college;
- (b) Clarifying the membership and participation of other supervisors in the supervisory college;
- (c) Clarifying the functions of the supervisory college and the role of other regulators, including the establishment of a group-wide supervisor;
- (d) Coordinating the ongoing activities of the supervisory college, including planning meetings, supervisory activities, and processes for information sharing; and
- (e) Establishing a crisis management plan.

(2) Each registered insurer subject to this section is liable for and must pay the reasonable expenses of the commissioner's participation in a supervisory college in accordance with subsection (3) of this section, including reasonable travel expenses. For purposes of this section, a supervisory college may be convened as either a temporary or permanent forum for communication and cooperation between the regulators charged with the supervision of the insurer or its affiliates, and the commissioner may establish a regular assessment to the insurer for the payment of these expenses.

(3) In order to assess the business strategy, financial position, legal and regulatory position, risk exposure, risk management, and governance processes, and as part of the examination of individual insurers in accordance with RCW 48.31B.035, the commissioner may participate in a supervisory college with other regulators charged with supervision of the insurer or its affiliates, including other state, federal, and international regulatory agencies. The commissioner may enter into agreements in accordance with section 9(3) of this act providing the basis for cooperation between the commissioner and the other regulatory agencies, and the activities of the supervisory college. This section does not delegate to the supervisory college the authority of the commissioner to regulate or supervise the insurer or its affiliates within its jurisdiction.

NEW SECTION. Sec. 9. A new section is added to chapter 48.31B RCW to read as follows:

(1)(a) Documents, materials, or other information in the possession or control of the commissioner that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to RCW 48.31B.035 and all information reported pursuant to RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, and section 8 of this act are confidential by law and privileged, are not subject to chapter 42.56 RCW, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which it pertains, unless the commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interest of policyholders, shareholders or the public is served by the publication thereof. If the commissioner determines that the interest of policyholders, shareholders, or the public is served by the publication of such documents, materials, or other information, submitted under RCW 48.31B.025(12) or an agreement submitted by an insurer in conjunction with a filing under RCW 48.31B.030(1)(b), the commissioner may publish all or any part in such manner as may be deemed appropriate provided notification is made to the party that produced the documents, materials, or other information at least five business days before such disclosure. The notified party may seek injunctive relief through expedited arbitration as provided for under (b) of this subsection to prevent

disclosure of any documents, materials, or information it believes is confidential or privileged.

(b)(i) Any demand for arbitration shall be delivered by certified mail return receipt requested, and by ordinary first-class mail. The party initiating the arbitration shall address the notice to the address last known to the initiating party in the exercise of reasonable diligence, and also, for any entity which is required to have a registered agent in the state of Washington, to the address of the registered agent. Demand for arbitration is deemed effective three days after the date deposited in the mail.

(ii) All disputes shall be heard by one qualified arbitrator, unless the parties agree to use three arbitrators. If three arbitrators are used, one shall be appointed by each of the disputing parties and the first two arbitrators shall appoint the third, who will chair the panel. The parties shall select the identity and number of the arbitrator or arbitrators after the demand for arbitration is made. If, within ten days after the effective date of the demand for arbitration, the parties fail to agree on an arbitrator or the agreed number of arbitrators fail to be appointed, then an arbitrator or arbitrators shall be appointed under RCW 7.04A.110 by the presiding judge of the superior court in Thurston county.

(iii) In any arbitration, at least one arbitrator must be a lawyer or retired judge. Any additional arbitrator must be either a lawyer or retired judge or a person who has experience with insurance industry standards and practices. No person may serve as an arbitrator in any arbitration in which that person has any past or present financial or personal interest.

(iv) The arbitration hearing must be conducted in a manner that permits full, fair, and expeditious presentation of the case by both parties. The arbitrator is bound by the law of Washington state. Parties may be, but are not required to be, represented by attorneys. The arbitrator may permit discovery to ensure a fair hearing, but may limit the scope or manner of discovery for good cause to avoid excessive delay and costs to the parties. The parties and the arbitrator shall use all reasonable efforts to complete the arbitration within thirty days of the effective date of the demand for arbitration.

(v) Except as otherwise set forth in this section, arbitration shall be conducted under chapter 7.04A RCW. The expenses of witnesses including expert witnesses shall be paid by the party producing the witnesses. All other expenses of arbitration shall be borne equally by the parties, unless all parties agree otherwise or unless the arbitrator awards expenses or any part thereof to any specified party or parties. The parties shall pay the fees of the arbitrator as and when specified by the arbitrator.

(vi) The arbitration decision shall be in writing and must set forth findings of fact and conclusions of law that support the decision.

(vii) Notwithstanding the provisions under RCW 7.04A.280, the arbitration decision shall be binding on all parties and shall not be appealable.

(2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner or with whom such documents, materials, or other information are shared pursuant to this chapter is permitted or may be required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (1) of this section.

(3) In order to assist in the performance of the commissioner's duties, the commissioner:

(a) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection (1) of this section, with other state, federal, and international regulatory agencies, with the national association of insurance commissioners and its affiliates and subsidiaries, with the international association of insurance supervisors and the bank for international settlements and its

affiliates and subsidiaries, and with state, federal, and international law enforcement authorities, including members of any supervisory college described in section 8 of this act, provided the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information, and has verified in writing the legal authority to maintain confidentiality;

(b) Notwithstanding (a) of this subsection, may only share confidential and privileged documents, material, or information reported pursuant to RCW 48.31B.025(12) with commissioners of states having statutes or rules substantially similar to subsection (1) of this section and who have agreed in writing not to disclose such information;

(c) May receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information from the national association of insurance commissioners and its affiliates and subsidiaries, the international association of insurance supervisors and the bank for international settlements and its affiliates and subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and

(d) Shall enter into written agreements with the national association of insurance commissioners governing sharing and use of information provided pursuant to this chapter consistent with this subsection that shall:

(i) Specify procedures and protocols regarding the confidentiality and security of information shared with the national association of insurance commissioners and its affiliates and subsidiaries pursuant to this chapter, including procedures and protocols for sharing by the national association of insurance commissioners with other state, federal, or international regulators including the international association of insurance supervisors and the bank for international settlements and its affiliates and subsidiaries;

(ii) Specify that ownership of information shared with the national association of insurance commissioners and its affiliates and subsidiaries pursuant to this chapter remains with the commissioner and the national association of insurance commissioners' use of the information is subject to the direction of the commissioner;

(iii) Require prompt notice to be given to an insurer whose confidential information in the possession of the national association of insurance commissioners pursuant to this chapter is subject to a request or subpoena to the national association of insurance commissioners for disclosure or production; and

(iv) Require the national association of insurance commissioners and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the national association of insurance commissioners and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the national association of insurance commissioners and its affiliates and subsidiaries pursuant to this chapter.

(4) The sharing of information by the commissioner pursuant to this chapter does not constitute a delegation of regulatory authority or rule making, and the commissioner is solely responsible for the administration, execution, and enforcement of this chapter.

(5) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (3) of this section.

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(6) Documents, materials, or other information in the possession or control of the national association of insurance commissioners pursuant to this chapter are confidential by law and privileged, are not subject to chapter 42.56 RCW, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action.

Sec. 10. RCW 48.31B.040 and 1993 c 462 s 9 are each amended to read as follows:

The commissioner may, ((upon notice and opportunity for all interested persons to be heard, adopt rules and issue orders that are necessary to carry out)) in accordance with the administrative procedure act, chapter 34.05 RCW, adopt rules interpreting and implementing this chapter.

Sec. 11. RCW 48.31B.050 and 1993 c 462 s 11 are each amended to read as follows:

(1) The commissioner shall require, after notice and hearing, an insurer failing, without just cause, to file a registration statement as required in this chapter, to pay a penalty of not more than ten thousand dollars per day. The maximum penalty under this section is one million dollars. The commissioner may reduce the penalty if the insurer demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the insurer. The commissioner shall pay a fine collected under this section to the state treasurer for the account of the general fund.

(2) Every director or officer of an insurance holding company system who knowingly violates this chapter, or participates in, or assents to, or who knowingly permits an officer or agent of the insurer to engage in transactions or make investments that have not been properly reported or submitted under RCW 48.31B.025(1) or 48.31B.030(1)(b) or (2), or that violate this chapter, shall pay, in their individual capacity, a civil forfeiture of not more than ten thousand dollars per violation, after notice and hearing before the commissioner. In determining the amount of the civil forfeiture, the commissioner shall take into account the appropriateness of the forfeiture with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.

(3) Whenever it appears to the commissioner that an insurer subject to this chapter or a director, officer, employee, or agent of the insurer has engaged in a transaction or entered into a contract that is subject to RCW 48.31B.030 and that would not have been approved had approval been requested, the commissioner may order the insurer to cease and desist immediately any further activity under that transaction or contract. After notice and hearing the commissioner may also order the insurer to void any such contracts and restore the status quo if that action is in the best interest of the policyholders, creditors, or the public.

(4) Whenever it appears to the commissioner that an insurer or a director, officer, employee, or agent of the insurer has committed a willful violation of this chapter, the commissioner may refer the matter to the prosecuting attorney of Thurston county or the county in which the principal office of the insurer is located. An insurer that willfully violates this chapter may be fined not more than one million dollars. Any individual who willfully violates this chapter may be fined in his or her individual capacity not more than ten thousand dollars, or be imprisoned for not more than three years, or both.

(5) An officer, director, or employee of an insurance holding company system who willfully and knowingly subscribes to or makes or causes to be made a false statement or false report or false filing with the intent to deceive the commissioner in the performance of his or her duties under this chapter, upon conviction thereof, shall be imprisoned for not more than three years or fined not more than ten thousand dollars or both. The officer, director, or employee upon whom the fine is imposed shall pay the fine in his or her individual capacity.

(6) Whenever it appears to the commissioner that any person has committed a violation of RCW 48.31B.015 and which prevents the full understanding of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation may serve as an independent basis for disapproving dividends or distributions and for placing the insurer under an order of supervision in accordance with RCW 48.31.400.

Sec. 12. RCW 48.31B.070 and 1993 c 462 s 15 are each amended to read as follows:

(1) A person aggrieved by an act, determination, rule, order, or any other action of the commissioner under this chapter may proceed in accordance with the administrative procedure act, chapter 34.05 RCW.

(2) A person aggrieved by a failure of the commissioner to act or make a determination required by this chapter may petition the commissioner under the procedure described in ~~((RCW 34.05.330))~~ the administrative procedure act, chapter 34.05 RCW.

Sec. 13. RCW 42.56.400 and 2013 c 277 s 5 and 2013 c 65 s 5 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) ((Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070)) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and section 8 of this act, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140(3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210; ~~(and)~~

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017; and

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5).

Sec. 14. RCW 42.56.400 and 2013 c 65 s 5 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) ((Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070)) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and section 8 of this act, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140(3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

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(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210; and

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017.

Sec. 15. RCW 48.02.065 and 2007 c 126 s 1 are each amended to read as follows:

(1) Documents, materials, or other information as described in either subsection (5) or (6), or both, of this section are confidential by law and privileged, are not subject to public disclosure under chapter 42.56 RCW, and are not subject to subpoena directed to the commissioner or any person who received documents, materials, or other information while acting under the authority of the commissioner. The commissioner is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The confidentiality and privilege created by this section and RCW 42.56.400~~((9))~~ (8) applies only to the commissioner, any person acting under the authority of the commissioner, the national association of insurance commissioners and its affiliates and subsidiaries, regulatory and law enforcement officials of other states and nations, the federal government, and international authorities.

(2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner is permitted or required to testify in any private civil action concerning any confidential and privileged documents, materials, or information subject to subsection (1) of this section.

(3) The commissioner:

(a) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection (1) of this section, with (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, if the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

(b) May receive documents, materials, or information, including otherwise either confidential or privileged, or both, documents, materials, or information, from (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities and shall maintain as confidential and privileged any document, material, or information received that is either confidential or privileged, or both, under the laws of the jurisdiction that is the source of the document, material, or information; and

(c) May enter into agreements governing the sharing and use of information consistent with this subsection.

(4) No waiver of an existing privilege or claim of confidentiality in the documents, materials, or information may occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (3) of this section.

(5) Documents, materials, or information, which is either confidential or privileged, or both, which has been provided to the commissioner by (a) the national association of insurance commissioners and its affiliates and subsidiaries, (b) regulatory or law enforcement officials of other states and nations, the federal government, or international authorities, or (c) agencies of this state, is confidential and privileged only if the documents, materials, or

information is protected from disclosure by the applicable laws of the jurisdiction that is the source of the document, material, or information.

(6) Working papers, documents, materials, or information produced by, obtained by, or disclosed to the commissioner or any other person in the course of a financial or market conduct examination, or in the course of financial analysis or market conduct desk audit, are not required to be disclosed by the commissioner unless cited by the commissioner in connection with an agency action as defined in RCW 34.05.010(3). The commissioner shall notify a party that produced the documents, materials, or information five business days before disclosure in connection with an agency action. The notified party may seek injunctive relief in any Washington state superior court to prevent disclosure of any documents, materials, or information it believes is confidential or privileged. In civil actions between private parties or in criminal actions, disclosure to the commissioner under this section does not create any privilege or claim of confidentiality or waive any existing privilege or claim of confidentiality.

(7)(a) After receipt of a public disclosure request, the commissioner shall disclose the documents, materials, or information under subsection (6) of this section that relate to a financial or market conduct examination undertaken as a result of a proposed change of control of a nonprofit or mutual health insurer governed in whole or in part by chapter 48.31B ~~((or 48.31C))~~ RCW.

(b) The commissioner is not required to disclose the documents, materials, or information in (a) of this subsection if:

(i) The documents, materials, or information are otherwise privileged or exempted from public disclosure; or

(ii) The commissioner finds that the public interest in disclosure of the documents, materials, or information is outweighed by the public interest in nondisclosure in that particular instance.

(8) Any person may petition a Washington state superior court to allow inspection of information exempt from public disclosure under subsection (6) of this section when the information is connected to allegations of negligence or malfeasance by the commissioner related to a financial or market conduct examination. The court shall conduct an in-camera review after notifying the commissioner and every party that produced the information. The court may order the commissioner to allow the petitioner to have access to the information provided the petitioner maintains the confidentiality of the information. The petitioner must not disclose the information to any other person, except upon further order of the court. After conducting a regular hearing, the court may order that the information can be disclosed publicly if the court finds that there is a public interest in the disclosure of the information and the exemption of the information from public disclosure is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

Sec. 16. RCW 48.13.061 and 2011 c 188 s 7 are each amended to read as follows:

The following classes of investments may be counted for the purposes specified in RCW 48.13.101, whether they are made directly or as a participant in a partnership, joint venture, or limited liability company. Investments in partnerships, joint ventures, and limited liability companies are authorized investments only pursuant to subsection (12) of this section:

(1) Cash in the direct possession of the insurer or on deposit with a financial institution regulated by any federal or state agency of the United States;

(2) Bonds, debt-like preferred stock, and other evidences of indebtedness of governmental units in the United States or Canada, or the instrumentalities of the governmental units, or private business entities domiciled in the United States or Canada, including

asset-backed securities and securities valuation office listed mutual funds;

(3) Loans secured by first mortgages, first trust deeds, or other first security interests in real property located in the United States or Canada or secured by insurance against default issued by a government insurance corporation of the United States or Canada or by an insurer authorized to do business in this state;

(4) Common stock or equity-like preferred stock or equity interests in any United States or Canadian business entity, or shares of mutual funds registered with the securities and exchange commission of the United States under the investment company act of 1940, other than securities valuation office listed mutual funds, and, subsidiaries, as defined in RCW 48.31B.005 (~~or 48.31C.010~~), engaged exclusively in the following businesses:

(a) Acting as an insurance producer, surplus line broker, or title insurance agent for its parent or for any of its parent's insurer subsidiaries or affiliates;

(b) Investing, reinvesting, or trading in securities or acting as a securities broker or dealer for its own account, that of its parent, any subsidiary of its parent, or any affiliate or subsidiary;

(c) Rendering management, sales, or other related services to any investment company subject to the federal investment company act of 1940, as amended;

(d) Rendering investment advice;

(e) Rendering services related to the functions involved in the operation of an insurance business including, but not limited to, actuarial, loss prevention, safety engineering, data processing, accounting, claims appraisal, and collection services;

(f) Acting as administrator of employee welfare benefit and pension plans for governments, government agencies, corporations, or other organizations or groups;

(g) Ownership and management of assets which the parent could itself own and manage: PROVIDED, that the aggregate investment by the insurer and its subsidiaries acquired pursuant to this subsection (4)(g) shall not exceed the limitations otherwise applicable to such investments by the parent;

(h) Acting as administrative agent for a government instrumentality which is performing an insurance function or is responsible for a health or welfare program;

(i) Financing of insurance premiums;

(j) Any other business activity reasonably ancillary to an insurance business;

(k) Owning one or more subsidiary;

(i) Insurers, health care service contractors, or health maintenance organizations to the extent permitted by this chapter;

(ii) Businesses specified in (a) through (k) of this subsection inclusive; or

(iii) Any combination of such insurers and businesses;

(5) Real property necessary for the convenient transaction of the insurer's business;

(6) Real property, together with the fixtures, furniture, furnishings, and equipment pertaining thereto in the United States or Canada, which produces or after suitable improvement can reasonably be expected to produce income;

(7) Loans, securities, or other investments of the types described in subsections (1) through (6) of this section in national association of insurance commissioners securities valuation office I debt rated countries other than the United States and Canada;

(8) Bonds or other evidences of indebtedness of international development organizations of which the United States is a member;

(9) Loans upon the security of the insurer's own policies in amounts that are adequately secured by the policies and that in no case exceed the surrender values of the policies;

(10) Tangible personal property under contract of sale or lease under which contractual payments may reasonably be expected to

return the principal of and provide earnings on the investment within its anticipated useful life;

(11) Other investments the commissioner authorizes by rule; and

(12) Investments not otherwise permitted by this section, and not specifically prohibited by statute, to the extent of not more than five percent of the first five hundred million dollars of the insurer's admitted assets plus ten percent of the insurer's admitted assets exceeding five hundred million dollars.

Sec. 17. RCW 48.97.005 and 2008 c 217 s 75 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accredited state" means a state in which the insurance department or regulatory agency has qualified as meeting the minimum financial regulatory standards promulgated and established from time to time by the National Association of Insurance Commissioners.

(2) "Control" or "controlled by" has the meaning ascribed in RCW 48.31B.005(~~(2))~~ (3).

(3) "Controlled insurer" means a licensed insurer that is controlled, directly or indirectly, by a broker.

(4) "Controlling producer" means a producer who, directly or indirectly, controls an insurer.

(5) "Licensed insurer" or "insurer" means a person, firm, association, or corporation licensed to transact property and casualty insurance business in this state. The following, among others, are not licensed insurers for purposes of this chapter:

(a) ((Risk retention groups as defined in the Superfund Amendments Reauthorization Act of 1986, P.L. 99-499, 100 Stat. 1613 (1986), the Risk Retention Act, 15 U.S.C. Sec. 3901 et seq. (1982 Supp. 1986), and chapter 48.92 RCW;

(b)) All residual market pools and joint underwriting associations; and

~~((c) Captive insurers. For the purposes of this chapter, (b) captive insurers other than risk retention groups as defined in 15 U.S.C. Sec. 3901 et seq. and 42 U.S.C. Sec. 9671 are insurance companies owned by another organization((-)) whose exclusive purpose is to insure risks of the parent organization and affiliated companies or, in the case of groups and associations, insurance organizations owned by the insureds whose exclusive purpose is to insure risks to member organizations or group members, or both, and their affiliates.~~

(6) "Producer" means an insurance broker or brokers or any other person, firm, association, or corporation when, for compensation, commission, or other thing of value, the person, firm, association, or corporation acts or aids in any manner in soliciting, negotiating, or procuring the making of an insurance contract on behalf of an insured other than the person, firm, association, or corporation.

Sec. 18. RCW 48.125.140 and 2004 c 260 s 16 are each amended to read as follows:

(1) The commissioner may make an examination of the operations of any self-funded multiple employer welfare arrangement as often as he or she deems necessary in order to carry out the purposes of this chapter.

(2) Every self-funded multiple employer welfare arrangement shall submit its books and records relating to its operation for financial condition and market conduct examinations and in every way facilitate them. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths, and examine the officers and principals of the ~~((self-funded))~~ self-funded multiple employer welfare arrangement.

(3) The commissioner may elect to accept and rely on audit reports made by an independent certified public accountant for the self-funded multiple employer welfare arrangement in the course of

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that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in his or her report of the examination.

(4)(a) The commissioner may also examine any affiliate of the self-funded multiple employer welfare arrangement. An examination of an affiliate is limited to the activities or operations of the affiliate that may impact the financial position of the arrangement.

(b) For the purposes of this section, "affiliate" has the same meaning as defined in RCW ~~((48.31C.010))~~ 48.31B.005.

(5) Whenever an examination is made, all of the provisions of chapter 48.03 RCW not inconsistent with this chapter shall be applicable. In lieu of making an examination himself or herself, the commissioner may, in the case of a foreign self-funded multiple employer welfare arrangement, accept an examination report of the applicant by the regulatory official in its state of domicile. In the case of a domestic self-funded multiple employer welfare arrangement, the commissioner may accept an examination report of the applicant by the regulatory official of a state that has already licensed the arrangement.

Sec. 19. RCW 48.155.010 and 2010 c 27 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) "Commissioner" means the Washington state insurance commissioner.

(3)(a) "Control" or "controlled by" or "under common control with" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person.

(b) Control exists when any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing ten percent or more of the voting securities of any other person. A presumption of control may be rebutted by a showing made in the manner provided by RCW 48.31B.005~~((2))~~ (3) and 48.31B.025(11) that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

(4)(a) "Discount plan" means a business arrangement or contract in which a person or organization, in exchange for fees, dues, charges, or other consideration, provides or purports to provide discounts to its members on charges by providers for health care services.

(b) "Discount plan" does not include:

(i) A plan that does not charge a membership or other fee to use the plan's discount card;

(ii) A patient access program as defined in this chapter;

(iii) A Medicare prescription drug plan as defined in this chapter; or

(iv) A discount plan offered by a health carrier authorized under chapter 48.20, 48.21, 48.44, or 48.46 RCW.

(5)(a) "Discount plan organization" means a person that, in exchange for fees, dues, charges, or other consideration, provides or purports to provide access to discounts to its members on charges by providers for health care services. "Discount plan organization" also means a person or organization that contracts with providers, provider networks, or other discount plan organizations to offer

discounts on health care services to its members. This term also includes all persons that determine the charge to or other consideration paid by members.

(b) "Discount plan organization" does not mean:

(i) Pharmacy benefit managers;

(ii) Health care provider networks, when the network's only involvement in discount plans is contracting with the plan to provide discounts to the plan's members;

(iii) Marketers who market the discount plans of discount plan organizations which are licensed under this chapter as long as all written communications of the marketer in connection with a discount plan clearly identify the licensed discount plan organization as the responsible entity; or

(iv) Health carriers, if the discount on health care services is offered by a health carrier authorized under chapter 48.20, 48.21, 48.44, or 48.46 RCW.

(6) "Health care facility" or "facility" has the same meaning as in RCW 48.43.005~~((15))~~ (22).

(7) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005~~((16))~~ (23).

(8) "Health care provider network," "provider network," or "network" means any network of health care providers, including any person or entity that negotiates directly or indirectly with a discount plan organization on behalf of more than one provider to provide health care services to members.

(9) "Health care services" has the same meaning as in RCW 48.43.005~~((17))~~ (24).

(10) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005~~((18))~~ (25).

(11) "Marketer" means a person or entity that markets, promotes, sells, or distributes a discount plan, including a contracted marketing organization and a private label entity that places its name on and markets or distributes a discount plan pursuant to a marketing agreement with a discount plan organization.

(12) "Medicare prescription drug plan" means a plan that provides a Medicare part D prescription drug benefit in accordance with the requirements of the federal Medicare prescription drug improvement and modernization act of 2003.

(13) "Member" means any individual who pays fees, dues, charges, or other consideration for the right to receive the benefits of a discount plan, but does not include any individual who enrolls in a patient access program.

(14) "Patient access program" means a voluntary program sponsored by a pharmaceutical manufacturer, or a consortium of pharmaceutical manufacturers, that provides free or discounted health care products for no additional consideration directly to low-income or uninsured individuals either through a discount card or direct shipment.

(15) "Person" means an individual, a corporation, a governmental entity, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the persons listed in this subsection.

(16)(a) "Pharmacy benefit manager" means a person that performs pharmacy benefit management for a covered entity.

(b) For purposes of this subsection, a "covered entity" means an insurer, a health care service contractor, a health maintenance organization, or a multiple employer welfare arrangement licensed, certified, or registered under the provisions of this title. "Covered entity" also means a health program administered by the state as a provider of health coverage, a single employer that provides health coverage to its employees, or a labor union that provides health coverage to its members as part of a collective bargaining agreement.

Sec. 20. RCW 48.155.015 and 2009 c 175 s 4 are each amended to read as follows:

(1) This chapter applies to all discount plans and all discount plan organizations doing business in or from this state or that affect subjects located wholly or in part or to be performed within this state, and all persons having to do with this business.

(2) A discount plan organization that is a health carrier, as defined under RCW 48.43.005, with a license, certificate of authority, or registration (~~under RCW 48.05.030 or chapter 48.31C RCW~~):

(a) Is not required to obtain a license under RCW 48.155.020, except that any of its affiliates that operate as a discount plan organization in this state must obtain a license under RCW 48.155.020 and comply with all other provisions of this chapter;

(b) Is required to comply with RCW 48.155.060 through 48.155.090 and report, in the form and manner as the commissioner may require, any of the information described in RCW 48.155.110(2) (b), (c), or (d) that is not otherwise already reported; and

(c) Is subject to RCW 48.155.130 and 48.155.140.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) RCW 48.31C.010 (Definitions) and 2001 c 179 s 1;

(2) RCW 48.31C.020 (Acquisition of a foreign health carrier--Preacquisition notification--Review) and 2001 c 179 s 2;

(3) RCW 48.31C.030 (Acquisition of a domestic health carrier--Filing--Review--Jurisdiction of courts) and 2001 c 179 s 3;

(4) RCW 48.31C.040 (Registration with commissioner--Information required--Rule making--Disclaimer of affiliation--Failure to file) and 2001 c 179 s 4;

(5) RCW 48.31C.050 (Health carrier subject to registration--Standards for transactions within a holding company system--Notice to commissioner--Review) and 2001 c 179 s 5;

(6) RCW 48.31C.060 (Extraordinary dividends or distributions--Restrictions--Definition of distribution) and 2001 c 179 s 6;

(7) RCW 48.31C.070 (Examination of health carriers--Commissioner may order production of information--Failure to comply--Costs) and 2001 c 179 s 7;

(8) RCW 48.31C.080 (Violations of chapter--Commissioner may seek superior court order) and 2001 c 179 s 8;

(9) RCW 48.31C.090 (Violations of chapter--Penalties--Civil forfeitures--Orders--Referral to prosecuting attorney--Imprisonment) and 2001 c 179 s 9;

(10) RCW 48.31C.100 (Violations of chapter--Impairment of financial condition) and 2001 c 179 s 10;

(11) RCW 48.31C.110 (Order for liquidation or rehabilitation--Recovery of distributions or payments--Liability--Maximum amount recoverable) and 2001 c 179 s 11;

(12) RCW 48.31C.120 (Violations of chapter--Contrary to interests of subscribers or the public) and 2001 c 179 s 12;

(13) RCW 48.31C.130 (Confidential proprietary and trade secret information--Exempt from public disclosure--Exceptions) and 2001 c 179 s 13;

(14) RCW 48.31C.140 (Person aggrieved by actions of commissioner) and 2001 c 179 s 15;

(15) RCW 48.31C.150 (Rule making) and 2001 c 179 s 16;

(16) RCW 48.31C.160 (Dual holding company system membership) and 2001 c 179 s 17;

(17) RCW 48.31C.900 (Severability--2001 c 179) and 2001 c 179 s 18; and

(18) RCW 48.31C.901 (Effective date--2001 c 179) and 2001 c 179 s 19.

NEW SECTION. Sec. 22. PURPOSE AND SCOPE. (1) The purpose of this chapter is to provide the requirements for

maintaining a risk management framework and completing an own risk and solvency assessment and provide guidance and instructions for filing an ORSA summary report with the insurance commissioner of this state.

(2) The requirements of this chapter apply to all insurers domiciled in this state unless exempt pursuant to section 27 of this act.

(3) The legislature finds and declares that the ORSA summary report contains confidential and sensitive information related to an insurer or insurance group's identification of risks material and relevant to the insurer or insurance group filing the report. This information includes proprietary and trade secret information that has the potential for harm and competitive disadvantage to the insurer or insurance group if the information is made public. It is the intent of this legislature that the ORSA summary report is a confidential document filed with the commissioner, that the ORSA summary report may be shared only as stated in this chapter and to assist the commissioner in the performance of his or her duties, and that in no event may the ORSA summary report be subject to public disclosure.

NEW SECTION. Sec. 23. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Insurance group" means, for the purposes of conducting an ORSA, those insurers and affiliates included within an insurance holding company system as defined in RCW 48.31B.005.

(2) "Insurer" includes an insurer authorized under chapter 48.05 RCW, a fraternal mutual insurer or society holding a license under RCW 48.36A.290, a health care service contractor registered under chapter 48.44 RCW, a health maintenance organization registered under chapter 48.46 RCW, and a self-funded multiple employer welfare arrangement under chapter 48.125 RCW, as well as all persons engaged as, or purporting to be engaged as insurers, fraternal benefit societies, health care service contractors, health maintenance organizations, or self-funded multiple employer welfare arrangements in this state, and to persons in process of organization to become insurers, fraternal benefit societies, health care service contractors, health maintenance organizations, or self-funded multiple employer welfare arrangements, except that it does not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

(3) "Own risk and solvency assessment" or "ORSA" means a confidential internal assessment, appropriate to the nature, scale, and complexity of an insurer or insurance group, conducted by that insurer or insurance group of the material and relevant risks associated with the insurer or insurance group's current business plan, and the sufficiency of capital resources to support those risks.

(4) "ORSA guidance manual" means the own risk and solvency assessment guidance manual developed and adopted by the national association of insurance commissioners.

(5) "ORSA summary report" means a confidential high-level ORSA summary of an insurer or insurance group.

NEW SECTION. Sec. 24. RISK MANAGEMENT FRAMEWORK. An insurer shall maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing, and reporting on its material and relevant risks. This requirement is satisfied if the insurance group of which the insurer is a member maintains a risk management framework applicable to the operations of the insurer.

NEW SECTION. Sec. 25. ORSA REQUIREMENT. Subject to section 27 of this act, an insurer, or the insurance group of which the insurer is a member, shall regularly conduct an ORSA consistent with a process comparable to the ORSA guidance manual. The ORSA must be conducted annually but also at any

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time when there are significant changes to the risk profile of the insurer or the insurance group of which the insurer is a member.

NEW SECTION. Sec. 26. ORSA SUMMARY REPORT.

(1) Upon the commissioner's request, and no more than once each year, an insurer shall submit to the commissioner an ORSA summary report or any combination of reports that together contain the information described in the ORSA guidance manual, applicable to the insurer or the insurance group of which it is a member. Notwithstanding any request from the commissioner, if the insurer is a member of an insurance group, the insurer shall submit the report or set of reports required by this subsection if the commissioner is the lead state commissioner of the insurance group as determined by the procedures within the financial analysis handbook adopted by the national association of insurance commissioners.

(2) The report shall include a signature of the insurer or insurance group's chief risk officer or other executive having responsibility for the oversight of the insurer's enterprise risk management process attesting to the best of his or her belief and knowledge that the insurer applies the enterprise risk management process described in the ORSA summary report and that a copy of the report has been provided to the insurer's board of directors or the appropriate governing committee.

(3) An insurer may comply with subsection (1) of this section by providing the most recent and substantially similar report or reports provided by the insurer or another member of an insurance group of which the insurer is a member to the commissioner of another state or to a supervisor or regulator of a foreign jurisdiction, if that report provides information that is comparable to the information described in the ORSA guidance manual. Any such report in a language other than English must be accompanied by a translation of that report into the English language.

NEW SECTION. Sec. 27. EXEMPTIONS. (1) An insurer is exempt from the requirements of this chapter, if:

(a) The insurer has annual direct written and unaffiliated assumed premium including international direct and assumed premium, but excluding premium reinsured with the federal crop insurance corporation and federal flood program, less than five hundred million dollars; and

(b) The insurance group of which the insurer is a member has annual direct written and unaffiliated assumed premium including international direct and assumed premium, but excluding premium reinsured with the federal crop insurance corporation and federal flood program, less than one billion dollars.

(2) If an insurer qualifies for exemption pursuant to subsection (1)(a) of this section, but the insurance group of which the insurer is a member does not qualify for exemption pursuant to subsection (1)(b) of this section, then the ORSA summary report that may be required pursuant to section 26 of this act must include every insurer within the insurance group. This requirement is satisfied by the submission of more than one ORSA summary report for any combination of insurers, provided any combination of reports includes every insurer within the insurance group.

(3) If an insurer does not qualify for exemption pursuant to subsection (1)(a) of this section, but the insurance group of which the insurer is a member does qualify for exemption pursuant to subsection (1)(b) of this section, then the only ORSA summary report that may be required pursuant to section 26 of this act is the report applicable to that insurer.

(4) If an insurer does not qualify for exemption pursuant to subsection (1)(a) of this section, the insurer may apply to the commissioner for a waiver from the requirements of this chapter based upon unique circumstances. In deciding whether to grant the insurer's request for waiver, the commissioner may consider the type and volume of business written, ownership and organizational

structure, and any other factor the commissioner considers relevant to the insurer or insurance group of which the insurer is a member. If the insurer is a part of an insurance group with insurers domiciled in more than one state, the commissioner shall coordinate with the lead state commissioner and with the other domiciliary commissioners in considering whether to grant the insurer's request for a waiver.

(5) Notwithstanding the exemptions stated in this section, the commissioner may require that an insurer maintain a risk management framework, conduct an ORSA, and file an ORSA summary report (a) based on unique circumstances including, but not limited to, the type and volume of business written, ownership and organizational structure, federal agency requests, and international supervisor requests; and (b) if the insurer has risk-based capital at the company action level event as set forth in RCW 48.05.440 or 48.43.310, meets one or more of the standards of an insurer deemed to be in hazardous financial condition as defined in WAC 284-16-310, or otherwise exhibits qualities of a troubled insurer as determined by the commissioner.

(6) If an insurer that qualifies for exemption pursuant to subsection (1)(a) of this section subsequently no longer qualifies for that exemption due to changes in premium reflected in the insurer's most recent annual statement or in the most recent annual statements of the insurers within the insurance group of which the insurer is a member, the insurer has one year following the year the threshold is exceeded to comply with the requirement of this chapter.

NEW SECTION. Sec. 28. CONTENTS OF ORSA SUMMARY REPORT. (1) The ORSA summary report shall be prepared consistent with the ORSA guidance manual, subject to the requirements of subsection (2) of this section. Documentation and supporting information must be maintained and made available upon examination or upon the request of the commissioner.

(2) The review of the ORSA summary report, and any additional requests for information, must be made using similar procedures currently used in the analysis and examination of multistate or global insurers and insurance groups.

NEW SECTION. Sec. 29. CONFIDENTIAL TREATMENT. (1) Documents, materials, or other information, including the ORSA summary report, in the possession or control of the commissioner that are obtained by, created by, or disclosed to the commissioner or any other person under this chapter, is recognized by this state as being proprietary and to contain trade secrets. All such documents, materials, or other information is confidential by law and privileged, is not subject to chapter 42.56 RCW, is not subject to subpoena, and is not subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner may not otherwise make the documents, materials, or other information public without the prior written consent of the insurer.

(2) Neither the commissioner nor any person who received documents, materials, or other ORSA-related information, through examination or otherwise, while acting under the authority of the commissioner or with whom such documents, materials, or other information are shared pursuant to this chapter, is permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (1) of this section.

(3) In order to assist in the performance of the commissioner's regulatory duties, the commissioner:

(a) May share documents, materials, or other ORSA-related information, including the confidential and privileged documents, materials, or information subject to subsection (1) of this section,

including proprietary and trade secret documents and materials with other state, federal, and international regulatory agencies, including members of any supervisory college under section 8(3) of this act, with the national association of insurance commissioners, with the international association of insurance supervisors and the bank for international settlements, and with any third-party consultants designated by the commissioner, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related documents, materials, or other information and has verified in writing the legal authority to maintain confidentiality;

(b) May receive documents, materials, or ORSA-related information, including otherwise confidential and privileged documents, materials, or information, including proprietary and trade secret information or documents, from regulatory officials of other foreign or domestic jurisdictions, including members of any supervisory college under section 8(3) of this act, from the national association of insurance commissioners, the international association of insurance supervisors and the bank for international settlements, and must maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information;

(c) Shall enter into written agreements with the national association of insurance commissioners or a third-party consultant governing sharing and use of information provided pursuant to this chapter, consistent with this subsection that specifies procedures and protocols regarding the confidentiality and security of information shared with the national association of insurance commissioners or third-party consultant pursuant to this chapter, including procedures and protocols for sharing by the national association of insurance commissioners with other state regulators from states in which the insurance group has domiciled insurers. The agreement must provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related documents, materials, or other information and has verified in writing the legal authority to maintain confidentiality;

(d) Shall specify that ownership of information shared with the national association of insurance commissioners or third-party consultants pursuant to this chapter remains with the commissioner and the national association of insurance commissioners' or a third-party consultant's use of the information is subject to the direction of the commissioner;

(e) Shall prohibit the national association of insurance commissioners or third-party consultant from storing the information shared pursuant to this chapter in a permanent database after the underlying analysis is completed;

(f) Shall require prompt notice to be given to an insurer whose confidential information in the possession of the national association of insurance commissioners or a third-party consultant pursuant to this chapter is subject to a request or subpoena to the national association of insurance commissioners for disclosure or production;

(g) Shall require the national association of insurance commissioners and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the national association of insurance commissioners and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the national association of insurance commissioners and its affiliates and subsidiaries pursuant to this chapter; and

(h) In the case of an agreement involving a third-party consultant, shall provide the insurer's written consent.

(4) The sharing of information by the commissioner pursuant to this chapter shall not constitute a delegation of regulatory authority or rule making, and the commissioner is solely responsible for the

administration, execution, and enforcement of the provisions of this chapter.

(5) A waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall not occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in this chapter.

(6) Documents, materials, or other information in the possession or control of the national association of insurance commissioners pursuant to this chapter are confidential by law and privileged, are not subject to chapter 42.56 RCW, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action.

NEW SECTION. Sec. 30. SANCTIONS. The commissioner shall require any insurer failing, without just cause, to file the ORSA summary report as required in this chapter, after notice and hearing, to pay a fine of five hundred dollars for each day's delay, to be recovered by the commissioner and the fine collected shall be transferred to the treasurer for deposit into the state general fund. The maximum fine under this section is one hundred thousand dollars. The commissioner may reduce the fine if the insurer demonstrates to the commissioner that the imposition of the fine would constitute a financial hardship to the insurer.

Sec. 31. RCW 42.56.400 and 2013 c 277 s 5 and 2013 c 65 s 5 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) ((Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070)) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and section 8 of this act, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care

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provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

- (a) "Claimant" has the same meaning as in RCW 48.140.010(2).
- (b) "Health care facility" has the same meaning as in RCW 48.140.010(6).
- (c) "Health care provider" has the same meaning as in RCW 48.140.010(7).
- (d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).
- (e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);
- (11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;
- (12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;
- (13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;
- (14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;
- (15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;
- (16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140(3) and (7)(a)(ii);
- (17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;
- (18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;
- (19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;
- (20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);
- (21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210; ~~(and)~~
- (22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017; ~~(and)~~
- (23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5); and
- (24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.-- RCW (the new chapter created in section 34 of this act).

Sec. 32. RCW 42.56.400 and 2013 c 65 s 5 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

- (1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;
- (2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the

development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) ((Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070)) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and section 8 of this act, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

- (a) "Claimant" has the same meaning as in RCW 48.140.010(2).
- (b) "Health care facility" has the same meaning as in RCW 48.140.010(6).
- (c) "Health care provider" has the same meaning as in RCW 48.140.010(7).
- (d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).
- (e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);
- (11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;
- (12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;
- (13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;
- (14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;
- (15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;
- (16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140(3) and (7)(a)(ii);
- (17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the

commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210; ~~(and)~~

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017; and

(23) Documents, materials, or information obtained by the insurance commissioner under chapter 48.-- RCW (the new chapter created in section 34 of this act).

NEW SECTION. Sec. 33. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 34. Sections 22 through 30 and 35 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 35. SHORT TITLE. This chapter may be known and cited as the risk management and solvency assessment act.

NEW SECTION. Sec. 36. EFFECTIVE DATE. Except for sections 14 and 32 of this act, which take effect July 1, 2017, this act takes effect January 1, 2015.

NEW SECTION. Sec. 37. Sections 13 and 31 of this act expire July 1, 2017."

Senators Hobbs, Angel and Chase spoke in favor of adoption of the striking amendment.

Senator Rolfes spoke on adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hobbs and others to Substitute House Bill No. 2461.

The motion by Senator Hobbs carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 48.31B.005, 48.31B.010, 48.31B.015, 48.31B.020, 48.31B.025, 48.31B.030, 48.31B.035, 48.31B.040, 48.31B.050, 48.31B.070, 42.56.400, 48.02.065, 48.13.061, 48.97.005, 48.125.140, 48.155.010, 48.155.015, and 42.56.400; reenacting and amending RCW 42.56.400 and 42.56.400; adding new sections to chapter 48.31B RCW; adding a new chapter to Title 48 RCW; repealing RCW 48.31C.010, 48.31C.020, 48.31C.030, 48.31C.040, 48.31C.050, 48.31C.060, 48.31C.070, 48.31C.080, 48.31C.090, 48.31C.100, 48.31C.110, 48.31C.120, 48.31C.130, 48.31C.140, 48.31C.150, 48.31C.160, 48.31C.900, and 48.31C.901; prescribing penalties; providing effective dates; and providing an expiration date."

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2461 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Angel spoke in favor of passage of the bill.

Senator Fraser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2461 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2461 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Dansel, Eide, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Liias, Litzow, McAuliffe, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Conway, Darneille, Fraser, Frockt, Hasegawa, Kohl-Welles, McCoy, Mullet, Pedersen and Rolfes

SUBSTITUTE HOUSE BILL NO. 2461 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Sheldon, President Pro Tempore assumed the chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1254, by House Committee on Labor & Workforce Development (originally sponsored by Representatives Manweller and Condotta)

Addressing prevailing wage filings. Revised for 1st Substitute: Prevailing wage filings.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute House Bill No. 1254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1254.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1254 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

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SUBSTITUTE HOUSE BILL NO. 1254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2246, by House Committee on Environment (originally sponsored by Representatives S. Hunt, Fitzgibbon, Hudgins, Morris, Ryu, Roberts, Bergquist, Goodman and Pollet)

Regarding financing for stewardship of mercury-containing lights.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute House Bill No. 2246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2246.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2246 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Benton, Billig, Chase, Cleveland, Conway, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Keiser, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Parlette, Pedersen, Ranker, Rolfes and Tom

Voting nay: Senators Angel, Becker, Braun, Brown, Dammeier, Dansel, Ericksen, Hatfield, Holmquist Newbry, Honeyford, King, O'Ban, Padden, Pearson, Rivers, Roach, Schoesler and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Holmquist Newbry moved adoption of the following resolution:

SENATE RESOLUTION
8716

By Senators Holmquist Newbry, Parlette, Brown, Padden, Fain, Braun, Pearson, Honeyford, Hewitt, Angel, Bailey, Becker, Hill, Roach, Schoesler, Sheldon, and Baumgartner

WHEREAS, Doc Hastings was born in Spokane, Washington on February 7, 1941, to Ivan and Florence Hastings; and

WHEREAS, After graduation from Pasco High School, Congressman Hastings studied business administration at Columbia Basin College and Central Washington University; and

WHEREAS, Congressman Hastings served in the United States Army Reserve from 1963 to 1969; and

WHEREAS, Congressman Hastings ran his family owned business, Columbia Basin Paper and Supply, and established himself as a leader in the local business community; and

WHEREAS, Congressman Hastings was elected to and served in the 16th District House of Representatives from 1979 to 1987 and served as Assistant Majority Leader and Republican Caucus Chairman; and

WHEREAS, Congressman Hastings was elected to the U.S. House of Representatives in 1994; and

WHEREAS, During his tenure in the House of Representatives, Congressman Hastings established a long record of serving the people, communities, and priorities of Central Washington; and

WHEREAS, Congressman Hastings has chaired the House Committee on Natural Resources; and

WHEREAS, Congressman Hastings has chaired the House Committee on Ethics; and

WHEREAS, Congressman Hastings has chaired and founded the Congressional Nuclear Cleanup Caucus as well as cochairing the Northwest Energy Caucus; and

WHEREAS, Congressman Hastings has also served on the Rural Health Care Coalition and Specialty Crop Caucus; and

WHEREAS, Congressman Hastings is the senior Republican in Congress from the Pacific Northwest; and

WHEREAS, Congressman Hastings has devoted his life to Claire, his beloved wife, best friend, partner, and companion since 1967, and together they happily devoted their lives to their family of three children and eight grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and congratulate Congressman Doc Hastings for his nearly 30 years of service and dedication to the citizens of the State of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution honoring him be immediately transmitted by the Secretary of the Senate to Congressman Doc Hastings and his family.

Senators Holmquist Newbry, Parlette, Padden, Honeyford and Baumgartner spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8716.

The motion by Senator Holmquist Newbry carried and the resolution was adopted by voice vote.

MOTION

At 12:17 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:37 p.m. by the President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Nelson, Senator Roach was excused.

MOTION

At 1:39 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:46 p.m. by President Pro Tempore.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1709, by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Dahlquist, Santos, Magendanz, Moscoso, Fagan, Ryu, Maxwell, Pollet and Bergquist)

Requiring a study to develop a state foreign language education interpreter training program.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Litzow be adopted:

On page 2, after line 34, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, by June 1, 2015, the Washington state school directors' association, with the office of the education ombuds and other interested parties, shall develop a model family language access policy and procedure for school districts.

(2) This section expires August 1, 2017.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction and the office of the education ombuds shall post information on the agency's web site regarding the phone interpretation vendors on contract with the state of Washington, including contact information.

(2) School districts are encouraged to use the phone interpretation services addressed in subsection (1) of this section to communicate with student's parents, legal guardians, and family members who have limited English proficiency."

Re-number the remaining section consecutively.

Senators McAuliffe and Litzow spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Litzow on page 2, after line 34 to Second Substitute House Bill No. 1709.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 1709 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Litzow spoke in favor of passage of the bill.

MOTION

On motion of Senator Fain, Senator Holmquist Newbry was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1709 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1709 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Angel, Brown, Dandel and Padden

Excused: Senators Holmquist Newbry and Roach

SECOND SUBSTITUTE HOUSE BILL NO. 1709 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2700, by Representatives Stonier, Riccelli, Ryu, Senn, Habib, Fey, Ormsby, Morrell, Gregerson, Tarleton, Pollet and Freeman

Creating breast cancer awareness special license plates.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Bill No. 2700 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2700.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2700 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway,

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Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Holmquist Newbry and Roach

HOUSE BILL NO. 2700, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111, by House Committee on Transportation (originally sponsored by Representatives Farrell, Hayes, Fey, Rodne, Zeiger, Fitzgibbon, Morrell, Jinkins, Moscoso, Ryu and Freeman)

Concerning the enforcement of regional transit authority fares.

The measure was read the second time.

MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 81.112.210 and 2009 c 279 s 5 are each amended to read as follows:

(1) An authority is authorized to establish, by resolution, a schedule of fines and penalties for civil infractions established in RCW 81.112.220. Fines established by ~~((a regional transit))~~ an authority shall not exceed those imposed for class 1 infractions under RCW 7.80.120.

(2)(a) ~~((A regional transit))~~ An authority may designate persons to monitor fare payment who are equivalent to and are authorized to exercise all the powers of an enforcement officer, defined in RCW 7.80.040. An authority is authorized to employ personnel to either monitor fare payment, or to contract for such services, or both.

(b) In addition to the specific powers granted to enforcement officers under RCW 7.80.050 and 7.80.060, persons designated to monitor fare payment also have the authority to take the following actions:

(i) Request proof of payment from passengers;

(ii) Request personal identification from a passenger who does not produce proof of payment when requested;

(iii)(A) Issue a ~~((citation conforming to the requirements established in RCW 7.80.070))~~ notice of infraction to passengers who do not produce proof of payment when requested.

(B) The notice of infraction form to be used for violations under this subsection must be approved by the administrative office of the courts and must not include vehicle information; and

(iv) Request that a passenger leave the ~~((regional transit))~~ authority facility when the passenger has not produced proof of payment after being asked to do so by a person designated to monitor fare payment.

(3) ~~((Regional transit))~~ Authorities shall keep records of citations in the manner prescribed by RCW 7.80.150. All civil infractions established by chapter 20, Laws of 1999 shall be heard and determined by a district or municipal court as provided in RCW 7.80.010 (1), (2), and (4)."

Senator Liias spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 2111.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "fares;" strike the remainder of the title and insert "; and amending RCW 81.112.210."

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute House Bill No. 2111 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2111 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2111 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Benton, Billig, Chase, Cleveland, Conway, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Angel, Baumgartner, Becker, Braun, Brown, Dammeier, Dansel, Ericksen, Hewitt, Holmquist Newbry and Pearson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2430, by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Schmick and Ormsby)

Concerning athletic trainers.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute House Bill No. 2430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry, Conway and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2430.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2430 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Angel

SUBSTITUTE HOUSE BILL NO. 2430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5310,
SENATE BILL NO. 5999,
SENATE BILL NO. 6035,
SENATE BILL NO. 6093,
SUBSTITUTE SENATE BILL NO. 6124,
SUBSTITUTE SENATE BILL NO. 6273,
SUBSTITUTE SENATE BILL NO. 6333,
SENATE BILL NO. 6405,
SUBSTITUTE SENATE BILL NO. 6442,
SUBSTITUTE SENATE BILL NO. 6446,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8007,
SENATE CONCURRENT RESOLUTION NO. 8409.

MOTION

On motion of Senator Billig, Senator Ranker was excused.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2493, by House Committee on Finance (originally sponsored by Representatives Wilcox, Tharinger, Buys, Lytton, Vick, Orcutt, Reykdal, Springer and Haigh)

Concerning current use valuation for land primarily used for commercial horticultural purposes.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following committee striking amendment by the Committee on Agriculture, Water & Rural Economic Development be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to clarify and update the description of farm and agricultural land as it is used under the property tax open space program. Modern technology

and water quality and labor regulations have all caused nurseries to increasingly grow plants in containers rather than in the ground. Growing plants in containers preserves topsoil, allows more plants to be grown per acre, allows soil and nutrients to be customized for each type of plant, allows more efficient use of water and fertilizer, allows year round harvest and sales, and reduces labor cost and injuries.

Sec. 2. RCW 84.34.020 and 2011 c 101 s 1 are each amended to read as follows:

~~((As used in this chapter, unless a different meaning is required by the context))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or (c) any land meeting the definition of farm and agricultural conservation land under subsection (8) of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b)(iii) of this subsection for the purpose of promoting conservation of wetlands.

(2) "Farm and agricultural land" means:

(a) Any parcel of land that is twenty or more acres or multiple parcels of land that are contiguous and total twenty or more acres:

(i) Devoted primarily to the production of livestock or agricultural commodities for commercial purposes;

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or

(iii) Other similar commercial activities as may be established by rule;

(b)(i) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993:

(A) One hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(B) On or after January 1, 1993, two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) For the purposes of (b)(i) of this subsection, "gross income from agricultural uses" includes, but is not limited to, the wholesale value of agricultural products donated to nonprofit food banks or feeding programs;

(c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income as of January 1, 1993, of:

(i) One thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for

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classification under this subsection is made with the granting authority prior to January 1, 1993; and

(ii) On or after January 1, 1993, fifteen hundred dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Parcels of land described in (b)(i)(A) and (c)(i) of this subsection will, upon any transfer of the property excluding a transfer to a surviving spouse or surviving state registered domestic partner, be subject to the limits of (b)(i)(B) and (c)(ii) of this subsection;

(d) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which meet one of the following criteria:

(i) Has produced a gross income from agricultural uses equivalent to two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) Has standing crops with an expectation of harvest within seven years, except as provided in (d)(iii) of this subsection, and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year. For the purposes of this subsection (2)(d)(ii), "standing crop" means Christmas trees, vineyards, fruit trees, or other perennial crops that: (A) Are planted using agricultural methods normally used in the commercial production of that particular crop; and (B) typically do not produce harvestable quantities in the initial years after planting; or

(iii) Has a standing crop of short rotation hardwoods with an expectation of harvest within fifteen years and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year;

(e) Any lands including incidental uses as are compatible with agricultural purposes, including wetlands preservation, provided such incidental use does not exceed twenty percent of the classified land and the land on which appurtenances necessary to the production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands";

(f) The land on which housing for employees and the principal place of residence of the farm operator or owner of land classified pursuant to (a) of this subsection is sited if: The housing or residence is on or contiguous to the classified parcel; and the use of the housing or the residence is integral to the use of the classified land for agricultural purposes; ((e))

(g) Any land that is used primarily for equestrian related activities for which a charge is made, including, but not limited to, stabling, training, riding, clinics, schooling, shows, or grazing for feed and that otherwise meet the requirements of (a), (b), or (c) of this subsection; or

(h) Any land primarily used for commercial horticultural purposes, including growing seedlings, trees, shrubs, vines, fruits, vegetables, flowers, herbs, and other plants in containers, whether under a structure or not, subject to the following:

(i) The land is not primarily used for the storage, care, or selling of plants purchased from other growers for retail sale;

(ii) If the land is less than five acres and used primarily to grow plants in containers, such land does not qualify as "farm and agricultural land" if more than twenty-five percent of the land used primarily to grow plants in containers is open to the general public for on-site retail sales;

(iii) If more than twenty percent of the land used for growing plants in containers qualifying under this subsection (2)(h) is

covered by pavement, none of the paved area is eligible for classification as "farm and agricultural land" under this subsection (2)(h). The eligibility limitations described in this subsection (2)(h)(iii) do not affect the land's eligibility to qualify under (e) of this subsection; and

(iv) If the land classified under this subsection (2)(h), in addition to any contiguous land classified under this subsection, is less than twenty acres, it must meet the applicable income or investment requirements in (b), (c), or (d) of this subsection.

(3) "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timber land means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" means the contract vendee.

(6)(a) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, is considered contiguous.

(b) For purposes of this subsection (6):

(i) "Same ownership" means owned by the same person or persons, except that parcels owned by different persons are deemed held by the same ownership if the parcels are:

(A) Managed as part of a single operation; and

(B) Owned by:

(I) Members of the same family;

(II) Legal entities that are wholly owned by members of the same family; or

(III) An individual who owns at least one of the parcels and a legal entity or entities that own the other parcel or parcels if the entity or entities are wholly owned by that individual, members of his or her family, or that individual and members of his or her family.

(ii) "Family" includes only:

(A) An individual and his or her spouse or domestic partner, child, stepchild, adopted child, grandchild, parent, stepparent, grandparent, cousin, or sibling;

(B) The spouse or domestic partner of an individual's child, stepchild, adopted child, grandchild, parent, stepparent, grandparent, cousin, or sibling;

(C) A child, stepchild, adopted child, grandchild, parent, stepparent, grandparent, cousin, or sibling of the individual's spouse or the individual's domestic partner; and

(D) The spouse or domestic partner of any individual described in (b)(ii)(C) of this subsection (6).

(7) "Granting authority" means the appropriate agency or official who acts on an application for classification of land pursuant to this chapter.

(8) "Farm and agricultural conservation land" means either:

(a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or

(b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted

to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

NEW SECTION. Sec. 3. The amendments to RCW 84.34.020, as provided in section 2 of this act, are intended to clarify an ambiguity in an existing tax preference, and are therefore exempt from the requirements of RCW 82.32.805 and 82.32.808."

Senator Hatfield spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water & Rural Economic Development to Engrossed Second Substitute House Bill No. 2493.

The motion by Senator Hatfield carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 84.34.020; and creating new sections."

MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Second Substitute House Bill No. 2493 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2493 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2493 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Liias

Excused: Senator Ranker

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2493 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2253, by Representatives Manweller, Sells, Johnson and Ryu

Concerning telecommunications installations.

The measure was read the second time.

MOTION

Senator Holmquist Newbry moved that the following amendment by Senator Holmquist Newbry and others be adopted:

On page 4, after line 13, insert the following:

"**Sec. 2.** RCW 19.28.191 and 2013 c 23 s 30 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the master journey level electrician, journey level electrician, master specialty electrician, or specialty electrician certificate of competency.

(a) Before July 1, 2005, an applicant who possesses a valid journey level electrician certificate of competency in effect for the previous four years and a valid general administrator's certificate may apply for a master journey level electrician certificate of competency without examination.

(b) Before July 1, 2005, an applicant who possesses a valid specialty electrician certificate of competency, in the specialty applied for, for the previous two years and a valid specialty administrator's certificate, in the specialty applied for, may apply for a master specialty electrician certificate of competency without examination.

(c) Before December 1, 2003, the following persons may obtain an equipment repair specialty electrician certificate of competency without examination:

(i) A person who has successfully completed an apprenticeship program approved under chapter 49.04 RCW for the machinist trade; and

(ii) A person who provides evidence in a form prescribed by the department affirming that: (A) He or she was employed as of April 1, 2003, by a factory-authorized equipment dealer or service company; and (B) he or she has worked in equipment repair for a minimum of four thousand hours.

(d) To be eligible to take the examination for a master journey level electrician certificate of competency, the applicant must have possessed a valid journey level electrician certificate of competency for four years.

(e) To be eligible to take the examination for a master specialty electrician certificate of competency, the applicant must have possessed a valid specialty electrician certificate of competency, in the specialty applied for, for two years.

(f) To be eligible to take the examination for a journey level certificate of competency, the applicant must have:

(i) Worked in the electrical construction trade for a minimum of eight thousand hours, of which four thousand hours shall be in industrial or commercial electrical installation under the supervision of a master journey level electrician or journey level electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Specialty electricians with less than a four thousand hour work experience requirement cannot credit the time required to obtain that specialty towards qualifying to become a journey level electrician; or

(ii) Successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade.

(g)(i) To be eligible to take the examination for a specialty electrician certificate of competency, the applicant must have:

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~~((#))~~ (A) Worked in the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), or other new nonresidential specialties as determined by the department in rule under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty for a minimum of four thousand hours;

~~((#))~~ (B) Worked in the appliance repair specialty as determined by the department in rule, restricted nonresidential maintenance as determined by the department in rule, the equipment repair specialty as determined by the department in rule, the pump and irrigation specialty other than as defined by (g)(i)(A) of this subsection or domestic pump specialty as determined by the department in rule, or a specialty other than the designated specialties in (g)(i)(A) of this subsection for a minimum of the initial ninety days, or longer if set by rule by the department. The restricted nonresidential maintenance specialty is limited to a maximum of 277 volts and 20 amperes for lighting branch circuits and/or a maximum of 250 volts and 60 amperes for other circuits, but excludes the replacement or repair of circuit breakers. The initial period must be spent under one hundred percent supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. After this initial period, a person may take the specialty examination. If the person passes the examination, the person may work unsupervised for the balance of the minimum hours required for certification. A person may not be certified as a specialty electrician in the appliance repair specialty or in a specialty other than the designated ~~((specialties))~~ specialties in (g)(i)(A) of this subsection, however, until the person has worked a minimum of two thousand hours in that specialty, or longer if set by rule by the department; or

~~((#))~~ (C) Successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade~~((#))~~.

~~((#))~~ (ii) In meeting the training requirements for the pump and irrigation or domestic pump specialties, the individual shall be allowed to obtain the experience required by this section at the same time the individual is meeting the experience required by RCW 18.106.040(1)(c). After meeting the training requirements provided in this section, the individual may take the examination and upon passing the examination, meeting additional training requirements as may still be required for those seeking a pump and irrigation, or a domestic pump specialty certificate as defined by rule, and paying the applicable fees, the individual must be issued the appropriate certificate. The department may include an examination for specialty plumbing certificate defined in RCW 18.106.010(10)(c) with the examination required by this section. The department, by rule and in consultation with the electrical board, may establish additional equivalent ways to gain the experience requirements required by this subsection. Individuals who are able to provide evidence to the department, prior to January 1, 2007, that they have been employed as a pump installer in the pump and irrigation or domestic pump business by an appropriately licensed electrical contractor, registered general contractor defined by chapter 18.27 RCW, or appropriate general specialty contractor defined by chapter 18.27 RCW for not less than eight thousand hours in the most recent six calendar years shall be issued the appropriate certificate by the department upon receiving such documentation and applicable fees. The department shall establish

a single document for those who have received both an electrical specialty certification as defined by this subsection and have also met the certification requirements for the specialty plumber as defined by RCW 18.106.010(10)(c), showing that the individual has received both certifications. No other experience or training requirements may be imposed.

(iii) Before July 1, 2015, an applicant possessing an electrical training certificate issued by the department is eligible to apply one hour of every two hours of unsupervised telecommunications system installation work experience toward eligibility for examination for a limited energy system certificate of competency (as specified in WAC 296-46B-920(2)(e)), if:

(A) The telecommunications work experience was obtained while employed by a contractor licensed under this chapter as a general electrical contractor (as specified in WAC 296-46B-920(1)) or limited energy system specialty contractor (as specified in WAC 296-46B-920(2)(e)); and

(B) Evidence of the telecommunications work experience is submitted in the form of an affidavit prescribed by the department.

(h) Any applicant for a journey level electrician certificate of competency who has successfully completed a two-year program in the electrical construction trade at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to two years of the technical or trade school program for two years of work experience under a master journey level electrician or journey level electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to apply armed service work experience towards qualification to take the examination for the journey level electrician certificate of competency.

(i) An applicant for a specialty electrician certificate of competency who, after January 1, 2000, has successfully completed a two-year program in the electrical construction trade at a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to one year of the technical or trade school program for one year of work experience under a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Any applicant who has received training in the electrical construction trade in the armed services of the United States may be eligible to apply armed service work experience towards qualification to take the examination for an appropriate specialty electrician certificate of competency.

(j) The department must determine whether hours of training and experience in the armed services or school program are in the electrical construction trade and appropriate as a substitute for hours of work experience. The department must use the following criteria for evaluating the equivalence of classroom electrical training programs and work in the electrical construction trade:

(i) A two-year electrical training program must consist of three thousand or more hours.

(ii) In a two-year electrical training program, a minimum of two thousand four hundred hours of student/instructor contact time must be technical electrical instruction directly related to the scope of work of the electrical specialty. Student/instructor contact time includes lecture and in-school lab.

(iii) The department may not allow credit for a program that accepts more than one thousand hours transferred from another school's program.

(iv) Electrical specialty training school programs of less than two years will have all of the above student/instructor contact time hours proportionately reduced. Such programs may not apply to more than fifty percent of the work experience required to attain certification.

(v) Electrical training programs of less than two years may not be credited towards qualification for journey level electrician unless the training program is used to gain qualification for a four thousand hour electrical specialty.

(k) No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

(3) No noncertified individual may work unsupervised more than one year beyond the date when the trainee would be eligible to test for a certificate of competency if working on a full-time basis after original application for the trainee certificate. For the purposes of this section, "full-time basis" means two thousand hours."

On page 4, line 14, after "NEW SECTION." strike "**Sec. 2.** This" and insert "**Sec. 3.** Section 1 of this"

Senators Holmquist Newbry and Conway spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist Newbry and others on page 4, after line 13 to House Bill No. 2253.

The motion by Senator Holmquist Newbry carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "installations;" strike the remainder of the title and insert "amending RCW 19.28.400 and 19.28.191; and declaring an emergency."

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, House Bill No. 2253 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist Newbry spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2253 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2253 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser,

Frocht, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Ranker

HOUSE BILL NO. 2253 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2463, by House Committee on Transportation (originally sponsored by Representatives S. Hunt, Johnson, Reykdal, Pike, Clibborn, Orcutt and Freeman)

Concerning special parking privileges for persons with disabilities.

The measure was read the second time.

MOTION

Senator Eide moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that there is a history of abuse of special parking privileges for persons with disabilities that requires changes to maintain public safety and good order.

(2) It is the intent of the legislature to: (a) Decrease the amount of unlawful use of special parking privileges for persons with disabilities; (b) not create additional burdens for those in need of special parking privileges for persons with disabilities; (c) provide local jurisdictions with the authority to improve their administration of on-street parking; (d) encourage the department of licensing to implement the recommendations of the disabled parking work group in regards to placard and application changes; and (e) encourage the department of licensing to consider parking information system upgrades related to special parking privileges for persons with disabilities in its pursuit of technology modernization.

Sec. 2. RCW 46.19.010 and 2011 c 96 s 32 are each amended to read as follows:

(1) A natural person who has a disability that meets one of the following criteria may apply for special parking privileges:

- (a) Cannot walk two hundred feet without stopping to rest;
- (b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;
- (c) Has such a severe disability that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
- (d) Uses portable oxygen;
- (e) Is restricted by lung disease to an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American heart association;
- (g) Has a disability resulting from an acute sensitivity to automobile emissions that limits or impairs the ability to walk. The

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personal physician, advanced registered nurse practitioner, or physician assistant of the applicant shall document that the disability is comparable in severity to the others listed in this subsection;

(h) Has limited mobility and has no vision or whose vision with corrective lenses is so limited that the person requires alternative methods or skills to do efficiently those things that are ordinarily done with sight by persons with normal vision;

(i) Has an eye condition of a progressive nature that may lead to blindness; or

(j) Is restricted by a form of porphyria to the extent that the applicant would significantly benefit from a decrease in exposure to light.

(2) The disability must be determined by either:

(a) A licensed physician;

(b) An advanced registered nurse practitioner licensed under chapter 18.79 RCW; or

(c) A physician assistant licensed under chapter 18.71A or 18.57A RCW.

(3) A health care practitioner listed under subsection (2) of this section must provide a signed written authorization on tamper-resistant prescription pad or paper, as defined in RCW 18.64.500, if the practitioner has prescriptive authority. An authorized health care practitioner without prescriptive authority must provide the signed written authorization on his or her office letterhead. Such authorizations must be attached to the application for special parking privileges for persons with disabilities.

(4) The application for special parking privileges for persons with disabilities must contain:

(a) The following statement immediately below the physician's, advanced registered nurse practitioner's, or physician assistant's signature: "A parking permit for a person with disabilities may be issued only for a medical necessity that severely affects mobility or involves acute sensitivity to light (RCW 46.19.010). ~~((Knowingly providing false information on this application is a gross misdemeanor.))~~ An applicant or health care practitioner who knowingly provides false information on this application is guilty of a gross misdemeanor. The penalty is up to three hundred sixty-four days in jail and a fine of up to \$5,000 or both. In addition, the health care practitioner may be subject to sanctions under chapter 18.130 RCW, the Uniform Disciplinary Act"; and

(b) Other information as required by the department.

~~((4))~~ (5) A natural person who has a disability described in subsection (1) of this section and is expected to improve within ~~((six))~~ twelve months may be issued a temporary placard for a period not to exceed ~~((six))~~ twelve months. If the disability exists after ~~((six))~~ twelve months, a new temporary placard must be issued upon receipt of a new application with certification from the person's physician as prescribed in subsections (3) and (4) of this section. Special license plates for persons with disabilities may not be issued to a person with a temporary disability.

~~((5))~~ (6) A natural person who qualifies for special parking privileges under this section must receive an identification card showing the name and date of birth of the person to whom the parking privilege has been issued and the serial number of the placard.

~~((6))~~ (7) A natural person who qualifies for permanent special parking privileges under this section may receive one of the following:

(a) Up to two parking placards;

(b) One set of special license plates for persons with disabilities if the person with the disability is the registered owner of the vehicle on which the license plates will be displayed;

(c) One parking placard and one set of special license plates for persons with disabilities if the person with the disability is the

registered owner of the vehicle on which the license plates will be displayed; or

(d) One special parking year tab for persons with disabilities and one parking placard.

~~((7))~~ (8) Parking placards and identification cards described in this section must be issued free of charge.

~~((8))~~ (9) The parking placard and identification card must be immediately returned to the department upon the placard holder's death.

Sec. 3. RCW 46.19.020 and 2012 c 10 s 42 are each amended to read as follows:

(1) The following organizations may apply for special parking privileges:

(a) Public transportation authorities;

(b) Nursing homes licensed under chapter 18.51 RCW;

(c) Assisted living facilities licensed under chapter 18.20 RCW;

(d) Senior citizen centers;

(e) Accessible van rental companies registered under RCW 46.87.023;

~~((f))~~ (f) Private nonprofit corporations, as defined in RCW 24.03.005; and

~~((g))~~ (g) Cabulance companies that regularly transport persons with disabilities who have been determined eligible for special parking privileges under this section and who are registered with the department under chapter 46.72 RCW.

(2) An organization that qualifies for special parking privileges may receive, upon application, ~~((parking))~~ special license plates or parking placards, or both, for persons with disabilities as defined by the department.

(3) Public transportation authorities, nursing homes, assisted living facilities, senior citizen centers, accessible van rental companies, private nonprofit corporations, and cabulance services are responsible for ensuring that the ~~((special))~~ parking placards and special license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) The department shall adopt rules to determine organization eligibility.

Sec. 4. RCW 46.19.030 and 2010 c 161 s 704 are each amended to read as follows:

(1) The department shall design special license plates for persons with disabilities, parking placards, and year tabs displaying the international symbol of access.

(2) Special license plates for persons with disabilities must be displayed on the motor vehicle as standard issue license plates as described in RCW 46.16A.200.

(3) Parking placards must include both a serial number and the expiration date on the face of the placard. The expiration date and serial number must be of a sufficient size as to be easily visible from a distance of ten feet from where the placard is displayed.

(4) Parking placards must be displayed when the motor vehicle is parked by suspending it from the rearview mirror. In the absence of a rearview mirror, the parking placard must be displayed on the dashboard. The parking placard must be displayed in a manner that allows for the entire placard to be viewed through the vehicle windshield.

~~((4))~~ (5) Special year tabs for persons with disabilities must be displayed on license plates as defined by the department.

~~((5))~~ (6) Persons who have been issued special license plates for persons with disabilities, parking placards, or special license plates with a special year tab for persons with disabilities may park in places reserved for persons with physical disabilities.

Sec. 5. RCW 46.19.040 and 2010 c 161 s 703 are each amended to read as follows:

(1) Parking privileges for persons with disabilities must be renewed at least every five years, as required by the director, by

satisfactory proof of the right to continued use of the privileges. Satisfactory proof must include a signed written authorization from a health care practitioner as required in RCW 46.19.010(3).

(2) The department shall match and purge its database of parking permits issued to persons with disabilities with available death record information at least every twelve months.

(3) The department shall adopt rules to administer the parking privileges for persons with disabilities program.

Sec. 6. RCW 46.19.050 and 2011 c 171 s 74 are each amended to read as follows:

(1) **False information.** Knowingly providing false information in conjunction with the application for special parking privileges for persons with disabilities is a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) **Unauthorized use.** Any unauthorized use of the ~~((special))~~ parking placard, special license ~~((plate))~~ plate, special year tab, or identification card issued under this chapter is a parking infraction with a monetary penalty of two hundred fifty dollars. In addition to any penalty or fine imposed under this subsection, two hundred dollars must be assessed. For the purpose of this subsection, "unauthorized use" includes (a) any use of a parking placard, special license plate, special year tab, or identification card that is expired, inactivated, faked, forged, or counterfeited, (b) any use of a parking placard, special license plate, special year tab, or identification card of another holder if the initial holder is no longer eligible to use or receive it, and (c) any use of a parking placard, special license plate, special year tab, or identification card of another holder even if permitted to do so by the holder.

(3) **Inaccessible access.** It is a parking infraction, with a monetary penalty of two hundred fifty dollars, for a person to stop, stand, or park in, block, or otherwise make inaccessible the access aisle located next to a space reserved for persons with physical disabilities. In addition to any penalty or fine imposed under this subsection, two hundred dollars must be assessed. The clerk of the court shall report all violations related to this subsection to the department.

(4) **Parking without placard/plate.** It is a parking infraction, with a monetary penalty of two hundred fifty dollars, for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for persons with physical disabilities without a placard or special license plate issued under this chapter. In addition to any penalty or fine imposed under this subsection, two hundred dollars must be assessed. If a person is charged with a violation, the person will not be determined to have committed an infraction if the person ~~((produces in court or before the court appearance the placard or special license plate))~~ establishes that the person operating the vehicle or being transported at the time of the infraction had a valid placard, special license plate, or special year tab issued under this chapter as required under this chapter. ((A local jurisdiction providing nonmetered, on-street parking places reserved for persons with physical disabilities may impose by ordinance time restrictions of no less than four hours on the use of these parking places.)) Such person must sign a statement under penalty of perjury that the placard, special license plate, or special year tab produced prior to the court appearance was valid at the time of infraction and issued under this chapter as required under this chapter.

(5) **Time restrictions.** A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards or special license plates issued under this chapter. All time restrictions must be clearly posted.

(6) **Improper display of placard/plate.** It is a parking infraction, with a monetary penalty of two hundred fifty dollars, to fail to fully display a placard or special license plate issued under this chapter while parked in a public place on private property

without charge, while parked on public property reserved for persons with physical disabilities, or while parking free of charge as allowed under RCW 46.61.582. In addition to any penalty or fine imposed under this subsection, two hundred dollars must be assessed, for a total of four hundred fifty dollars. For the purpose of this subsection, "fully display" means hanging or placing the placard or special license plate so that the full face of the placard or license plate is visible, including the serial number and expiration date of the license plate or placard. If a person is charged with a violation of this subsection, that person will not be determined to have committed an infraction if the person produces in court or before the court appearance a valid identification card issued to that person under RCW 46.19.010.

~~((6))~~ **(7) Allocation and use of funds - reimbursement.** (a) The assessment imposed under subsections (2), (3), ~~((and))~~ (4), and (6) of this section must be allocated as follows:

(i) One hundred dollars must be deposited in the accessible communities account created in RCW 50.40.071; and

(ii) One hundred dollars must be deposited in the multimodal transportation account under RCW 47.66.070 for the sole purpose of supplementing a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation that is administered by the department of transportation.

(b) Any reduction in any penalty or fine and assessment imposed under subsections (2), (3), ~~((and))~~ (4), and (6) of this section must be applied proportionally between the penalty or fine and the assessment. When a reduced penalty is imposed under subsection (2), (3), ~~((or))~~ (4), or (6) of this section, the amount deposited in the accounts identified in (a) of this subsection must be reduced equally and proportionally.

(c) The penalty or fine amounts must be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs that it may have incurred in the removal and storage of the improperly parked vehicle.

~~((7))~~ **(8) Illegal obtainment.** Except as provided in subsection (1) of this section, it is a ~~((traffic infraction with a monetary penalty of two hundred fifty dollars))~~ misdemeanor punishable under chapter 9A.20 RCW for any person willfully to obtain a special license plate, placard, special year tab, or identification card issued under this chapter in a manner other than that established under this chapter.

~~((8))~~ **(9) Sale of a placard/plate/tab/card.** It is a misdemeanor punishable under chapter 9A.20 RCW for any person to sell a placard, special license plate, special year tab, or identification card issued under this chapter.

(10) **Volunteer appointment.** A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of subsections (2), (3), (4), and (6) of this section or RCW ~~((46.19.010 and))~~ 46.19.030 or 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications that the agency deems desirable.

(a) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(b) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a ~~((police))~~ peace officer for the same offense.

(c) A ~~((police))~~ peace officer or a volunteer may request a person to show the person's identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

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~~((9))~~ (11) **Surrender of a placard/plate/tab/card.** If a person is found to have violated the special parking privileges provided in this chapter, and unless an appeal of that finding is pending, a judge may order that the person surrender his or her placard, special license plate, special year tab, or identification card issued under this chapter.

(12) **Community restitution.** For second or subsequent violations of this section, in addition to a monetary penalty, the violator must complete a minimum of forty hours of:

(a) Community restitution for a nonprofit organization that serves persons with disabilities or disabling diseases; or

(b) Any other community restitution that may sensitize the violator to the needs and obstacles faced by persons with disabilities.

~~((10))~~ (13) **Fine suspension.** The court may not suspend more than one-half of any fine imposed under subsection (2), (3), (4), or ~~((7))~~ (6) of this section.

Sec. 7. RCW 46.61.582 and 2011 c 171 s 80 are each amended to read as follows:

(1) Any person who meets the criteria for special parking privileges under RCW 46.19.010 ~~((shall))~~ **must** be allowed free of charge to park a vehicle being used to transport ~~((that person))~~ **the holder of such special parking privileges** for unlimited periods of time in parking zones or areas, including zones or areas with parking meters ~~((which))~~ **that** are otherwise restricted as to the length of time parking is permitted, except zones in which parking is limited pursuant to RCW 46.19.050(5). ~~((This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles.))~~ The person ~~((shall))~~ **must** obtain and display a ~~((special))~~ **parking** placard or **special** license plate under RCW 46.19.010 and 46.19.030 to be eligible for the privileges under this section.

(2) This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or that are reserved for special types of vehicles.

Sec. 8. RCW 46.61.583 and 1991 c 339 s 26 are each amended to read as follows:

A special license plate or card issued by another state or country that indicates an occupant of the vehicle ~~((is disabled))~~ **has a disability** entitles the vehicle on or in which it is displayed and being used to transport the ~~((disabled))~~ **person with disabilities** to the same ~~((overtime))~~ **parking** privileges granted under this chapter to a vehicle with a similar special license plate or card issued by this state.

Sec. 9. RCW 46.63.020 and 2013 2nd sp.s. c 23 s 21 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.457(1)(b)(i) relating to a false statement regarding the inspection of and installation of equipment on wheeled all-terrain vehicles;

(2) RCW 46.09.470(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(3) RCW 46.09.480 relating to operation of nonhighway vehicles;

(4) RCW 46.10.490(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or

narcotics or habit-forming drugs or in a manner endangering the person of another;

(5) RCW 46.10.495 relating to the operation of snowmobiles;

(6) Chapter 46.12 RCW relating to certificates of title, registration certificates, and markings indicating that a vehicle has been destroyed or declared a total loss;

(7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(8) RCW 46.16A.520 relating to permitting unauthorized persons to drive;

(9) RCW 46.16A.320 relating to vehicle trip permits;

(10) RCW 46.19.050(1) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(11) RCW 46.19.050(8) relating to illegally obtaining a parking placard, special license plate, special year tab, or identification card;

(12) RCW 46.19.050(9) relating to sale of a parking placard, special license plate, special year tab, or identification card;

(13) RCW 46.20.005 relating to driving without a valid driver's license;

~~((14))~~ (14) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

~~((13))~~ (15) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

~~((14))~~ (16) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

~~((15))~~ (17) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((16))~~ (18) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

~~((17))~~ (19) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

~~((18))~~ (20) RCW 46.20.750 relating to circumventing an ignition interlock device;

~~((19))~~ (21) RCW 46.25.170 relating to commercial driver's licenses;

~~((20))~~ (22) Chapter 46.29 RCW relating to financial responsibility;

~~((21))~~ (23) RCW 46.30.040 relating to providing false evidence of financial responsibility;

~~((22))~~ (24) RCW 46.35.030 relating to recording device information;

~~((23))~~ (25) RCW 46.37.435 relating to wrongful installation of unscreening material;

~~((24))~~ (26) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

~~((25))~~ (27) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

~~((26))~~ (28) RCW 46.37.685 relating to switching or flipping license plates, utilizing technology to flip or change the appearance of a license plate, selling a license plate flipping device or technology used to change the appearance of a license plate, or falsifying a vehicle registration;

~~((27))~~ (29) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((28))~~ (30) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((29))~~ (31) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((30))~~ (32) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((34))~~ (33) RCW 46.52.090 relating to reports by repairers, storage persons, and appraisers;

~~((32))~~ (34) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

~~((33))~~ (35) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((34))~~ (36) RCW 46.55.035 relating to prohibited practices by tow truck operators;

~~((35))~~ (37) RCW 46.55.300 relating to vehicle immobilization;

~~((36))~~ (38) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

~~((37))~~ (39) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((38))~~ (40) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((39))~~ (41) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((40))~~ (42) RCW 46.61.212(4) relating to reckless endangerment of emergency zone workers;

~~((41))~~ (43) RCW 46.61.500 relating to reckless driving;

~~((42))~~ (44) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((43))~~ (45) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

~~((44))~~ (46) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((45))~~ (47) RCW 46.61.522 relating to vehicular assault;

~~((46))~~ (48) RCW 46.61.5249 relating to first degree negligent driving;

~~((47))~~ (49) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

~~((48))~~ (50) RCW 46.61.530 relating to racing of vehicles on highways;

~~((49))~~ (51) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

~~((50))~~ (52) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((51))~~ (53) RCW 46.61.740 relating to theft of motor vehicle fuel;

~~((52))~~ (54) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((53))~~ (55) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((54))~~ (56) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((55))~~ (57) RCW 46.68.010 relating to false statements made to obtain a refund;

~~((56))~~ (58) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((57))~~ (59) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((58))~~ (60) RCW 46.72A.060 relating to limousine carrier insurance;

~~((59))~~ (61) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

~~((60))~~ (62) RCW 46.72A.080 relating to false advertising by a limousine carrier;

~~((61))~~ (63) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((62))~~ (64) Chapter 46.82 RCW relating to driver's training schools;

~~((63))~~ (65) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((64))~~ (66) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 10. This act takes effect July 1, 2015."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 2463.

The motion by Senator Eide carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "disabilities;" strike the remainder of the title and insert "amending RCW 46.19.010, 46.19.020, 46.19.030, 46.19.040, 46.19.050, 46.61.582, 46.61.583, and 46.63.020; creating a new section; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute House Bill No. 2463 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2463 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2463 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Ranker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2463 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2612, by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Hansen, Haler, Zeiger and Seaquist)

Changing provisions relating to the opportunity scholarship.

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The measure was read the second time.

MOTION

Senator Bailey moved that the following committee striking amendment by the Committee on Higher Education be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.145.010 and 2013 c 39 s 13 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the ~~((higher education coordinating board or its successor))~~ opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible education programs" means high employer demand and other programs of study as determined by the ~~((opportunity scholarship))~~ board.

~~((3))~~ (4) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the ~~((board))~~ council and the state board for community and technical colleges.

~~((4))~~ (5) "Eligible student" means a resident student who received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and who:

(a)(i) Has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree; or

(ii) Will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

(b) Declares an intention to obtain a baccalaureate degree; and

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for an opportunity scholarship.

~~((5))~~ (6) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

~~((6))~~ (7) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

~~((7))~~ (8) "Program administrator" means a college scholarship organization that is a private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code, with expertise in managing scholarships and college advising.

~~((8))~~ (9) "Resident student" has the same meaning as provided in RCW 28B.15.012.

Sec. 2. RCW 28B.145.020 and 2011 1st sp.s. c 13 s 3 are each amended to read as follows:

(1) The opportunity scholarship board is created. The ~~((opportunity scholarship))~~ board consists of ~~((seven))~~ eleven members:

(a) ~~((Three))~~ Six members appointed by the governor. For ~~((two))~~ three of the ~~((three))~~ six appointments, the governor shall consider names from a list provided by the president of the senate and the speaker of the house of representatives; and

(b) ~~((Four))~~ Five foundation or business and industry representatives appointed by the governor from among the state's most productive industries such as aerospace, manufacturing, health ~~((sciences))~~ care, information technology, engineering, agriculture, and others, as well as philanthropy. The foundation or business and industry representatives shall be selected from among nominations provided by the private sector donors to the opportunity scholarship and opportunity expansion programs. However, the governor may

request, and the private sector donors shall provide, an additional list or lists from which the governor shall select these representatives.

(2) Board members shall hold their offices for a term of four years from the first day of September and until their successors are appointed. No more than the terms of two members may expire simultaneously on the last day of August in any one year.

(3) The members of the ~~((opportunity scholarship))~~ board shall elect one of the business and industry representatives to serve as chair.

(4) ~~((Five))~~ Seven members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor or the president of the senate or the speaker of the house of representatives, depending upon which made the initial appointment to that position, shall fill the vacancy for the remainder of the term of the board member whose office has become vacant or expired.

(5) The ~~((opportunity scholarship))~~ board shall be staffed by the program administrator.

(6) The purpose of the ~~((opportunity scholarship))~~ board is to provide oversight and guidance for the opportunity expansion and the opportunity scholarship programs in light of established legislative priorities and to fulfill the duties and responsibilities under this chapter, including but not limited to determining eligible education programs for purposes of the opportunity scholarship program. Duties, exercised jointly with the program administrator, include soliciting funds and setting annual fund-raising goals.

(7) The ~~((opportunity scholarship))~~ board may report to the governor and the appropriate committees of the legislature with recommendations as to:

(a) Whether some or all of the scholarships should be changed to conditional scholarships that must be repaid in the event the participant does not complete the eligible education program; and

(b) A source or sources of funds for the opportunity expansion program in addition to the voluntary contributions of the high technology research and development tax credit under RCW 82.32.800.

Sec. 3. RCW 28B.145.030 and 2011 1st sp.s. c 13 s 4 are each amended to read as follows:

(1) The program administrator, under contract with the ~~((board))~~ council, shall staff the ~~((opportunity scholarship))~~ board and shall have the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the ~~((opportunity scholarship))~~ board, include soliciting funds and setting annual fund-raising goals. The program administrator shall be paid an administrative fee as determined by the ~~((opportunity scholarship))~~ board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage two separate accounts into which to receive grants and contributions from private sources as well as state matching funds, and from which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into one or both of the two accounts created in this subsection (2)(b) in accordance with this subsection (2)(b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed beginning no later than December 1, 2011, if, by that date, state matching funds in the

amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every ~~(May)~~ October 1st thereafter;

(ii) The "endowment account," from which scholarship moneys may be disbursed from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account;

(B) The state appropriations for the state need grant under RCW 28B.92.010 meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for state need grant recipients is at least seventy percent of state median family income; and

(C) The state has demonstrated progress toward the goal of total per-student funding levels, from state appropriations plus tuition and fees, of at least the sixtieth percentile of total per-student funding at similar public institutions of higher education in the global challenge states, as defined, measured, and reported in RCW 28B.15.068. In any year in which the office of financial management reports that the state has not made progress toward this goal, no new scholarships may be awarded. In any year in which the office of financial management reports that the percentile of total per-student funding is less than the sixtieth percentile and at least five percent less than the prior year, pledges of future grants and contributions may, at the request of the donor, be released and grants and contributions already received refunded to the extent that opportunity scholarship awards already made can be fulfilled from the funds remaining in the endowment account. In fulfilling the requirements of this subsection, the office of financial management shall use resources that facilitate measurement and comparisons of the most recently completed academic year. These resources may include, but are not limited to, the data provided in a uniform dashboard format under RCW 28B.77.090 as the statewide public four-year dashboard and academic year reports prepared by the state board for community and technical colleges; ~~(and)~~

(iii) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship account until such time as twenty million dollars have been deposited into the account, after which time the private donors may designate whether their contributions must be deposited to the scholarship or the endowment account. The ~~((opportunity scholarship))~~ board and the program administrator must work to maximize private sector contributions to both the scholarship account and the endowment account, to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the two accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the two accounts in equal proportion to the private funds deposited in each account; and

(iv) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account or endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account and endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the ~~((board))~~ council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship or the endowment account;

~~((higher education coordinating board))~~ council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses associated with eligible education programs identified by the ~~((opportunity scholarship))~~ board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in baccalaureate degree programs identified by the ~~((opportunity scholarship))~~ board;

(h) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an opportunity scholarship shall be automatically renewed until the participant withdraws from or is no longer attending the program, completes the program, or has taken the credit or clock hour equivalent of one hundred twenty-five percent of the published length of time of the participant's program, whichever occurs first, and as long as the participant annually submits documentation of filing both a free application for federal student aid and for available federal education tax credits, including but not limited to the American opportunity tax credit; and

(i) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the ~~((opportunity scholarship))~~ board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.145 RCW to read as follows:

(1) The board may elect to have the state investment board invest the funds in the scholarship account and endowment account described under RCW 28B.145.030(2)(b). If the board so elects, the state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the two accounts. All investment and operating costs associated with the investment of money shall be paid under RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the accounts.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the state investment board, money in the scholarship and endowment accounts may be commingled for investment with other funds subject to investment by the state investment board.

(4) Members of the state investment board shall not be considered an insurer of the funds or assets and are not liable for any action or inaction.

(5) Members of the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful

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dishonesty or intentional violations of law. The state investment board in its discretion may purchase liability insurance for members.

(6) The authority to establish all policies relating to the scholarship account and the endowment account, other than the investment policies as provided in subsections (1) through (3) of this section, resides with the board and program administrator acting in accordance with the principles set forth in this chapter. With the exception of expenses of the state investment board in subsection (1) of this section, disbursements from the scholarship account and endowment account shall be made only on the authorization of the opportunity scholarship board or its designee, and moneys in the accounts may be spent only for the purposes specified in this chapter.

(7) The state investment board shall routinely consult and communicate with the board on the investment policy, earnings of the accounts, and related needs of the program.

Sec. 5. RCW 28B.145.050 and 2011 1st sp.s. c 13 s 6 are each amended to read as follows:

(1) The opportunity scholarship match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the opportunity scholarship program created in RCW 28B.145.040. The purpose of the account is to provide matching funds for the opportunity scholarship program.

(2) Revenues to the account shall consist of appropriations by the legislature into the account and any gifts, grants, or donations received by the executive director of the ~~((board))~~ council for this purpose.

(3) No expenditures from the account may be made except upon receipt of proof, by the executive director of the ~~((board))~~ council from the program administrator, of private contributions to the opportunity scholarship program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the ~~((board))~~ council or the executive director's designee may authorize expenditures from the opportunity scholarship match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (3) of this section.

(5) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

Sec. 6. RCW 28B.145.060 and 2013 c 39 s 14 are each amended to read as follows:

(1) The opportunity expansion program is established.

(2) The ~~((opportunity scholarship))~~ board shall select institutions of higher education to receive opportunity expansion awards. In so doing, the ~~((opportunity scholarship))~~ board must:

(a) Solicit, receive, and evaluate proposals from institutions of higher education that are designed to directly increase the number of baccalaureate degrees produced in high employer demand and other programs of study, and that include annual numerical targets for the number of such degrees, with a strong emphasis on serving students who received their high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington or are adult Washington residents who are returning to school to gain a baccalaureate degree;

(b) Develop criteria for evaluating proposals and awarding funds to the proposals deemed most likely to increase the number of baccalaureate degrees and degrees produced in high employer demand and other programs of study;

(c) Give priority to proposals that include a partnership between public and private partnership entities that leverage additional private funds;

(d) Give priority to proposals that are innovative, efficient, and cost-effective, given the nature and cost of the particular program of study;

(e) Consult and operate in consultation with existing higher education stakeholders, including but not limited to: Faculty, labor, student organizations, and relevant higher education agencies; and

(f) Determine which proposals to improve and accelerate the production of baccalaureate degrees in high employer demand and other programs of study will receive opportunity expansion awards for the following state fiscal year, notify the state treasurer, and announce the awards.

(3) The state treasurer, at the direction of the ~~((opportunity scholarship))~~ board, must distribute the funds that have been awarded to the institutions of higher education from the opportunity expansion account.

(4) Institutions of higher education receiving awards under this section may not supplant existing general fund state revenues with opportunity expansion awards.

(5) Annually, the office of financial management shall report to the ~~((opportunity scholarship))~~ board, the governor, and the relevant committees of the legislature regarding the percentage of Washington households with incomes in the middle-income bracket or higher. For purposes of this section, "middle-income bracket" means household incomes between two hundred and five hundred percent of the 2010 federal poverty level, as determined by the United States department of health and human services for a family of four, adjusted annually for inflation.

(6) Annually, the ~~((student achievement))~~ council must report to the ~~((opportunity scholarship))~~ board, the governor, and the relevant committees of the legislature regarding the increase in the number of degrees in high employer demand and other programs of study awarded by institutions of higher education over the average of the preceding ten academic years.

(7) In its comprehensive plan, the workforce training and education coordinating board shall include specific strategies to reach the goal of increasing the percentage of Washington households living in the middle-income bracket or higher, as calculated by the office of financial management and developed by the agency or education institution that will lead the strategy.

Sec. 7. RCW 28B.145.070 and 2011 1st sp.s. c 13 s 8 are each amended to read as follows:

(1) ~~((By December 1, 2012, and))~~ Annually each December 1st ~~((thereafter))~~, the ~~((opportunity scholarship))~~ board, together with the program administrator, shall report to the ~~((board))~~ council, the governor, and the appropriate committees of the legislature regarding the opportunity scholarship and opportunity expansion programs, including but not limited to:

(a) Which education programs the ~~((opportunity scholarship))~~ board determined were eligible for purposes of the opportunity scholarship;

(b) The number of applicants for the opportunity scholarship, disaggregated, to the extent possible, by race, ethnicity, gender, county of origin, age, and median family income;

(c) The number of participants in the opportunity scholarship program, disaggregated, to the extent possible, by race, ethnicity, gender, county of origin, age, and median family income;

(d) The number and amount of the scholarships actually awarded, and whether the scholarships were paid from the scholarship account or the endowment account;

(e) The institutions and eligible education programs in which opportunity scholarship participants enrolled, together with data regarding participants' completion and graduation;

(f) The total amount of private contributions and state match moneys received for the opportunity scholarship program, how the funds were distributed between the scholarship and endowment

accounts, the interest or other earnings on the accounts, and the amount of any administrative fee paid to the program administrator; and

(g) Identification of the programs the ((~~opportunity scholarship~~) board selected to receive opportunity expansion awards and the amount of such awards.

(2) In the next succeeding legislative session following receipt of a report required under subsection (1) of this section, the appropriate committees of the legislature shall review the report and consider whether any legislative action is necessary with respect to either the opportunity scholarship program or the opportunity expansion program, including but not limited to consideration of whether any legislative action is necessary with respect to the nature and level of focus on high employer demand fields and the number and amount of scholarships."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education to Substitute House Bill No. 2612.

The motion by Senator Bailey carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.050, 28B.145.060, and 28B.145.070; and adding a new section to chapter 28B.145 RCW."

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 2612 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2612 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2612 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Angel, Chase, Dansel and Hasegawa

SUBSTITUTE HOUSE BILL NO. 2612 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Frockt, Senator Nelson was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1651, by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Kagi, Walsh, Freeman, Roberts, Farrell, Zeiger, Goodman, Pollet, Sawyer, Appleton, Bergquist, S. Hunt, Moscoso, Jinkins, Ryu and Morrell)

Concerning access to juvenile records.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Human Services & Corrections be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.50.010 and 2013 c 23 s 6 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(d) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing

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that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. ~~((The court shall release to the caseload forecast council records needed for its research and data-gathering functions. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved.))~~ Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

~~((10))~~ (11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombuds.

~~((11))~~ (12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the Washington state center for court research. The Washington state center for court research shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.050 ~~((17) and~~ (18) and (19) and 13.50.100(3).

~~((12))~~ (13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

Sec. 2. RCW 13.50.050 and 2012 c 177 s 2 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection ~~((12))~~ (13) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central recordkeeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central recordkeeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central recordkeeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the

adult corrections system shall be released upon request to the adult corrections system.

(11)(a) At the disposition hearing of a juvenile offender, the court shall schedule an administrative sealing hearing to take place no later than thirty days after the last day of probation ordered, if any; or if the respondent has been sentenced to the juvenile rehabilitation administration, no later than thirty days after release from confinement, or the completion of parole, if any is required by law, unless one of the offenses for which the court has entered a disposition is:

- (i) A serious violent offense, as defined in RCW 9.94A.030;
- (ii) A sex offense under chapter 9A.44 RCW;
- (iii) Arson in the first degree or criminal solicitation of or criminal conspiracy to commit arson in the first degree;
- (iv) Assault of a child in the second degree;
- (v) Kidnapping in the second degree;
- (vi) Leading organized crime; or
- (vii) Malicious placement of an explosive in the first degree.

(b) At the administrative sealing hearing, the court shall enter a written order sealing the juvenile court file unless, upon the objection of any person or other compelling reason identified by the court, the court determines that sealing is not appropriate after weighing the competing privacy interests of the juvenile with the interests identified by the person opposed to sealing or with another compelling reason identified by the court, with a presumption in favor of sealing the juvenile court file. The respondent and his or her attorney shall be given notice and an opportunity to respond to any objection.

(c) The respondent's presence at the administrative sealing hearing is not required.

(d) The court shall enter a written order immediately sealing the official juvenile court file:

(i) Upon receipt of notification that the respondent has performed his or her obligations under a diversion agreement as provided in RCW 13.40.080(12)(d);

(ii) Upon the acquittal after a fact finding or upon dismissal of charges; or

(iii) If the prosecutor does not file charges within seventy-two hours after a juvenile has been taken into custody pursuant to RCW 13.40.050.

(12) If a juvenile court file has not already been sealed pursuant to subsection (11) of this section, in any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((23))~~ (24) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

~~((12))~~ (13)(a) The court shall ~~((not))~~ grant any motion to seal records for class A offenses made pursuant to subsection ~~((11))~~ (12) of this section ~~((that is filed on or after July 1, 1997, unless))~~ if:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense;

(v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion; and

(vi) Full restitution has been paid.

(b) The court shall ~~((not))~~ grant any motion to seal records for class B, C, gross misdemeanor and misdemeanor offenses and diversions made under subsection ~~((11))~~ (12) of this section ~~((unless))~~ if:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and

(v) Full restitution has been paid.

(c) Notwithstanding the requirements in (a) or (b) of this subsection, the court shall grant any motion to seal records of any deferred disposition vacated under RCW 13.40.127(9) prior to June 7, 2012, if restitution has been paid and the person is eighteen years of age or older at the time of the motion.

~~((13))~~ (14) The person making a motion pursuant to subsection ~~((11))~~ (12) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

~~((14))~~ (15)(a) If the court enters a written order sealing the juvenile court file pursuant to subsection (11) of this section or grants ~~((the))~~ a motion to seal ~~((made))~~ pursuant to subsection ~~((11))~~ (12) of this section, it shall, subject to subsection ~~((23))~~ (24) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(b) In the event the subject of the juvenile records receives a full and unconditional pardon, the proceedings in the matter upon which the pardon has been granted shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events upon which the pardon was received. Any agency shall reply to any inquiry concerning the records pertaining to the events for which the subject received a pardon that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

~~((15))~~ (16) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((23))~~ (24) of this section.

~~((16))~~ (17) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying ~~((the))~~ a sealing order; however, the court may order the juvenile court record resealed upon disposition of the subsequent matter if the case meets the sealing criteria under subsection (11) or (12) of this section and the court record has not previously been resealed. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The

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administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

~~((47))~~ (18)(a)(i) Subject to subsection ~~((23))~~ (24) of this section, all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:

(A) The person who is the subject of the information or complaint is at least eighteen years of age;

(B) His or her criminal history consists entirely of one diversion agreement or counsel and release entered on or after June 12, 2008;

(C) Two years have elapsed since completion of the agreement or counsel and release;

(D) No proceeding is pending against the person seeking the conviction of a criminal offense; and

(E) There is no restitution owing in the case.

(ii) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of the records to be destroyed. The requirement to destroy records under this subsection is not dependent on a court hearing or the issuance of a court order to destroy records.

(iii) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.

(b) All records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within thirty days of being notified by the governor's office that the subject of those records received a full and unconditional pardon by the governor.

(c) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to June 12, 2008, may request that the court order the records in his or her case destroyed. The request shall be granted, subject to subsection ~~((23))~~ (24) of this section, if the court finds that two years have elapsed since completion of the agreement or counsel and release.

(d) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection ~~((23))~~ (24) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

~~((48))~~ (19) If the court grants the motion to destroy records made pursuant to subsection ~~((47))~~ (18)(c) or (d) of this section, it shall, subject to subsection ~~((23))~~ (24) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

~~((49))~~ (20) The person making the motion pursuant to subsection ~~((47))~~ (18)(c) or (d) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

~~((20))~~ (21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((24))~~ (22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the

identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((22))~~ (23) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((23))~~ (24) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older or pursuant to subsection ~~((47))~~ (18)(a) of this section.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

~~((23))~~ (24) Except for subsection ~~((47))~~ (18)(b) of this section, no identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

~~((24))~~ (25) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault."

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "and amending RCW 13.50.010 and 13.50.050."

The President declared the question before the Senate to be the motion by Senator O'Ban to not adopt the committee striking amendment by the Committee on Human Services & Corrections to Second Substitute House Bill No. 1651.

The motion by Senator O'Ban carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following striking amendment by Senators O'Ban and Darneille be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) The primary goal of the Washington state juvenile justice system is the rehabilitation and reintegration of former juvenile offenders. The public has a compelling interest in the rehabilitation of former juvenile offenders and their successful reintegration into society as active, law-abiding, and contributing members of their communities. When juvenile court records are publicly available, former juvenile offenders face substantial barriers to reintegration, as they are denied housing, employment, and education opportunities on the basis of these records.

(2) The legislature declares it is the policy of the state of Washington that the interest in juvenile rehabilitation and reintegration constitutes compelling circumstances that outweigh

the public interest in continued availability of juvenile court records. The legislature intends that juvenile court proceedings be openly administered but, except in limited circumstances, the records of these proceedings be closed when the juvenile has reached the age of eighteen and completed the terms of disposition.

Sec. 2. RCW 13.50.010 and 2013 c 23 s 6 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(d) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. ~~((The court shall release to the caseload forecast council records needed for its research and data-gathering functions. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved.))~~ Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

~~((40))~~ (11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombuds.

~~((41))~~ (12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the Washington state center for court research. The Washington state center for court research shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to ~~((RCW 13.50.050 (17) and (18))~~ section 5 of this act and RCW 13.50.100(3).

~~((42))~~ (13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

Sec. 3. RCW 13.50.050 and 2012 c 177 s 2 are each amended to read as follows:

(1) This section and sections 4 and 5 of this act govern(s) records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to ~~((subsection (12) of this))~~ section 4 of this act.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this ~~((section))~~ chapter, RCW ~~((13.50.010,))~~ 13.40.215(s) and 4.24.550.

(4) Except as otherwise provided in this ~~((section and RCW 13.50.010))~~ chapter, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

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(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central recordkeeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central recordkeeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central recordkeeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) ((In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12)(a) The court shall not grant any motion to seal records for class A offenses made pursuant to subsection (11) of this section that is filed on or after July 1, 1997, unless:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense;

(v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion; and

(vi) Full restitution has been paid.

(b) The court shall not grant any motion to seal records for class B, C, gross misdemeanor and misdemeanor offenses and diversions made under subsection (11) of this section unless:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and

(v) Full restitution has been paid.

(c) Notwithstanding the requirements in (a) or (b) of this subsection, the court shall grant any motion to seal records of any deferred disposition vacated under RCW 13.40.127(9) prior to June 7, 2012, if restitution has been paid and the person is eighteen years of age or older at the time of the motion.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14)(a) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(b) In the event the subject of the juvenile records receives a full and unconditional pardon, the proceedings in the matter upon which the pardon has been granted shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events upon which the pardon was received. Any agency shall reply to any inquiry concerning the records pertaining to the events for which the subject received a pardon that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the

effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(17)(a)(i) Subject to subsection (23) of this section, all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:

(A) The person who is the subject of the information or complaint is at least eighteen years of age;

(B) His or her criminal history consists entirely of one diversion agreement or counsel and release entered on or after June 12, 2008;

(C) Two years have elapsed since completion of the agreement or counsel and release;

(D) No proceeding is pending against the person seeking the conviction of a criminal offense; and

(E) There is no restitution owing in the case.

(ii) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of the records to be destroyed. The requirement to destroy records under this subsection is not dependent on a court hearing or the issuance of a court order to destroy records.

(iii) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.

(b) All records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within thirty days of being notified by the governor's office that the subject of those records received a full and unconditional pardon by the governor.

(c) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to June 12, 2008, may request that the court order the records in his or her case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the agreement or counsel and release.

(d) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (17)(c) or (d) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17) (c) or (d) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20)) Any juvenile to whom the provisions of this section or section 4 or 5 of this act may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((24))~~ (12) Nothing in this section or section 4 or 5 of this act may be construed to prevent a crime victim or a member of the

victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((22))~~ Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older or pursuant to subsection (17)(a) of this section.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23)) ~~(13)~~ Except ~~((for subsection (17)(b) of this section))~~ as provided in section 5(2) of this act, no identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

~~((24))~~ (14) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

NEW SECTION. Sec. 4. A new section is added to chapter 13.50 RCW to read as follows:

(1)(a) The court shall hold regular sealing hearings. During these regular sealing hearings, the court shall administratively seal an individual's juvenile court record pursuant to the requirements of this subsection unless the court receives an objection to sealing or the court notes a compelling reason not to seal, in which case, the court shall set a contested hearing to be conducted on the record to address sealing. The respondent and his or her attorney shall be given at least eighteen days' notice of any contested sealing hearing and the opportunity to respond to any objections, but the respondent's presence is not required at any sealing hearing pursuant to this subsection.

(b) At the disposition hearing of a juvenile offender, the court shall schedule an administrative sealing hearing to take place during the first regularly scheduled sealing hearing after the latest of the following events that apply:

(i) The respondent's eighteenth birthday;

(ii) Anticipated completion of a respondent's probation, if ordered;

(iii) Anticipated release from confinement at the juvenile rehabilitation administration, or the completion of parole, if the respondent is transferred to the juvenile rehabilitation administration.

(c) A court shall enter a written order sealing an individual's juvenile court record pursuant to this subsection if:

(i) One of the offenses for which the court has entered a disposition is not at the time of commission of the offense:

(A) A most serious offense, as defined in RCW 9.94A.030;

(B) A sex offense under chapter 9A.44 RCW; or

(C) A drug offense, as defined in RCW 9.94A.030; and

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(ii) The respondent has completed the terms and conditions of disposition, including affirmative conditions and financial obligations.

(d) Following a contested sealing hearing on the record after an objection is made pursuant to (a) of this subsection, the court shall enter a written order sealing the juvenile court record unless the court determines that sealing is not appropriate.

(2) The court shall enter a written order immediately sealing the official juvenile court record upon the acquittal after a fact finding or upon dismissal of charges.

(3) If a juvenile court record has not already been sealed pursuant to this section, in any case in which information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to RCW 13.50.050(13), order the sealing of the official juvenile court record, the social file, and records of the court and of any other agency in the case.

(4)(a) The court shall grant any motion to seal records for class A offenses made pursuant to subsection (3) of this section if:

(i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense;

(v) The person has not been convicted of rape in the first degree, rape in the second degree, or indecent liberties that was actually committed with forcible compulsion; and

(vi) Full restitution has been paid.

(b) The court shall grant any motion to seal records for class B, C, gross misdemeanor, and misdemeanor offenses and diversions made under subsection (3) of this section if:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person;

(iv) The person is no longer required to register as a sex offender under RCW 9A.44.130 or has been relieved of the duty to register under RCW 9A.44.143 if the person was convicted of a sex offense; and

(v) Full restitution has been paid.

(c) Notwithstanding the requirements in (a) or (b) of this subsection, the court shall grant any motion to seal records of any deferred disposition vacated under RCW 13.40.127(9) prior to June 7, 2012, if restitution has been paid and the person is eighteen years of age or older at the time of the motion.

(5) The person making a motion pursuant to subsection (3) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose records are sought to be sealed.

(6)(a) If the court enters a written order sealing the juvenile court record pursuant to this section, it shall, subject to RCW

13.50.050(13), order sealed the official juvenile court record, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(b) In the event the subject of the juvenile records receives a full and unconditional pardon, the proceedings in the matter upon which the pardon has been granted shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events upon which the pardon was received. Any agency shall reply to any inquiry concerning the records pertaining to the events for which the subject received a pardon that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(7) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(13).

(8)(a) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying a sealing order; however, the court may order the juvenile court record resealed upon disposition of the subsequent matter if the case meets the sealing criteria under this section and the court record has not previously been resealed.

(b) Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order.

(c) The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(9) If the juvenile court record has been sealed pursuant to this section, the record of an employee is not admissible in an action for liability against the employer based on the former juvenile offender's conduct to show that the employer knew or should have known of the juvenile record of the employee. The record may be admissible, however, if a background check conducted or authorized by the employer contained the information in the sealed record.

NEW SECTION. Sec. 5. A new section is added to chapter 13.50 RCW to read as follows:

(1)(a) Subject to RCW 13.50.050(13), all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:

(i) The person who is the subject of the information or complaint is at least eighteen years of age;

(ii) The person's criminal history consists entirely of one diversion agreement or counsel and release entered on or after June 12, 2008;

(iii) Two years have elapsed since completion of the agreement or counsel and release;

(iv) No proceeding is pending against the person seeking the conviction of a criminal offense; and

(v) There is no restitution owing in the case.

(b) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of

the records to be destroyed. The requirement to destroy records under this subsection is not dependent on a court hearing or the issuance of a court order to destroy records.

(c) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.

(2) All records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within thirty days of being notified by the governor's office that the subject of those records received a full and unconditional pardon by the governor.

(3)(a) A person may request that the court order the records in his or her case destroyed as follows:

(i) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to June 12, 2008. The request shall be granted if the court finds that two years have elapsed since completion of the agreement or counsel and release.

(ii) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion. The request shall be granted if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(b) If the court grants the motion to destroy records made pursuant to this subsection, it shall, subject to RCW 13.50.050(13), order the official juvenile court record, the social file, and any other records named in the order to be destroyed.

(c) The person making the motion pursuant to this subsection must give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(4) Any juvenile justice or care agency may, subject to the limitations in RCW 13.50.050(13) and this section, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older or pursuant to subsection (1) of this section.

(b) The court may not routinely destroy the official juvenile court record or recordings or transcripts of any proceedings.

Sec. 6. RCW 13.40.127 and 2013 c 179 s 5 are each amended to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

- (a) Is charged with a sex or violent offense;
- (b) Has a criminal history which includes any felony;
- (c) Has a prior deferred disposition or deferred adjudication; or
- (d) Has two or more adjudications.

(2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition. The court may waive the fourteen-day period anytime before the commencement of trial for good cause.

(3) Any juvenile who agrees to a deferral of disposition shall:

(a) Stipulate to the admissibility of the facts contained in the written police report;

(b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision;

(c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses; and

(d) Acknowledge the direct consequences of being found guilty and the direct consequences that will happen if an order of disposition is entered.

The adjudicatory hearing shall be limited to a reading of the court's record.

(4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

(5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

The court may require a juvenile offender convicted of animal cruelty in the first degree to submit to a mental health evaluation to determine if the offender would benefit from treatment and such intervention would promote the safety of the community. After consideration of the results of the evaluation, as a condition of community supervision, the court may order the offender to attend treatment to address issues pertinent to the offense.

The court may require the juvenile to undergo a mental health or substance abuse assessment, or both. If the assessment identifies a need for treatment, conditions of supervision may include treatment for the assessed need that has been demonstrated to improve behavioral health and reduce recidivism.

(6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

(7)(a) Anytime prior to the conclusion of the period of supervision, the prosecutor or the juvenile's juvenile court community supervision counselor may file a motion with the court requesting the court revoke the deferred disposition based on the juvenile's lack of compliance or treat the juvenile's lack of compliance as a violation pursuant to RCW 13.40.200.

(b) If the court finds the juvenile failed to comply with the terms of the deferred disposition, the court may:

- (i) Revoke the deferred disposition and enter an order of disposition; or
- (ii) Impose sanctions for the violation pursuant to RCW 13.40.200.

(8) At any time following deferral of disposition the court may, following a hearing, continue supervision for an additional one-year period for good cause.

(9)(a) At the conclusion of the period of supervision, the court shall determine whether the juvenile is entitled to dismissal of the deferred disposition only when the court finds:

- (i) The deferred disposition has not been previously revoked;
- (ii) The juvenile has completed the terms of supervision;
- (iii) There are no pending motions concerning lack of compliance pursuant to subsection (7) of this section; and
- (iv) The juvenile has either paid the full amount of restitution, or, made a good faith effort to pay the full amount of restitution during the period of supervision.

(b) If the court finds the juvenile is entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the juvenile's conviction shall be vacated and the court shall dismiss the case with prejudice, except that a conviction under RCW 16.52.205 shall not be vacated. Whenever a case is dismissed with restitution still owing, the court shall enter a restitution order pursuant to RCW 13.40.190 for any unpaid restitution. Jurisdiction to enforce

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payment and modify terms of the restitution order shall be the same as those set forth in RCW 13.40.190.

(c) If the court finds the juvenile is not entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the court shall revoke the deferred disposition and enter an order of disposition. A deferred disposition shall remain a conviction unless the case is dismissed and the conviction is vacated pursuant to (b) of this subsection or sealed pursuant to ~~((RCW 13.50.050))~~ section 4 of this act.

(10)(a)(i) Any time the court vacates a conviction pursuant to subsection (9) of this section, if the juvenile is eighteen years of age or older and the full amount of restitution ordered has been paid, the court shall enter a written order sealing the case.

(ii) Any time the court vacates a conviction pursuant to subsection (9) of this section, if the juvenile is not eighteen years of age or older and full restitution ordered has been paid, the court shall schedule an administrative sealing hearing to take place no later than thirty days after the respondent's eighteenth birthday, at which time the court shall enter a written order sealing the case. The respondent's presence at the administrative sealing hearing is not required.

(iii) Any deferred disposition vacated prior to June 7, 2012, is not subject to sealing under this subsection.

(b) Nothing in this subsection shall preclude a juvenile from petitioning the court to have the records of his or her deferred dispositions sealed under ~~((RCW 13.50.050 (11) and (12)))~~ section 4 of this act.

(c) Records sealed under this provision shall have the same legal status as records sealed under ~~((RCW 13.50.050))~~ section 4 of this act.

Sec. 7. RCW 13.40.190 and 2010 c 134 s 1 are each amended to read as follows:

(1)(a) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted.

(b) Restitution may include the costs of counseling reasonably related to the offense.

(c) The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter.

(d) The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years if the court determines that the respondent does not have the means to make full restitution over a shorter period. For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday and, during this period, the restitution portion of the dispositional order may be modified as to amount, terms, and conditions at any time. Prior to the expiration of the ten-year period, the juvenile court may extend the judgment for the payment of restitution for an additional ten years. If the court grants a respondent's petition pursuant to ~~((RCW 13.50.050(11)))~~ section 4 of this act, the court's jurisdiction under this subsection shall terminate.

(e) Nothing in this section shall prevent a respondent from petitioning the court pursuant to ~~((RCW 13.50.050(11)))~~ section 4 of this act if the respondent has paid the full restitution amount stated in the court's order and has met the statutory criteria.

(f) If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution.

(g) At any time, the court may determine that the respondent is not required to pay, or may relieve the respondent of the requirement to pay, full or partial restitution to any insurance provider authorized under Title 48 RCW if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution to the insurance provider and could not reasonably acquire the means to pay the insurance provider the restitution over a ten-year period.

(2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(3) If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(4) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged. "Victim" may also include a known parent or guardian of a victim who is a minor child or is not a minor child but is incapacitated, incompetent, disabled, or deceased.

(5) A respondent under obligation to pay restitution may petition the court for modification of the restitution order.

Sec. 8. RCW 13.50.100 and 2013 c 23 s 7 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050 and sections 4 and 5 of this act.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the statewide judicial information system. However, truancy records associated with a juvenile who has no other case history, and records of a juvenile's parents who have no other case history, shall be removed from the judicial information system when the juvenile is no longer subject to the compulsory attendance laws in chapter 28A.225 RCW. A county clerk is not liable for unauthorized release of this data by persons or agencies not in his or her employ or otherwise subject to his or her control, nor is the county clerk liable for inaccurate or incomplete information collected from litigants or other persons required to provide identifying data pursuant to this section.

(4) Subject to (a) of this subsection, the department of social and health services may release information retained in the course of conducting child protective services investigations to a family or juvenile court hearing a petition for custody under chapter 26.10 RCW.

(a) Information that may be released shall be limited to information regarding investigations in which: (i) The juvenile was an alleged victim of abandonment or abuse or neglect; or (ii) the petitioner for custody of the juvenile, or any individual aged sixteen or older residing in the petitioner's household, is the subject of a founded or currently pending child protective services investigation made by the department subsequent to October 1, 1998.

(b) Additional information may only be released with the written consent of the subject of the investigation and the juvenile alleged to be the victim of abandonment or abuse and neglect, or the parent, custodian, guardian, or personal representative of the juvenile, or by court order obtained with notice to all interested parties.

(5) Any disclosure of records or information by the department of social and health services pursuant to this section shall not be deemed a waiver of any confidentiality or privilege attached to the records or information by operation of any state or federal statute or regulation, and any recipient of such records or information shall maintain it in such a manner as to comply with such state and federal statutes and regulations and to protect against unauthorized disclosure.

(6) A contracting agency or service provider of the department of social and health services that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombuds information or records relating to services provided to a juvenile who is dependent under chapter 13.34 RCW without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen years, unless such release is otherwise specifically prohibited by law.

(7) A juvenile, his or her parents, the juvenile's attorney, and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported alleged child abuse or neglect.

(8) A juvenile or his or her parent denied access to any records following an agency determination under subsection (7) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsection (7)(a) and (b) of this section.

(9) The person making a motion under subsection (8) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(10) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the

guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (7) of this section. A party denied access to records may request judicial review of the denial. If the party prevails, he or she shall be awarded attorneys' fees, costs, and an amount not less than five dollars and not more than one hundred dollars for each day the records were wrongfully denied.

(11) No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020(1) may be disclosed to a child-placing agency, private adoption agency, or any other licensed provider."

Senator O'Ban spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators O'Ban and Darneille to Second Substitute House Bill No. 1651.

The motion by Senator O'Ban carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "amending RCW 13.50.010, 13.50.050, 13.40.127, 13.40.190, and 13.50.100; adding new sections to chapter 13.50 RCW; and creating a new section."

MOTION

On motion of Senator O'Ban, the rules were suspended, Second Substitute House Bill No. 1651 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1651 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1651 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dangel, Darneille, Eide, Ericksen, Fain, Fraser, Frocht, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Nelson

SECOND SUBSTITUTE HOUSE BILL NO. 1651 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023, by House Committee on Business & Financial Services (originally sponsored by Representatives Habib, Ryu, Zeiger and Maxwell)

Allowing crowdfunding for certain small securities offerings.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following striking amendment by Senators Hobbs and Angel be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act may be known and cited as the Washington jobs act of 2014.

NEW SECTION. Sec. 2. The legislature finds that start-up companies play a critical role in creating new jobs and revenues. Crowdfunding, or raising money through small contributions from a large number of investors, allows smaller enterprises to access the capital they need to get new businesses off the ground. The legislature further finds that the costs of state securities registration often outweigh the benefits to Washington start-ups seeking to make small securities offerings and that the use of crowdfunding for business financing in Washington is significantly restricted by state securities laws. Helping new businesses access equity crowdfunding within certain boundaries will democratize venture capital and facilitate investment by Washington residents in Washington start-ups while protecting consumers and investors. For these reasons, the legislature intends to provide Washington businesses and investors the opportunity to benefit from equity crowdfunding.

NEW SECTION. Sec. 3. A new section is added to chapter 21.20 RCW to read as follows:

(1) Any offer or sale of a security is exempt from RCW 21.20.040 through 21.20.300 and 21.20.327, except as expressly provided, if:

- (a) The offering is first declared exempt by the director after:
 - (i) The issuer files the offering with the director; or
 - (ii) A portal working in collaboration with the director files the offering with the director on behalf of the issuer under section 4 of this act;

(b) The offering is conducted in accordance with the requirements of section 3(a)(11) of the securities act of 1933 and securities and exchange commission rule 147, 17 C.F.R. Sec. 230.147;

(c) The issuer is an entity organized and doing business in the state of Washington;

(d) Each investor provides evidence or certification of residency in the state of Washington at the time of purchase;

(e) The issuer files with the director an escrow agreement either directly or through a portal providing that all offering proceeds will be released to the issuer only when the aggregate capital raised from all investors equals or exceeds the minimum target offering, as determined by the director;

(f) The aggregate purchase price of all securities sold by an issuer pursuant to the exemption provided by this section does not exceed one million dollars during any twelve-month period;

(g) The aggregate amount sold to any investor by one or more issuers during the twelve-month period preceding the date of the sale does not exceed:

(i) The greater of two thousand dollars or five percent of the annual income or net worth of the investor, as applicable, if either the annual income or the net worth of the investor is less than one hundred thousand dollars; or

(ii) Ten percent of the annual income or net worth of the investor, as applicable, up to one hundred thousand dollars, if either

the annual income or net worth of the investor is one hundred thousand dollars or more;

(h) The investor acknowledges by manual or electronic signature the following statement conspicuously presented at the time of sale on a page separate from other information relating to the offering: "I acknowledge that I am investing in a high-risk, speculative business venture, that I may lose all of my investment, and that I can afford the loss of my investment";

(i) The issuer reasonably believes that all purchasers are purchasing for investment and not for sale in connection with a distribution of the security; and

(j) The issuer and investor provide any other information reasonably requested by the director.

(2) Attempted compliance with the exemption provided by this section does not act as an exclusive election. The issuer may claim any other applicable exemption.

(3) For as long as securities issued under the exemption provided by this section are outstanding, the issuer shall provide a quarterly report to the issuer's shareholders and the director by making such report publicly accessible, free of charge, at the issuer's internet web site address within forty-five days of the end of each fiscal quarter. The report must contain the following information:

(a) Executive officer and director compensation, including specifically the cash compensation earned by the executive officers and directors since the previous report and on an annual basis, and any bonuses or other compensation, including stock options or other rights to receive equity securities of the issuer or any affiliate of the issuer, received by them; and

(b) A brief analysis by management of the issuer of the business operations and financial condition of the issuer.

(4) Securities issued under the exemption provided by this section may not be transferred by the purchaser during a one-year period beginning on the date of purchase, unless the securities are transferred:

- (a) To the issuer of the securities;
- (b) To an accredited investor;
- (c) As part of a registered offering; or
- (d) To a member of the family of the purchaser or the equivalent, or in connection with the death or divorce or other similar circumstances, in the discretion of the director.

(5) The director shall adopt disqualification provisions under which this exemption shall not be available to any person or its predecessors, affiliates, officers, directors, underwriters, or other related persons. The provisions shall be substantially similar to the disqualification provisions adopted by the securities and exchange commission pursuant to the requirements of section 401(b)(2) of the Jobs act of 2012 or, if none, as adopted in Rule 506 of Regulation D. Notwithstanding the foregoing, this exemption shall become available on the effective date of this section.

NEW SECTION. Sec. 4. A new section is added to chapter 21.20 RCW to read as follows:

(1) Only a local associate development organization, as defined in RCW 43.330.010, a port district, or an organization that qualifies as a portal pursuant to regulations promulgated by the director, may work in collaboration with the director to act as a portal under this chapter.

(2) A portal shall require, at a minimum, the following information from an applicant for exemption prior to offering services to the applicant or forwarding the applicant's materials to the director:

(a) A description of the issuer, including type of entity, location, and business plan, if any;

(b) The applicant's intended use of proceeds from an offering under this act;

(c) Identities of officers, directors, managing members, and ten percent beneficial owners, as applicable;

(d) A description of any outstanding securities; and

(e) A description of any litigation or legal proceedings involving the applicant, its officers, directors, managing members, or ten percent beneficial owners, as applicable.

(3) Upon receipt of the information described in subsection (2) of this section, the portal may offer services to the applicant that the portal deems appropriate or necessary to meet the criteria for exemption under sections 3 and 5 of this act. Such services may include assistance with development of a business plan, referral to legal services, and other technical assistance in preparation for a public securities offering.

(4) The portal shall forward the materials necessary for the applicant to qualify for exemption to the director for filing when the portal is satisfied that the applicant has assembled the necessary information and materials to meet the criteria for exemption under sections 3 and 5 of this act.

(5) The portal shall work in collaboration with the director for the purposes of executing the offering upon filing with the director.

NEW SECTION. Sec. 5. A new section is added to chapter 21.20 RCW to read as follows:

The director must adopt rules to implement sections 2 and 3 of this act subject to RCW 21.20.450 including, but not limited to:

(1) Adopting rules for filing with the director under sections 3 and 4 of this act by October 1, 2014;

(2) Establishing filing and transaction fees sufficient to cover the costs of administering this section and sections 2 through 4 of this act by January 1, 2015; and

(3) Adopting any other rules to implement sections 3 and 4 of this act by April 1, 2015.

The director shall take steps and adopt rules to implement this section by the dates specified in this section.

Sec. 6. RCW 42.56.270 and 2013 c 305 s 14 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

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(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Financial, commercial, operations, and technical and research information and data submitted to or obtained by innovate Washington in applications for, or delivery of, grants and loans under chapter 43.333 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information; ~~(and)~~

(22) Market share data submitted by a manufacturer under RCW 70.95N.190(4); and

(23) Financial information supplied to the department of financial institutions or to a portal under section 4 of this act, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under section 3 of this act or when filed by or on behalf of an investor for the purpose of purchasing such securities."

Senator Hobbs spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hobbs and Angel to Engrossed Substitute House Bill No. 2023.

The motion by Senator Hobbs carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "offerings;" strike the remainder of the title and insert "amending RCW 42.56.270; adding new sections to chapter 21.20 RCW; and creating new sections."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute House Bill No. 2023 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2023 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2023 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Holmquist Newbry and Parlette

Excused: Senator Nelson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626, by House Committee on Higher Education (originally sponsored by Representatives Seaquist, Haler, Reykdal, Gregerson, Pollet and Moscoso)

Concerning statewide educational attainment goals.

The measure was read the second time.

MOTION

Senator Bailey moved that the following committee striking amendment by the Committee on Higher Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that increasing educational attainment is vital to the well-being of Washingtonians and critical to the health of the state's economy. Education opens doors to gainful employment, higher wages, increased job benefits, improved physical health, and increased civic engagement. Educated workers who are capable of competing for high-demand jobs in today's global economy sustain existing employers and attract new businesses. These individuals with competitive higher education credentials directly contribute to the state's economic growth and vitality.

(2) The legislature finds that workforce and labor market projections estimate that by 2020 the vast majority of jobs in Washington will require at least a high school diploma or equivalent and seventy percent of those jobs will also require some postsecondary education.

(3) The legislature finds that current levels of educational attainment are inadequate to address the educational needs of the state. In 2013, eighty-nine percent of Washington adults ages twenty-five to forty-four had a high school diploma or equivalent, and less than fifty percent of Washington adults ages twenty-five to forty-four have a postsecondary credential.

(4) The legislature recognizes that one of the most important duties of the student achievement council is to propose educational attainment goals to the governor and legislature and develop a

ten-year roadmap to achieve those goals, to be updated every two years.

NEW SECTION. Sec. 2. Acknowledging the recommendations in the higher education ten-year roadmap, the legislature is encouraged by the student achievement council's efforts to meet the following two goals in order to meet the societal and economic needs of the future:

(1) All adults in Washington ages twenty-five to forty-four will have a high school diploma or equivalent by 2023; and

(2) At least seventy percent of Washington adults ages twenty-five to forty-four will have a postsecondary credential by 2023.

NEW SECTION. Sec. 3. This act expires July 1, 2016."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education to Engrossed Substitute House Bill No. 2626.

The motion by Senator Bailey carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "goals;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute House Bill No. 2626 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2626 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2626 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1669, by House Committee on Higher Education (originally sponsored by

Representatives Pollet, Haler, Cody, Tarleton, Johnson, Seaquist, Farrell, Magendanz, Riccelli and Ryu)

Concerning self-supporting, fee-based programs at four-year institutions of higher education.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1669.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1669 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE HOUSE BILL NO. 1669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2613, by House Committee on Higher Education (originally sponsored by Representatives Gregerson, Zeiger, Seaquist, Haler, Morrell, Pollet and Jinkins)

Creating efficiencies for institutions of higher education.

The measure was read the second time.

MOTION

Senator Bailey moved that the following committee striking amendment by the Committee on Higher Education be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.102 and 2013 c 23 s 53 are each amended to read as follows:

(1) Beginning with the 2011-12 academic year, any four-year institution of higher education that increases tuition beyond levels assumed in the omnibus appropriations act is subject to the financial aid requirements included in this section and shall remain subject to these requirements through the 2018-19 academic year.

(2) Beginning July 1, 2011, each four-year institution of higher education that raises tuition beyond levels assumed in the omnibus appropriations act shall, in a manner consistent with the goal of enhancing the quality of and access to their institutions, provide

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financial aid to offset full-time tuition fees for resident undergraduate students as follows:

(a) Subtract from the full-time tuition fees an amount that is equal to the maximum amount of a state need grant award that would be given to an eligible student with a family income at or below fifty percent of the state's median family income as determined by the student achievement council; and

(b) Offset the remainder as follows:

(i) Students with demonstrated need whose family incomes are at or below fifty percent of the state's median family income shall receive financial aid equal to one hundred percent of the remainder if an institution's full-time tuition fees for resident undergraduate students is five percent or greater of the state's median family income for a family of four as provided by the student achievement council;

(ii) Students with demonstrated need whose family incomes are greater than fifty percent and no more than seventy percent of the state's median family income shall receive financial aid equal to seventy-five percent of the remainder if an institution's full-time tuition fees for resident undergraduate students is ten percent or greater of the state's median family income for a family of four as provided by the student achievement council;

(iii) Students with demonstrated need whose family incomes exceed seventy percent and are less than one hundred percent of the state's median family income shall receive financial aid equal to fifty percent of the remainder if an institution's full-time tuition fees for resident undergraduate students is fifteen percent or greater of the state's median family income for a family of four as provided by the student achievement council; and

(iv) Students with demonstrated need whose family incomes are at or exceed one hundred percent and are no more than one hundred twenty-five percent of the state's median family income shall receive financial aid equal to twenty-five percent of the remainder if an institution's full-time tuition fees for resident undergraduate students is twenty percent or greater of the state's median family income for a family of four as provided by the student achievement council.

(3) The financial aid required in subsection (2) of this section shall:

(a) Be reduced by the amount of other financial aid awards, not including the state need grant;

(b) Be prorated based on credit load; and

(c) Only be provided to students up to demonstrated need.

(4) Financial aid sources and methods may be:

(a) Tuition revenue or locally held funds;

(b) Tuition waivers created by a four-year institution of higher education for the specific purpose of serving low and middle-income students; or

(c) Local financial aid programs.

(5) Use of tuition waivers as specified in subsection (4)(b) of this section shall not be included in determining total state tuition waiver authority as defined in RCW 28B.15.910.

(6) By ~~((August 15, 2012, and August 15th))~~ December 31st every year ~~((hereafter))~~, four-year institutions of higher education that increase tuition beyond levels assumed in the omnibus appropriations act after January 1, 2011, shall report to the governor and relevant committees of the legislature on the effectiveness of the various sources and methods of financial aid in mitigating tuition increases. A key purpose of these reports is to provide information regarding the results of the decision to grant tuition-setting authority to the four-year institutions of higher education and whether tuition setting authority should continue to be granted to the institutions or revert back to the legislature after consideration of the impacts on students, including educational access, affordability, and quality. These reports shall include:

(a) The amount of ~~((additional))~~ financial aid provided to middle-income and low-income resident students with demonstrated need in the aggregate and per student;

(b) An itemization of the sources and methods of financial aid provided by the four-year institution of higher education in the aggregate and per student for resident undergraduate students;

(c) An analysis of the combined impact of federal tuition tax credits and financial aid provided by the institution of higher education on the net cost to students and their families resulting from tuition increases;

(d) In cases where tuition increases are greater than those assumed in the omnibus appropriations act at any four-year institution of higher education, the institution must include an explanation in its report of why this increase was necessary and how the institution will mitigate the effects of the increase. The institution must include in this section of its report a plan and specific timelines; and

(e) An analysis of changes in resident student enrollment patterns, participation rates, graduation rates, and debt load, by race and ethnicity, gender, state and county of origin, age, and socioeconomic status, and a plan to mitigate effects of reduced diversity due to tuition increases. This analysis shall include disaggregated data for resident students in the following income brackets:

(i) Up to seventy percent of the median family income;

(ii) Between seventy-one percent and one hundred twenty-five percent of the median family income; and

(iii) Above one hundred twenty-five percent of the median family income.

(7) Beginning in the 2012-13 academic year, the University of Washington shall enroll during each academic year at least the same number of resident first-year undergraduate students at the Seattle campus, as defined in RCW 28B.15.012, as enrolled during the 2009-10 academic year. This requirement shall not apply to nonresident undergraduate and graduate and professional students.

Sec. 2. RCW 42.16.010 and 2011 1st sp.s. c 43 s 446 are each amended to read as follows:

(1) Except as provided otherwise in subsections (2) and (3) of this section, all state officers and employees shall be paid for services rendered from the first day of the month through the fifteenth day of the month and for services rendered from the sixteenth day of the month through the last calendar day of the month. Paydates for these two pay periods shall be established by the director of financial management through the administrative hearing process and the official paydates shall be established six months prior to the beginning of each subsequent calendar year. Under no circumstance shall the paydate be established more than ten days after the pay period in which the wages are earned except when the designated paydate falls on Sunday, in which case the paydate shall not be later than the following Monday. Payment shall be deemed to have been made by the established paydates if: (a) The salary warrant is available at the geographic work location at which the warrant is normally available to the employee; or (b) the salary has been electronically transferred into the employee's account at the employee's designated financial institution; or (c) the salary warrants are mailed at least two days before the established paydate for those employees engaged in work in remote or varying locations from the geographic location at which the payroll is prepared, provided that the employee has requested payment by mail.

The office of financial management shall develop the necessary policies and operating procedures to assure that all remuneration for services rendered including basic salary, shift differential, standby pay, overtime, penalty pay, salary due based on contractual agreements, and special pay provisions, as provided for by law,

agency policy or rule, or contract, shall be available to the employee on the designated payday. Overtime, penalty pay, and special pay provisions may be paid by the next following payday if the postponement of payment is attributable to: The employee's not making a timely or accurate report of the facts which are the basis for the payment, or the employer's lack of reasonable opportunity to verify the claim.

Compensable benefits payable because of separation from state service shall be paid with the earnings for the final period worked unless the employee separating has not provided the agency with the proper notification of intent to terminate.

One-half of the employee's basic monthly salary shall be paid in each pay period. Employees paid on an hourly basis or employees who work less than a full pay period shall be paid for actual salary earned.

(2) Subsection (1) of this section shall not apply in instances where it would conflict with contractual rights or, with the approval of the office of financial management, to short-term, intermittent, noncareer state employees, to student employees of institutions of higher education, to national or state guard members participating in state active duty, and to liquor control agency managers who are paid a percentage of monthly liquor sales.

(3) When a national or state guard member is called to participate in state active duty, the payday shall be no more than seven days following completion of duty or the end of the pay period, whichever is first. When the seventh day falls on Sunday, the payday shall not be later than the following Monday. This subsection shall apply only to the pay a national or state guard member receives from the military department for state active duty.

(4) Notwithstanding subsections (1) and (2) of this section, a bargained contract at an institution of higher education may include a provision for paying part-time academic employees on a pay schedule that coincides with all the paydays used for full-time academic employees.

(5)(a) Notwithstanding subsections (1), (2), and (4) of this section, an institution of higher education as defined in RCW 28B.10.016 may pay its employees for services rendered biweekly, in pay periods consisting of two consecutive seven calendar-day weeks. The payday for each pay period shall be seven calendar days after the end of the pay period. Under no circumstance may the payday be established more than seven days after the pay period in which the wages are earned except that when the designated payday falls on a holiday, the payday shall not be later than the following Monday.

(b) Employees on a biweekly payroll cycle under this subsection (5) who are paid a salary may receive a prorated amount of their annualized salary each pay period. The prorated amount must be proportional to the number of pay periods worked in the calendar year. Employees on a biweekly payroll cycle under this subsection (5) who are paid hourly, or who work less than a full pay period may be paid the actual salary amount earned during the pay period.

(c) Each institution that adopts a biweekly pay schedule under this subsection (5) must establish, publish, and notify the director of the office of financial management of the official paydates six months before the beginning of each subsequent calendar year.

(6) Notwithstanding subsections (1), (2), and (4) of this section, academic employees at institutions of higher education as defined in RCW 28B.10.016 whose employment appointments are less than twelve months may have their salaries prorated in such a way that coincides with the paydays used for full-time employees.

Sec. 3. RCW 44.28.816 and 2011 1st sp.s. c 10 s 31 are each amended to read as follows:

(1) During calendar year 2018, the joint committee shall complete a systemic performance audit of the tuition-setting authority in RCW 28B.15.067 granted to the governing boards of

the state universities, regional universities, and The Evergreen State College. The audit must include a separate analysis of both the authority granted in RCW 28B.15.067(3) and the authority in RCW 28B.15.067(4). The purpose of the audit is to evaluate the impact of institutional tuition-setting authority on student access, affordability, and ~~((institutional quality))~~ completion.

(2) The audit must include an evaluation of the following outcomes for each four-year institution of higher education:

(a) Changes in undergraduate enrollment, retention, and graduation by race and ethnicity, gender, state and county of origin, age, and socioeconomic status;

(b) The impact on student transferability, particularly from Washington community and technical colleges;

(c) Changes in time and credits to degree;

(d) Changes in the number and availability of online programs and undergraduate enrollments in the programs;

(e) Changes in enrollments in the running start and other dual enrollment programs;

(f) Impacts on funding levels for state student financial aid programs;

(g) Any changes in the percent of students who apply for student financial aid using the free application for federal student aid (FAFSA);

(h) Any changes in the percent of students who apply for available tax credits;

(i) Information on the use of building fee revenue by fiscal or academic year; and

(j) Undergraduate tuition and fee rates compared to undergraduate tuition and fee rates at similar institutions in the global challenge states.

(3) The audit must include recommendations on whether to continue tuition-setting authority beyond the 2018-19 academic year.

(4) In conducting the audit, the auditor shall solicit input from key higher education stakeholders, including but not limited to students and their families, faculty, and staff. To the maximum extent possible, data for the University of Washington and Washington State University shall be disaggregated by branch campus.

(5) The auditor shall report findings and recommendations to the appropriate committees of the legislature by December 15, 2018.

(6) This section expires December 31, 2018.

Sec. 4. RCW 43.88.110 and 2009 c 518 s 3 are each amended to read as follows:

This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds.

(1) Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(2) The director of financial management shall provide all agencies with a complete set of operating and capital instructions for preparing a statement of proposed expenditures at least thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

(3) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor.

(4) The office of financial management shall develop a method for monitoring capital appropriations and expenditures that will capture at least the following elements:

(a) Appropriations made for capital projects including transportation projects;

(b) Estimates of total project costs including past, current, ensuing, and future biennial costs;

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- (c) Comparisons of actual costs to estimated costs;
- (d) Comparisons of estimated construction start and completion dates with actual dates;
- (e) Documentation of fund shifts between projects.

This data may be incorporated into the existing accounting system or into a separate project management system, as deemed appropriate by the office of financial management.

(5) The office of financial management, prior to approving allotments for major capital construction projects valued over five million dollars, with the exception of projects at institutions of higher education as defined in RCW 28B.10.016, which may be valued up to ten million dollars, shall institute procedures for reviewing such projects at the predesign stage that will reduce long-term costs and increase facility efficiency. The procedures shall include, but not be limited to, the following elements:

- (a) Evaluation of facility program requirements and consistency with long-range plans;
- (b) Utilization of a system of cost, quality, and performance standards to compare major capital construction projects; and
- (c) A requirement to incorporate value-engineering analysis and constructability review into the project schedule.

(6) No expenditure may be incurred or obligation entered into for such major capital construction projects including, without exception, land acquisition, site development, predesign, design, construction, and equipment acquisition and installation, until the allotment of the funds to be expended has been approved by the office of financial management. This limitation does not prohibit the continuation of expenditures and obligations into the succeeding biennium for projects for which allotments have been approved in the immediate prior biennium.

(7) If at any time during the fiscal period the governor projects a cash deficit in a particular fund or account as defined by RCW 43.88.050, the governor shall make across-the-board reductions in allotments for that particular fund or account so as to prevent a cash deficit, unless the legislature has directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed operating expenditures for reasonableness and conformance with legislative intent. The governor may request corrections of proposed allotments submitted by the legislative and judicial branches and agencies headed by elective officials if those proposed allotments contain significant technical errors. Once the governor approves the proposed allotments, further revisions may at the request of the office of financial management or upon the agency's initiative be made on a quarterly basis and must be accompanied by an explanation of the reasons for significant changes. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, changes caused by executive increases to spending authority, and changes caused by executive decreases to spending authority for failure to comply with the provisions of chapter 36.70A RCW may require additional revisions. Revisions shall not be made retroactively. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the

director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

(8) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management.

(9) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

Sec. 5. RCW 28B.07.050 and 2003 c 84 s 1 are each amended to read as follows:

(1) The authority may, from time to time, issue its special obligation bonds in order to carry out the purposes of this chapter and to enable the authority to exercise any of the powers granted to it in this chapter. The bonds shall be issued pursuant to a bond resolution or trust indenture and shall be payable solely out of the special fund or funds created by the authority in the bond resolution or trust indenture. The special fund or funds shall be funded in whole or in part from moneys paid by one or more participants for whose benefit such bonds were issued and from the sources, if any, described in RCW 28B.07.040(9) or from the proceeds of bonds issued by the authority for the purpose of refunding any outstanding bonds of the authority.

(2) The bonds may be secured by:

- (a) A first lien against any unexpended proceeds of the bonds;
- (b) A first lien against moneys in the special fund or funds created by the authority for their payment;
- (c) A first or subordinate lien against the revenue and receipts of the participant or participants which revenue is derived in whole or in part from the project financed by the authority;
- (d) A first or subordinate security interest against any real or personal property, tangible or intangible, of the participant or participants, including, but not limited to, the project financed by the authority;
- (e) Any other real or personal property, tangible or intangible; or
- (f) Any combination of (a) through (e) of this subsection.

Any security interest created against the unexpended bond proceeds and against the special funds created by the authority shall be immediately valid and binding against the moneys and any securities in which the moneys may be invested without authority or trustee possession, and the security interest shall be prior to any party having any competing claim against the moneys or securities, without filing or recording under Article 9A of the Uniform Commercial Code, Title 62A RCW, and regardless of whether the party has notice of the security interest.

(3) The bonds may be issued as serial bonds or as term bonds or any such combination. The bonds shall bear such date or dates; mature at such time or times; bear interest at such rate or rates, either fixed or variable; be payable at such time or times; be in such denominations; be in such form, either coupon or registered, or both; carry such registration privileges; be made transferable, exchangeable, and interchangeable; be payable in lawful money of the United States of America at such place or places; be subject to such terms of redemption; and be sold at public or private sale, in such manner, at such time, and at such price as the authority shall

determine. The bonds shall be executed by the manual or facsimile signatures of the chairperson and the authority's duly-elected secretary or its executive director, and by the trustee if the authority determines to use a trustee. At least one signature shall be manually subscribed. Coupon bonds shall have attached interest coupons bearing the facsimile signatures of the chairperson and the secretary or the executive director.

(4) Any bond resolution, trust indenture, or agreement with a participant relating to bonds issued by the authority or the financing or refinancing made available by the authority may contain provisions, which may be made a part of the contract with the holders or owners of the bonds to be issued, pertaining to the following, among other matters: (a) The security interests granted by the participant to secure repayment of any amounts financed and the performance by the participant of its other obligations in the financing; (b) the security interests granted to the holders or owners of the bonds to secure repayment of the bonds; (c) rentals, fees, and other amounts to be charged, and the sums to be raised in each year through such charges, and the use, investment, and disposition of the sums; (d) the segregation of reserves or sinking funds, and the regulation, investment, and disposition thereof; (e) limitations on the uses of the project; (f) limitations on the purposes to which, or the investments in which, the proceeds of the sale of any issue of bonds may be applied; (g) terms pertaining to the issuance of additional parity bonds; (h) terms pertaining to the incurrence of parity debt; (i) the refunding of outstanding bonds; (j) procedures, if any, by which the terms of any contract with bondholders may be amended or abrogated; (k) acts or failures to act which constitute a default by the participant or the authority in their respective obligations and the rights and remedies in the event of a default; (l) the securing of bonds by a pooling of leases whereby the authority may assign its rights, as lessor, and pledge rents under two or more leases with two or more participants, as lessees; (m) terms governing performance by the trustee of its obligation; or (n) such other additional covenants, agreements, and provisions as are deemed necessary, useful, or convenient by the authority for the security of the holders of the bonds.

(5) Bonds may be issued by the authority to refund other outstanding authority bonds, at or prior to the maturity thereof, and to pay any redemption premium with respect thereto. Bonds issued for such refunding purposes may be combined with bonds issued for the financing or refinancing of new projects. Pending the application of the proceeds of the refunding bonds to the redemption of the bonds to be redeemed, the authority may enter into an agreement or agreements with a corporate trustee under RCW 28B.07.080 with respect to the interim investment of the proceeds and the application of the proceeds and the earnings on the proceeds to the payment of the principal of and interest on, and the redemption of the bonds to be redeemed.

(6) All bonds and any interest coupons appertaining to the bonds shall be negotiable instruments under Title 62A RCW.

(7) Neither the members of the authority, nor its employees or agents, nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance of the bonds.

(8) The authority may purchase its bonds with any of its funds available for the purchase. The authority may hold, pledge, cancel, or resell the bonds subject to and in accordance with agreements with bondholders.

(9) At no time shall the total outstanding bonded indebtedness of the authority exceed one billion five hundred million dollars."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education to Substitute House Bill No. 2613.

The motion by Senator Bailey carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "and amending RCW 28B.15.102, 42.16.010, 44.28.816, 43.88.110, and 28B.07.050."

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 2613 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2613 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2613 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE HOUSE BILL NO. 2613 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2398, by Representatives Walkinshaw, Haler, Seaquist, Zeiger, Muri, Smith, Ryu, Reykdal, S. Hunt, Gregerson and Pollet

Permitting community colleges that confer applied baccalaureate degrees to confer honorary bachelor of applied science degrees.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 2398 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2398.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2398 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

HOUSE BILL NO. 2398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2575, by Representatives Bergquist, Dahlquist, Stonier and Santos

Requiring that certain teacher assignment and reassignment data be included in data submitted to the office of the superintendent of public instruction.

The measure was read the second time.

MOTION

On motion of Senator Litzow, the rules were suspended, House Bill No. 2575 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Litzow spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2575.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2575 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

HOUSE BILL NO. 2575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2616, by House Committee on Appropriations (originally sponsored by Representatives Freeman, Walsh, Kagi, Roberts, Smith, Orwall, Tarleton and Pollet)

Concerning parents with intellectual or developmental disabilities involved in dependency proceedings.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to assure that for parents with developmental disabilities, the department of social and health services takes into consideration the parent's disability when offering services to correct parental deficiencies. To do so, the legislature finds that the department must contact the developmental disabilities administration.

Sec. 2. RCW 13.34.136 and 2013 c 316 s 2, 2013 c 254 s 2, and 2013 c 173 s 2 are each reenacted and amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's or supervising agency's proposed permanency plan must be provided to the department or supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the supervising agency or the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department or supervising agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's or supervising agency's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency

planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the developmental disabilities administration, the department shall make reasonable efforts to consult with the developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii)(A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The supervising agency or department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department or supervising agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii)(A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the

court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department or supervising agency.

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The supervising agency or department shall provide all reasonable services that are available within the department or supervising agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department or supervising agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, and the court has not made a good cause exception, the court shall require the department or supervising agency to file a petition seeking termination of parental rights in accordance with RCW 13.34.145((3))~~(4)~~(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other supervising agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department of social and health services or other supervising agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the

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department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 2616.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "with" strike "intellectual or" and after "proceedings;" strike the remainder of the title and insert "reenacting and amending RCW 13.34.136; and creating a new section."

MOTION

On motion of Senator O'Ban, the rules were suspended, Second Substitute House Bill No. 2616 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2616 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2616 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SECOND SUBSTITUTE HOUSE BILL NO. 2616 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2029, by House Committee on Appropriations (originally sponsored by Representatives Morris and Hudgins)

Eliminating economic development-related agencies, boards, and commissions. Revised for 2nd Substitute: Eliminating the economic development-related agencies, boards, and commissions.

The measure was read the second time.

MOTION

Senator Braun moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I
ELIMINATION OF THE WASHINGTON STATE
ECONOMIC DEVELOPMENT COMMISSION**

Sec. 101. RCW 28B.30.530 and 2012 c 229 s 808 are each amended to read as follows:

(1) The board of regents of Washington State University shall establish the Washington State University small business development center.

(2) The center shall provide management and technical assistance including but not limited to training, counseling, and research services to small businesses throughout the state. The center shall work with the department of commerce, the state board for community and technical colleges, the workforce training and education coordinating board, the employment security department, ~~((the Washington state economic development commission,))~~ associate development organizations, and workforce development councils to:

(a) Integrate small business development centers with other state and local economic development and workforce development programs;

(b) Target the centers' services to small businesses;

(c) Tailor outreach and services at each center to the needs and demographics of entrepreneurs and small businesses located within the service area;

(d) Establish and expand small business development center satellite offices when financially feasible; and

(e) Coordinate delivery of services to avoid duplication.

(3) The administrator of the center may contract with other public or private entities for the provision of specialized services.

(4) The small business development center may accept and disburse federal grants or federal matching funds or other funds or donations from any source when made, granted, or donated to carry out the center's purposes. When drawing on funds from the business assistance account created in RCW 28B.30.531, the center must first use the funds to make increased management and technical assistance available to existing small businesses and start-up businesses at satellite offices. The funds may also be used to develop and expand assistance programs such as small business planning workshops and small business counseling.

(5) By December 1, 2010, the center shall provide a written progress report and a final report to the appropriate committees of the legislature with respect to the requirements in subsection (2) of this section and the amount and use of funding received through the business assistance account. The reports must also include data on the number, location, staffing, and budget levels of satellite offices; affiliations with community colleges, associate development organizations or other local organizations; the number, size, and type of small businesses assisted; and the types of services provided. The reports must also include information on the outcomes

achieved, such as jobs created or retained, private capital invested, and return on the investment of state and federal dollars.

(6)(a) Subject to the availability of amounts appropriated for this specific purpose, by December 1, 2010, the center, in conjunction with the department of commerce, must prepare and present to the governor and appropriate legislative committees a specific, actionable plan to increase access to capital and technical assistance to small businesses and entrepreneurs beginning with the 2011-2013 biennium. In developing the plan, the center and the department may consult with the Washington state microenterprise association, and with other government, nonprofit, and private organizations as necessary. The plan must identify:

(i) Existing sources of capital and technical assistance for small businesses and entrepreneurs;

(ii) Critical gaps and barriers to availability of capital and delivery of technical assistance to small businesses and entrepreneurs;

(iii) Workable solutions to filling the gaps and removing barriers identified in (a)(ii) of this subsection; and

(iv) The financial resources and statutory changes necessary to put the plan into effect beginning with the 2011-2013 biennium.

(b) With respect to increasing access to capital, the plan must identify specific, feasible sources of capital and practical mechanisms for expanding access to it.

(c) The center and the department must include, within the analysis and recommendations in (a) of this subsection, any specific gaps, barriers, and solutions related to rural and low-income communities and small manufacturers interested in exporting.

Sec. 102. RCW 28B.155.010 and 2012 c 242 s 1 are each amended to read as follows:

(1) The joint center for aerospace technology innovation is created to:

(a) Pursue joint industry-university research in computing, manufacturing efficiency, materials/structures innovation, and other new technologies that can be used in aerospace firms;

(b) Enhance the education of students in the engineering departments of the University of Washington, Washington State University, and other participating institutions through industry-focused research; and

(c) Work directly with existing small, medium-sized, and large aerospace firms and aerospace industry associations to identify research needs and opportunities to transfer off-the-shelf technologies that would benefit such firms.

(2) The center shall be operated and administered as a multi-institutional education and research center, conducting research and development programs in various locations within Washington under the joint authority of the University of Washington and Washington State University. The initial administrative offices of the center shall be west of the crest of the Cascade mountains. In order to meet aerospace industry needs, the facilities and resources of the center must be made available to all four-year institutions of higher education as defined in RCW 28B.10.016. Resources include, but are not limited to, internships, on-the-job training, and research opportunities for undergraduate and graduate students and faculty.

(3) The powers of the center are vested in and shall be exercised by a board of directors. The board shall consist of nine members appointed by the governor. The governor shall appoint a nonvoting chair. Of the eight voting members, one member shall represent small aerospace firms, one member shall represent medium-sized firms, one member shall represent large aerospace firms, one member shall represent labor, two members shall represent aerospace industry associations, and two members shall represent higher education. The terms of the initial members shall be staggered.

(4) The board shall hire an executive director. The executive director shall hire such staff as the board deems necessary to operate the center. Staff support may be provided from among the cooperating institutions through cooperative agreements to the extent funds are available. The executive director may enter into cooperative agreements for programs and research with public and private organizations including state and nonstate agencies consistent with policies of the participating institutions.

(5) The board must:

(a) Work with aerospace industry associations and aerospace firms of all sizes to identify the research areas that will benefit the intermediate and long-term economic vitality of the Washington aerospace industry;

(b) Identify entrepreneurial researchers to join or lead research teams in the research areas specified in (a) of this subsection and the steps the University of Washington and Washington State University will take to recruit such researchers;

(c) Assist firms to integrate existing technologies into their operations and align the activities of the center with those of impact Washington ~~((and innovate Washington))~~ to enhance services available to aerospace firms;

(d) Develop internships, on-the-job training, research, and other opportunities and ensure that all undergraduate and graduate students enrolled in an aerospace engineering curriculum have direct experience with aerospace firms;

(e) Assist researchers and firms in safeguarding intellectual property while advancing industry innovation;

(f) Develop and strengthen university-industry relationships through promotion of faculty collaboration with industry, and sponsor ~~((in collaboration with innovate Washington))~~ at least one annual symposium focusing on aerospace research in the state of Washington;

(g) Encourage a full range of projects from small research projects that meet the specific needs of a smaller company to large scale, multipartner projects;

(h) Develop nonstate support of the center's research activities through leveraging dollars from federal and private for-profit and nonprofit sources;

(i) Leverage its financial impact through joint support arrangements on a project-by-project basis as appropriate;

(j) Establish mechanisms for soliciting and evaluating proposals and for making awards and reporting on technological progress, financial leverage, and other measures of impact;

(k) By June 30, 2013, develop an operating plan that includes the specific processes, methods, or mechanisms the center will use to accomplish each of its duties as set out in this subsection; and

(l) Report biennially to the legislature and the governor about the impact of the center's work on the state's economy and the aerospace sector, with projections of future impact, providing indicators of its impact, and outlining ideas for enhancing benefits to the state. The report must be coordinated with the governor's office, ~~((the Washington economic development commission,))~~ and the department of commerce ~~((and innovate Washington)).~~

Sec. 103. RCW 28C.18.060 and 2012 c 229 s 579 are each amended to read as follows:

The board, in cooperation with the operating agencies of the state training system and private career schools and colleges, shall:

(1) Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system;

(2) Advocate for the state training system and for meeting the needs of employers and the workforce for workforce education and training;

(3) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult

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basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs;

(4) Develop and maintain a state comprehensive plan for workforce training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for workforce training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community;

(5) In consultation with the student achievement council, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for workforce training and education;

(6) Provide for coordination among the different operating agencies and components of the state training system at the state level and at the regional level;

(7) Develop a consistent and reliable database on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state;

(8)(a) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system;

(b) Develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system;

(9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation;

(10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system;

(11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations;

(12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system;

(13) Provide for effectiveness and efficiency reviews of the state training system;

(14) In cooperation with the student achievement council, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary workforce education and two years of postsecondary workforce education;

(15) In cooperation with the student achievement council, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system;

(16) Develop policy objectives for the workforce investment act, P.L. 105-220, or its successor; develop coordination criteria for activities under the act with related programs and services provided by state and local education and training agencies; and ensure that entrepreneurial training opportunities are available through programs of each local workforce investment board in the state;

(17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education;

(18) Establish and administer programs for marketing and outreach to businesses and potential program participants;

(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system;

(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling;

(21) Facilitate the development of programs for school-to-work transition that combine classroom education and on-the-job training, including entrepreneurial education and training, in industries and occupations without a significant number of apprenticeship programs;

(22) Include in the planning requirements for local workforce investment boards a requirement that the local workforce investment boards specify how entrepreneurial training is to be offered through the one-stop system required under the workforce investment act, P.L. 105-220, or its successor;

(23) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities;

(24) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended;

(25) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence;

(26) Allocate funding from the state job training trust fund;

(27) Work with the director of commerce (~~and the economic development commission~~) to ensure coordination among workforce training priorities (~~(, the long term economic development strategy of the economic development commission,)~~);

and economic development and entrepreneurial development efforts, including but not limited to assistance to industry clusters;

(28) Conduct research into workforce development programs designed to reduce the high unemployment rate among young people between approximately eighteen and twenty-four years of age. In consultation with the operating agencies, the board shall advise the governor and legislature on policies and programs to alleviate the high unemployment rate among young people. The research shall include disaggregated demographic information and, to the extent possible, income data for adult youth. The research shall also include a comparison of the effectiveness of programs examined as a part of the research conducted in this subsection in relation to the public investment made in these programs in reducing unemployment of young adults. The board shall report to the appropriate committees of the legislature by November 15, 2008, and every two years thereafter. Where possible, the data reported to the legislative committees should be reported in numbers and in percentages;

(29) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section.

Sec. 104. RCW 28C.18.080 and 2009 c 421 s 6, 2009 c 151 s 7, and 2009 c 92 s 1 are each reenacted and amended to read as follows:

(1) The board shall develop a state comprehensive plan for workforce training and education for a ten-year time period. The board shall submit the ten-year state comprehensive plan to the governor and the appropriate legislative policy committees. Every four years by December 1st, beginning December 1, 2012, the board shall submit an update of the ten-year state comprehensive plan for workforce training and education to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan and the updates. The plan shall then become the state's workforce training policy unless legislation is enacted to alter the policies set forth in the plan.

(2) The comprehensive plan shall include workforce training role and mission statements for the workforce development programs of operating agencies represented on the board and sufficient specificity regarding expected actions by the operating agencies to allow them to carry out actions consistent with the comprehensive plan.

(3) Operating agencies represented on the board shall have operating plans for their workforce development efforts that are consistent with the comprehensive plan and that provide detail on implementation steps they will take to carry out their responsibilities under the plan. Each operating agency represented on the board shall provide an annual progress report to the board.

(4) The comprehensive plan shall include recommendations to the legislature and the governor on the modification, consolidation, initiation, or elimination of workforce training and education programs in the state.

(5) The comprehensive plan shall identify the strategic industry clusters targeted by the workforce development system. In identifying the strategic clusters, the board shall consult with the ~~((economic development commission))~~ department of commerce to identify clusters that meet the criteria identified by the working group convened by the ~~((economic development commission))~~ department of commerce and the workforce training and education coordinating board under RCW 43.330.280.

(6) The board shall report to the appropriate legislative policy committees by December 1st of each year on its progress in implementing the comprehensive plan and on the progress of the operating agencies in meeting their obligations under the plan.

Sec. 105. RCW 39.102.040 and 2007 c 229 s 2 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW and has not issued bonds to finance any public improvement may apply to the board and have its increment area considered for approval as a revenue development area under this chapter without adopting a new revenue development area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in RCW 39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4)(a) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2007 for a competitive project award, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of ~~((community, trade, and economic development))~~ commerce, the board shall approve competitive project awards from competitive applications submitted by the 2007 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2007. For projects not approved by the board in 2007, sponsoring and cosponsoring local governments may apply again to the board in 2008 for approval of a project.

(b) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2008 for a competitive project award, must submit completed applications to the board no later than July 1, 2008. By September 18, 2008, in consultation with the department of revenue and the department of ~~((community, trade, and economic development))~~ commerce, the board shall approve competitive project awards from competitive applications submitted by the 2008 deadline.

(c) Except as provided in RCW 39.102.050(2), a total of no more than five million dollars in competitive project awards shall be approved for local infrastructure financing.

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(d) The project selection criteria and weighting developed prior to July 22, 2007, for the application evaluation and approval process shall apply to applications received prior to November 1, 2007. In evaluating applications for a competitive project award after November 1, 2007, the board shall ~~((, in consultation with the Washington state economic development commission,))~~ develop the relative weight to be assigned to the following criteria:

(i) The project's potential to enhance the sponsoring local government's regional and/or international competitiveness;

(ii) The project's ability to encourage mixed use and transit-oriented development and the redevelopment of a geographic area;

(iii) Achieving an overall distribution of projects statewide that reflect geographic diversity;

(iv) The estimated wages and benefits for the project is greater than the average labor market area;

(v) The estimated state and local net employment change over the life of the project;

(vi) The current economic health and vitality of the proposed revenue development area and the contiguous community and the estimated impact of the proposed project on the proposed revenue development area and contiguous community;

(vii) The estimated state and local net property tax change over the life of the project;

(viii) The estimated state and local sales and use tax increase over the life of the project;

(ix) An analysis that shows that, over the life of the project, neither the local excise tax allocation revenues nor the local property tax allocation revenues will constitute more than eighty percent of the total local funds as described in RCW 39.102.020~~((29)(e)))~~ (29)(b); and

(x) If a project is located within an urban growth area, evidence that the project utilizes existing urban infrastructure and that the transportation needs of the project will be adequately met through the use of local infrastructure financing or other sources.

(e)(i) Except as provided in this subsection (4)(e), the board may not approve the use of local infrastructure financing within more than one revenue development area per county.

(ii) In a county in which the board has approved the use of local infrastructure financing, the use of such financing in additional revenue development areas may be approved, subject to the following conditions:

(A) The sponsoring local government is located in more than one county; and

(B) The sponsoring local government designates a revenue development area that comprises portions of a county within which the use of local infrastructure financing has not yet been approved.

(iii) In a county where the local infrastructure financing tool is authorized under RCW 39.102.050, the board may approve additional use of the local infrastructure financing tool.

(5) Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification must be sent by the board to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

Sec. 106. RCW 43.84.092 and 2013 2nd sp.s. c 23 s 24 and 2013 2nd sp.s. c 11 s 15 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial

insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, ~~((the Washington state economic development commission account,))~~ the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 107. RCW 43.84.092 and 2013 2nd sp.s. c 23 s 25 and 2013 2nd sp.s. c 11 s 16 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the Columbia river crossing project account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance

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administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, ((the Washington state

~~economic development commission account~~), the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 108. RCW 43.160.060 and 2012 c 196 s 10 are each amended to read as follows:

(1) The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, no more than twenty-five percent of all financial assistance approved by the board in any biennium may consist of grants to political subdivisions and federally recognized Indian tribes.

(2) Application for funds must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

(a) The board may not provide financial assistance:

(i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(iii) For a project the primary purpose of which is to facilitate or promote gambling.

(iv) For a project located outside the jurisdiction of the applicant political subdivision or federally recognized Indian tribe.

(b) The board may only provide financial assistance:

(i) For a project demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:

(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board ((and is consistent with the state comprehensive economic

~~development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted~~); and

(B) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities;

(ii) For a project that cannot meet the requirement of (b)(i) of this subsection but is a project that:

(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board ~~(and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted)~~);

(B) Is part of a local economic development plan consistent with applicable state planning requirements;

(C) Can demonstrate project feasibility using standard economic principles; and

(D) Is located in a rural community as defined by the board, or a rural county;

(iii) For site-specific plans, studies, and analyses that address environmental impacts, capital facilities, land use, permitting, feasibility, marketing, project engineering, design, site planning, and project debt and revenue impacts, as grants not to exceed fifty thousand dollars.

(c) The board must develop guidelines for local participation and allowable match and activities.

(d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.

(e) An application must be approved by the political subdivision and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

(f) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

(g) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.

(h) The board must prioritize each proposed project according to:

(i) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;

(ii) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;

(iii) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;

(iv) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements;

(v) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance; and

(vi) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for

development permits consistent with section 1(2), chapter 231, Laws of 2007.

(i) A responsible official of the political subdivision or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.

(3) Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 109. RCW 43.160.900 and 2008 c 327 s 9 are each amended to read as follows:

(1) The community economic revitalization board shall conduct biennial outcome-based evaluations of the financial assistance provided under this chapter. The evaluations shall include information on the number of applications for community economic revitalization board assistance; the number and types of projects approved; the grant or loan amount awarded each project; the projected number of jobs created or retained by each project; the actual number and cost of jobs created or retained by each project; the wages and health benefits associated with the jobs; the amount of state funds and total capital invested in projects; the number and types of businesses assisted by funded projects; the location of funded projects; the transportation infrastructure available for completed projects; the local match and local participation obtained; the number of delinquent loans; and the number of project terminations. The evaluations may also include additional performance measures and recommendations for programmatic changes.

(2)((a) By September 1st of each even-numbered year, the board shall forward its draft evaluation to the Washington state economic development commission for review and comment, as required in section 10 of this act. The board shall provide any additional information as may be requested by the commission for the purpose of its review.

(b) Any written comments or recommendations provided by the commission as a result of its review shall be included in the board's completed evaluation.) The evaluation must be presented to the governor and appropriate committees of the legislature by December 31st of each even-numbered year. The initial evaluation must be submitted by December 31, 2010.

Sec. 110. RCW 43.330.050 and 2005 c 136 s 12 are each amended to read as follows:

The department shall be responsible for promoting community and economic development within the state by assisting the state's communities to increase the quality of life of their citizens and their economic vitality, and by assisting the state's businesses to maintain and increase their economic competitiveness, while maintaining a healthy environment. Community and economic development efforts shall include: Efforts to increase economic opportunity; local planning to manage growth; the promotion and provision of affordable housing and housing-related services; providing public infrastructure; business and trade development; assisting firms and industrial sectors to increase their competitiveness; fostering the development of minority and women-owned businesses; facilitating technology development, transfer, and diffusion; community services and advocacy for low-income persons; and public safety efforts. The department shall have the following general functions and responsibilities:

(1) Provide advisory assistance to the governor, other state agencies, and the legislature on community and economic development matters and issues;

(2) Assist the governor in coordinating the activities of state agencies that have an impact on local government and communities;

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(3) Cooperate with ~~((the Washington state economic development commission,))~~ the legislature~~((s))~~ and the governor in the development and implementation of strategic plans for the state's community and economic development efforts;

(4) Solicit private and federal grants for economic and community development programs and administer such programs in conjunction with other programs assigned to the department by the governor or the legislature;

(5) Cooperate with and provide technical and financial assistance to local governments, businesses, and community-based organizations serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give additional consideration to local communities and individuals with the greatest relative need and the fewest resources;

(6) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states and provinces or their subdivisions;

(7) Hold public hearings and meetings to carry out the purposes of this chapter;

(8) Conduct research and analysis in furtherance of the state's economic and community development efforts including maintenance of current information on market, demographic, and economic trends as they affect different industrial sectors, geographic regions, and communities with special economic and social problems in the state; and

(9) Develop a schedule of fees for services where appropriate.

Sec. 111. RCW 43.330.080 and 2012 c 195 s 1 are each amended to read as follows:

(1)(a) The department must contract with county-designated associate development organizations to increase the support for and coordination of community and economic development services in communities or regional areas. The contracting organizations in each community or regional area must:

(i) Be broadly representative of community and economic interests;

(ii) Be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives;

(iii) Work closely with the department to carry out state-identified economic development priorities;

(iv) Work with and include local governments, local chambers of commerce, workforce development councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups; and

(v) Meet and share best practices with other associate development organizations at least two times each year.

(b) The scope of services delivered under the contracts required in (a) of this subsection must include two broad areas of work:

(i) Direct assistance, including business planning, to companies throughout the county who need support to stay in business, expand, or relocate to Washington from out of state or other countries. Assistance must comply with business recruitment and retention protocols established in RCW 43.330.062, and includes:

(A) Working with the appropriate partners throughout the county including, but not limited to, local governments, workforce development councils, port districts, community and technical colleges and higher education institutions, export assistance providers, impact Washington, the Washington state quality award council, small business assistance programs, innovation partnership zones, and other federal, state, and local programs to facilitate the

alignment of planning efforts and the seamless delivery of business support services within the entire county;

(B) Providing information on state and local permitting processes, tax issues, export assistance, and other essential information for operating, expanding, or locating a business in Washington;

(C) Marketing Washington and local areas as excellent locations to expand or relocate a business and positioning Washington as a globally competitive place to grow business, which may include developing and executing regional plans to attract companies from out of state;

(D) Working with businesses on site location and selection assistance;

(E) Providing business retention and expansion services throughout the county. Such services must include, but are not limited to, business outreach and monitoring efforts to identify and address challenges and opportunities faced by businesses, assistance to trade impacted businesses in applying for grants from the federal trade adjustment assistance for firms program, and the provision of information to businesses on:

(I) Resources available for microenterprise development;

(II) Resources available on the revitalization of commercial districts; and

(III) The opportunity to maintain jobs through shared work programs authorized under chapter 50.60 RCW;

(F) Participating in economic development system-wide discussions regarding gaps in business start-up assistance in Washington;

(G) Providing or facilitating the provision of export assistance through workshops or one-on-one assistance; and

(H) Using a web-based information system to track data on business recruitment, retention, expansion, and trade; and

(ii) Support for regional economic research and regional planning efforts to implement target industry sector strategies and other economic development strategies, including cluster-based strategies. Research and planning efforts should support increased living standards and increased foreign direct investment, and be aligned with the statewide economic development strategy. Regional associate development organizations retain their independence to address local concerns and goals. Activities include:

(A) Participating in regional planning efforts with workforce development councils involving coordinated strategies around workforce development and economic development policies and programs. Coordinated planning efforts must include, but not be limited to, assistance to industry clusters in the region;

(B) Participating with the state board for community and technical colleges as created in RCW 28B.50.050, and any community and technical colleges in the coordination of the job skills training program and the customized training program within its region;

(C) Collecting and reporting data as specified by the contract with the department for statewide systemic analysis. ~~((The department must consult with the Washington state economic development commission in the establishment of such uniform data as is needed to conduct a statewide systemic analysis of the state's economic development programs and expenditures.))~~ In cooperation with other local, regional, and state planning efforts, contracting organizations may provide insight into the needs of target industry clusters, business expansion plans, early detection of potential relocations or layoffs, training needs, and other appropriate economic information;

(D) In conjunction with other governmental jurisdictions and institutions, ~~((participate [participating]))~~ participating in the development of a countywide economic development plan((s

~~consistent with the state comprehensive plan for economic development developed by the Washington state economic development commission).~~

(2) The department must provide business services training to the contracting organizations, including but not limited to:

(a) Training in the fundamentals of export assistance and the services available from private and public export assistance providers in the state; and

(b) Training in the provision of business retention and expansion services as required by subsection (1)(b)(i)(E) of this section.

Sec. 112. RCW 43.330.082 and 2012 c 195 s 2 are each amended to read as follows:

(1)(a) Contracting associate development organizations must provide the department with measures of their performance and a summary of best practices shared and implemented by the contracting organizations. Annual reports must include the following information to show the contracting organization's impact on employment and overall changes in employment: Current employment and economic information for the community or regional area produced by the employment security department; the net change from the previous year's employment and economic information using data produced by the employment security department; other relevant information on the community or regional area; the amount of funds received by the contracting organization through its contract with the department; the amount of funds received by the contracting organization((s)) through all sources; and the contracting organization's impact on employment through all funding sources. Annual reports may include the impact of the contracting organization on wages, exports, tax revenue, small business creation, foreign direct investment, business relocations, expansions, terminations, and capital investment. Data must be input into a common web-based business information system managed by the department. Specific measures, data standards, and data definitions must be developed in the contracting process between the department(~~(, the economic development commission,))~~) and the contracting organization every two years. Except as provided in (b) of this subsection, performance measures should be consistent across regions to allow for statewide evaluation.

(b) In addition to the measures required in (a) of this subsection, contracting associate development organizations in counties with a population greater than one million five hundred thousand persons must include the following measures in reports to the department:

(i) The number of small businesses that received retention and expansion services, and the outcome of those services;

(ii) The number of businesses located outside of the boundaries of the largest city within the contracting associate development organization's region that received recruitment, retention, and expansion services, and the outcome of those services.

(2)(a) The department and contracting associate development organizations must agree upon specific target levels for the performance measures in subsection (1) of this section. Comparison of agreed thresholds and actual performance must occur annually.

(b) Contracting organizations that fail to achieve the agreed performance targets in more than one-half of the agreed measures must develop remediation plans to address performance gaps. The remediation plans must include revised performance thresholds specifically chosen to provide evidence of progress in making the identified service changes.

(c) Contracts and state funding must be terminated for one year for organizations that fail to achieve the agreed upon progress toward improved performance defined under (b) of this subsection. During the year in which termination for nonperformance is in effect, organizations must review alternative delivery strategies to

include reorganization of the contracting organization, merging of previous efforts with existing regional partners, and other specific steps toward improved performance. At the end of the period of termination, the department may contract with the associate development organization or its successor as it deems appropriate.

(3) The department must submit ((a preliminary report to the Washington economic development commission by September 1st of each even-numbered year, and)) a final report to the legislature ((and the Washington economic development commission)) by December 31st of each even-numbered year on the performance results of the contracts with associate development organizations.

((4) Contracting associate development organizations must provide the Washington state economic development commission with information to be used in the comprehensive statewide economic development strategy and progress report due under RCW 43.162.020, by the date determined by the commission.))

Sec. 113. RCW 43.330.090 and 2012 c 198 s 3 are each amended to read as follows:

(1) The department shall work with private sector organizations, industry and sector associations, federal agencies, state agencies that use a sector-based approach to service delivery, local governments, local associate development organizations, and higher education and training institutions in the development of industry sector-based strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production. The industry sectors targeted by the department may include, but are not limited to, aerospace, agriculture, food processing, forest products, marine services, health and biomedical, software, digital and interactive media, transportation and distribution, and microelectronics. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to an industry sector-based approach to economic development and identifying and assisting additional sectors.

(2) The department's sector-based strategies shall include, but not be limited to, cluster-based strategies that focus on assisting regional industry sectors and related firms and institutions that meet the definition of an industry cluster in this section and based on criteria identified by the working group established in this chapter.

(3)(a) The department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

(b) The department may, in carrying out its efforts to encourage film and video production in the state, solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, or other governmental entities, as well as private sources, and may expend the same or any income therefrom for the encouragement of film and video production. All revenue received for such purposes shall be deposited into the general fund.

(4) In assisting in the development of regional and statewide industry cluster-based strategies, the department's activities shall include, but are not limited to:

(a) Facilitating regional focus group discussions and conducting studies to identify industry clusters, appraise the current information linkages within a cluster, and identify issues of common concern within a cluster;

(b) Supporting industry and cluster associations, publications of association and cluster directories, and related efforts to create or expand the activities of industry and cluster associations;

(c) Administering a competitive grant program to fund economic development activities designed to further regional cluster growth. In administering the program, the department shall work with ((the economic development commission,)) the workforce training and education coordinating board, the state board for

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community and technical colleges, the employment security department, business, and labor.

(i) The department shall seek recommendations on criteria for evaluating applications for grant funds and recommend applicants for receipt of grant funds. Criteria shall include not duplicating the purpose or efforts of industry skill panels.

(ii) Applicants must include organizations from at least two counties and participants from the local business community. Eligible organizations include, but are not limited to, local governments, economic development councils, chambers of commerce, federally recognized Indian tribes, workforce development councils, and educational institutions.

(iii) Applications must evidence financial participation of the partner organizations.

(iv) Eligible activities include the formation of cluster economic development partnerships, research and analysis of economic development needs of the cluster, the development of a plan to meet the economic development needs of the cluster, and activities to implement the plan.

(v) Priority shall be given to applicants that complement industry skill panels and will use the grant funds to build linkages and joint projects.

(vi) The maximum amount of a grant is one hundred thousand dollars.

(vii) A maximum of one hundred thousand dollars total can go to King, Pierce, Kitsap, and Snohomish counties combined.

(viii) No more than ten percent of funds received for the grant program may be used by the department for administrative costs.

(5) As used in this chapter, "industry cluster" means a geographic concentration of interconnected companies in a single industry, related businesses in other industries, including suppliers and customers, and associated institutions, including government and education.

Sec. 114. RCW 43.330.250 and 2013 2nd sp.s. c 24 s 1 are each amended to read as follows:

(1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.

(2) Only the governor, with the recommendation of the director of the department of commerce ~~((and the economic development commission))~~, may authorize expenditures from the account.

(3) ~~((Expenditures from the account shall be made in an amount sufficient to fund a minimum of one staff position for the economic development commission and to cover any other operational costs of the commission.~~

(4)) During the 2009-2011 and 2011-2013 fiscal biennia, moneys in the account may also be transferred into the state general fund.

~~((5))~~ (4) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or to recruit a business or facility to the state. Expenditures may be authorized for:

(a) Workforce development;

(b) Public infrastructure needed to support or sustain the operations of the business or facility;

(c) Other lawfully provided assistance, including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest and may only be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention; and

(d) The joint center for aerospace technology innovation.

~~((6))~~ (5) The funds shall not be expended from the account unless:

(a) The circumstances are such that time does not permit the director of the department of commerce or the business or facility to secure funding from other state sources;

(b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(c) The business or facility does not require continuing state support;

(d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;

(e) The expenditure will not supplant private investment; and

(f) The expenditure is accompanied by private investment.

~~((7))~~ (6) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.

~~((8))~~ (7) If the account balance in the strategic reserve account exceeds fifteen million dollars at any time, the amount in excess of fifteen million dollars shall be transferred to the education construction account.

Sec. 115. RCW 43.330.270 and 2012 c 225 s 1 are each amended to read as follows:

(1) The department must design and implement an innovation partnership zone program through which the state will encourage and support research institutions, workforce training organizations, and globally competitive companies to work cooperatively in close geographic proximity to create commercially viable products and jobs.

(2) The director must designate innovation partnership zones on the basis of the following criteria:

(a) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(i) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(ii) An industry cluster as defined in RCW 43.330.090. The cluster must include a dense proximity of globally competitive firms in a research-based industry or industries or individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or evidence of sales in international markets; and

(iii) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone.

(b) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(c) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(d) The innovation partnership zone administrator must be an economic development council, port, workforce development council, city, or county.

(3) With respect solely to the research capacity required in subsection (2)(a)(i) of this section, the director may waive the requirement that the research institution be located within the zone. To be considered for such a waiver, an applicant must provide a specific plan that demonstrates the research institution's unique qualifications and suitability for the zone, and the types of jointly executed activities that will be used to ensure ongoing, face-to-face interaction and research collaboration among the zone's partners.

(4) On October 1st of each odd-numbered year, the director must designate innovation partnership zones on the basis of applications that meet the legislative criteria, estimated economic impact of the zone, evidence of forward planning for the zone, and other criteria as developed by the department (~~(in consultation with the Washington state economic development commission)~~). Estimated economic impact must include evidence of anticipated private investment, job creation, innovation, and commercialization. The director must require evidence that zone applicants will promote commercialization, innovation, and collaboration among zone residents.

(5) Innovation partnership zones are eligible for funds and other resources as provided by the legislature or at the discretion of the governor.

(6) If the innovation partnership zone meets the other requirements of the fund sources, then the zone is eligible for the following funds relating to:

- (a) The local infrastructure financing tools program;
- (b) The sales and use tax for public facilities in rural counties;
- (c) Job skills;
- (d) Local improvement districts; and
- (e) Community economic revitalization board projects under chapter 43.160 RCW.

(7) An innovation partnership zone must be designated as a zone for a four-year period. At the end of the four-year period, the zone must reapply for the designation through the department.

(8) If the director finds that an applicant does not meet all of the statutory criteria or additional criteria recommended by the department (~~(in consultation with the Washington state economic development commission)~~) to be designated as an innovation partnership zone, the department must:

- (a) Identify the deficiencies in the proposal and recommended steps for the applicant to take to strengthen the proposal;
- (b) Provide the applicant with the opportunity to appeal the decision to the director; and
- (c) Allow the applicant to reapply for innovation partnership designation on October 1st of the following calendar year or during any subsequent application cycle.

(9) If the director finds at any time after the initial year of designation that an innovation partnership zone is failing to meet the performance standards required in its contract with the department, the director may withdraw such designation and cease state funding of the zone.

(10) The department must convene annual information sharing events for innovation partnership zone administrators and other interested parties.

(11) An innovation partnership zone must annually provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation.

(12) The department must compile a biennial report on the innovation partnership zone program by December 1st of every even-numbered year. The report must provide information for each zone on its: Objectives; funding, tax incentives, and other support obtained from public sector sources; major activities; partnerships; performance measures; and outcomes achieved since the inception of the zone or since the previous biennial report. (~~The Washington~~

~~state economic development commission must review the department's draft report and make recommendations on ways to increase the effectiveness of individual zones and the program overall.)~~ The department must submit the report(~~(including the commission's recommendations,)~~) to the governor and legislature beginning December 1, 2010.

Sec. 116. RCW 43.330.280 and 2012 c 229 s 708 are each amended to read as follows:

(1) The ((Washington state economic development commission)) department shall((, with the advice of an innovation partnership advisory group selected by the commission: (a) Provide information and advice to the department of commerce to assist in the implementation of the innovation partnership zone program, including criteria to be used in the selection of grant applicants for funding;

(b)) document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section(;

(c) Conduct an innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the research institutions:

(i) Develop a plan to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December 31, 2009. The publicly funded research institutions in the state shall be responsible for implementing the plan. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ten significant entrepreneurial researchers over the next ten years to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the

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performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by June 30, 2009, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones. The report shall include recommendations for modifications of chapter 227, Laws of 2007 and of state commercialization efforts that would enhance the state's economic competitiveness)).

(2) The ~~((economic development commission))~~ department and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors.

Sec. 117. RCW 43.330.310 and 2012 c 229 s 590 and 2012 c 198 s 12 are each reenacted and amended to read as follows:

(1) The legislature establishes a comprehensive green economy jobs growth initiative based on the goal of, by 2020, increasing the number of green economy jobs to twenty-five thousand from the eight thousand four hundred green economy jobs the state had in 2004.

(2) The department, in consultation with the employment security department, the state workforce training and education coordinating board, and the state board for community and technical colleges, shall develop a defined list of terms, consistent with current workforce and economic development terms, associated with green economy industries and jobs.

(3)(a) The employment security department, in consultation with the department, the state workforce training and education coordinating board, the state board for community and technical colleges, Washington State University small business development center, and the Washington State University extension energy program, shall conduct labor market research to analyze the current labor market and projected job growth in the green economy, the current and projected recruitment and skill requirement of green economy industry employers, the wage and benefits ranges of jobs within green economy industries, and the education and training requirements of entry-level and incumbent workers in those industries.

(i) The employment security department shall conduct an analysis of occupations in the forest products industry to: (A) Determine key growth factors and employment projections in the industry; and (B) define the education and skill standards required for current and emerging green occupations in the industry.

(ii) The term "forest products industry" must be given a broad interpretation when implementing (a)(i) of this subsection and includes, but is not limited to, businesses that grow, manage, harvest, transport, and process forest, wood, and paper products.

(b) The University of Washington business and economic development center shall: Analyze the current opportunities for and participation in the green economy by minority and women-owned business enterprises in Washington; identify existing barriers to their successful participation in the green economy; and develop strategies with specific policy recommendations to improve their successful participation in the green economy. The research may be informed by the research of the Puget Sound regional council prosperity partnership, as well as other entities. The University of Washington business and economic development center shall report to the appropriate committees of the house of representatives and the senate on their research, analysis, and recommendations by December 1, 2008.

(4) Based on the findings from subsection (3) of this section, the employment security department, in consultation with the department and taking into account the requirements and goals of chapter 14, Laws of 2008 and other state clean energy and energy efficiency policies, shall propose which industries will be considered high-demand green industries, based on current and projected job creation and their strategic importance to the development of the state's green economy. The employment security department and the department shall take into account which jobs within green economy industries will be considered high-wage occupations and occupations that are part of career pathways to the same, based on family-sustaining wage and benefits ranges. These designations, and the results of the employment security department's broader labor market research, shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, and the state board for community and technical colleges.

(5) The department shall identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270.

(6) The department((, consistent with the priorities established by the state economic development commission,)) shall:

(a) Develop targeting criteria for existing investments, and make recommendations for new or expanded financial incentives and comprehensive strategies, to recruit, retain, and expand green economy industries and small businesses; and

(b) Make recommendations for new or expanded financial incentives and comprehensive strategies to stimulate research and development of green technology and innovation, including designating innovation partnership zones linked to the green economy.

(7) For the purposes of this section, "target populations" means (a) entry-level or incumbent workers in high-demand green industries who are in, or are preparing for, high-wage occupations; (b) dislocated workers in declining industries who may be retrained for high-wage occupations in high-demand green industries; (c) dislocated agriculture, timber, or energy sector workers who may be retrained for high-wage occupations in high-demand green industries; (d) eligible veterans or national guard members; (e) disadvantaged populations; or (f) anyone eligible to participate in the state opportunity grant program under RCW 28B.50.271.

(8) The legislature directs the state workforce training and education coordinating board to create and pilot green industry skill panels. These panels shall consist of business representatives from: Green industry sectors, including but not limited to forest product companies, companies engaged in energy efficiency and renewable energy production, companies engaged in pollution prevention, reduction, and mitigation, and companies engaged in green building work and green transportation; labor unions representing workers in those industries or labor affiliates administering state-approved, joint apprenticeship programs or labor-management partnership programs that train workers for these industries; state and local veterans agencies; employer associations; educational institutions; and local workforce development councils within the region that the panels propose to operate; and other key stakeholders as determined by the applicant. Any of these stakeholder organizations are eligible to receive grants under this section and serve as the intermediary that convenes and leads the panel. Panel applicants must provide labor market and industry analysis that demonstrates high demand, or demand of strategic importance to the development of the state's clean energy economy as identified in this section, for high-wage occupations, or occupations that are part of career pathways to the same, within the relevant industry sector. The panel shall:

(a) Conduct labor market and industry analyses, in consultation with the employment security department, and drawing on the findings of its research when available;

(b) Plan strategies to meet the recruitment and training needs of the industry and small businesses; and

(c) Leverage and align other public and private funding sources.

Sec. 118. RCW 43.330.375 and 2012 c 229 s 591 are each amended to read as follows:

(1) The department and the workforce board must:

(a) Coordinate efforts across the state to ensure that federal training and education funds are captured and deployed in a focused and effective manner in order to support green economy projects and accomplish the goals of the evergreen jobs initiative;

(b) Accelerate and coordinate efforts by state and local organizations to identify, apply for, and secure all sources of funds, particularly those created by the 2009 American recovery and reinvestment act, and to ensure that distributions of funding to local organizations are allocated in a manner that is time-efficient and user-friendly for the local organizations. Local organizations eligible to receive support include but are not limited to:

(i) Associate development organizations;

(ii) Workforce development councils;

(iii) Public utility districts; and

(iv) Community action agencies;

(c) Support green economy projects at both the state and local level by developing a process and a framework to provide, at a minimum:

(i) Administrative and technical assistance;

(ii) Assistance with and expediting of permit processes; and

(iii) Priority consideration of opportunities leading to exportable green economy goods and services, including renewable energy technology;

(d) Coordinate local and state implementation of projects using federal funds to ensure implementation is time-efficient and user-friendly for local organizations;

(e) Emphasize through both support and outreach efforts, projects that:

(i) Have a strong and lasting economic or environmental impact;

(ii) Lead to a domestically or internationally exportable good or service, including renewable energy technology;

(iii) Create training programs leading to a credential, certificate, or degree in a green economy field;

(iv) Strengthen the state's competitiveness in a particular sector or cluster of the green economy;

(v) Create employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations;

(vi) Comply with prevailing wage provisions of chapter 39.12 RCW;

(vii) Ensure at least fifteen percent of labor hours are performed by apprentices;

(f) Identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270;

(g) Identify barriers to the growth of green jobs in traditional industries such as the forest products industry;

(h) Identify statewide performance metrics for projects receiving agency assistance. Such metrics may include:

(i) The number of new green jobs created each year, their wage levels, and, to the extent determinable, the percentage of new green jobs filled by veterans, members of the national guard, and low-income and disadvantaged populations;

(ii) The total amount of new federal funding secured, the respective amounts allocated to the state and local levels, and the timeliness of deployment of new funding by state agencies to the local level;

(iii) The timeliness of state deployment of funds and support to local organizations; and

(iv) If available, the completion rates, time to completion, and training-related placement rates for green economy postsecondary training programs;

(i) Identify strategies to allocate existing and new funding streams for green economy workforce training programs and education to emphasize those leading to a credential, certificate, or degree in a green economy field;

(j) Identify and implement strategies to allocate existing and new funding streams for workforce development councils and associate development organizations to increase their effectiveness and efficiency and increase local capacity to respond rapidly and comprehensively to opportunities to attract green jobs to local communities;

(k) Develop targeting criteria for existing investments that are consistent with ~~((the economic development commission's economic development strategy and))~~ the goals of this section and RCW 28C.18.170, 28B.50.281, and 49.04.200; and

(l) Make and support outreach efforts so that residents of Washington, particularly members of target populations, become aware of educational and employment opportunities identified and funded through the evergreen jobs act.

(2) The department and the workforce board must provide semiannual performance reports to the governor and appropriate committees of the legislature on:

(a) Actual statewide performance based on the performance measures identified in subsection (1)(h) of this section;

(b) How the state is emphasizing and supporting projects that lead to a domestically or internationally exportable good or service, including renewable energy technology;

(c) A list of projects supported, created, or funded in furtherance of the goals of the evergreen jobs initiative and the actions taken by state and local organizations, including the effectiveness of state agency support provided to local organizations as directed in subsection (1)(b) and (c) of this section;

(d) Recommendations for new or expanded financial incentives and comprehensive strategies to:

(i) Recruit, retain, and expand green economy industries and small businesses; and

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(ii) Stimulate research and development of green technology and innovation, which may include designating innovation partnership zones linked to the green economy;

(e) Any information that associate development organizations and workforce development councils choose to provide to appropriate legislative committees regarding the effectiveness, timeliness, and coordination of support provided by state agencies under this section and RCW 28C.18.170, 28B.50.281, and 49.04.200; and

(f) Any recommended statutory changes necessary to increase the effectiveness of the evergreen jobs initiative and state responsiveness to local agencies and organizations.

(3) The definitions, designations, and results of the employment security department's broader labor market research under RCW 43.330.010 shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, the state board for community and technical colleges, and the student achievement council.

Sec. 119. RCW 50.38.050 and 2009 c 151 s 2 are each amended to read as follows:

The department shall have the following duties:

(1) Oversight and management of a statewide comprehensive labor market and occupational supply and demand information system, including development of a five-year employment forecast for state and labor market areas;

(2) Produce local labor market information packages for the state's counties, including special studies and job impact analyses in support of state and local employment, training, education, and job creation programs, especially activities that prevent job loss, reduce unemployment, and create jobs;

(3) Coordinate with the office of financial management and the office of the forecast council to improve employment estimates by enhancing data on corporate officers, improving business establishment listings, expanding sample for employment estimates, and developing business entry/analysis relevant to the generation of occupational and economic forecasts;

(4) In cooperation with the office of financial management, produce long-term industry and occupational employment forecasts. These forecasts shall be consistent with the official economic and revenue forecast council biennial economic and revenue forecasts; and

(5) Analyze labor market and economic data, including the use of input-output models, for the purpose of identifying industry clusters and strategic industry clusters that meet the criteria identified by the working group convened by the ~~((economic development commission))~~ department of commerce and the workforce training and education coordinating board under chapter 43.330 RCW.

Sec. 120. RCW 82.14.505 and 2010 c 164 s 8 are each amended to read as follows:

(1) Demonstration projects are designated to determine the feasibility of local revitalization financing. For the purpose of this section, "annual state contribution limit" means four million two hundred thousand dollars statewide per fiscal year.

(a) Notwithstanding RCW 39.104.100, the department must approve each demonstration project for 2009 as follows:

(i) The Whitman county Pullman/Moscow corridor improvement project award may not exceed two hundred thousand dollars;

(ii) The University Place improvement project award may not exceed five hundred thousand dollars;

(iii) The Tacoma international financial services area/Tacoma dome project award may not exceed five hundred thousand dollars;

(iv) The Bremerton downtown improvement project award may not exceed three hundred thirty thousand dollars;

(v) The Auburn downtown redevelopment project award may not exceed two hundred fifty thousand dollars;

(vi) The Vancouver Columbia waterfront/downtown project award may not exceed two hundred twenty thousand dollars; and

(vii) The Spokane University District project award may not exceed two hundred fifty thousand dollars.

(b) Notwithstanding RCW 39.104.100, the department must approve each demonstration project for 2010 meeting the requirements in subsection (2)(c) of this section as follows:

(i) The Richland revitalization area for industry, science and education project award may not exceed three hundred thirty thousand dollars;

(ii) The Lacey gateway town center project award may not exceed five hundred thousand dollars;

(iii) The Mill Creek east gateway planned urban village revitalization area project award may not exceed three hundred thirty thousand dollars;

(iv) The Puyallup river road revitalization area project award may not exceed two hundred fifty thousand dollars;

(v) The Renton south Lake Washington project award may not exceed five hundred thousand dollars; and

(vi) The New Castle downtown project ~~((award))~~ award may not exceed forty thousand dollars.

(2)(a) Local government sponsors of demonstration projects under subsection (1)(a) of this section must submit to the department no later than September 1, 2009, documentation that substantiates that the project has met the conditions, limitations, and requirements provided in chapter 270, Laws of 2009.

(b) Sponsoring local government of demonstration projects under subsection (1)(b) of this section must update and resubmit to the department no later than September 1, 2010, the application already on file with the department to substantiate that the project has met the conditions, limitations, and requirements provided in chapter 270, Laws of 2009 and chapter 164, Laws of 2010 and the project is substantially the same as the project in the original application submitted to the department in 2009.

(c) The department must not approve any resubmitted application unless an economic analysis by a qualified researcher at the department of economics at the University of Washington confirms that there is an eighty-five percent probability that the application's assumptions and estimates of jobs created and increased tax receipts will be achieved by the project and determines that net state tax revenue will increase as a result of the project by an amount that equals or exceeds the award authorized in subsection (1)(b) of this section. ~~((Prior to submitting the economic analysis to the department, the qualified researcher must consult with the economic development commission established in chapter 43.162 RCW regarding his or her preliminary findings. The final economic analysis must include comments and recommendations of the economic development commission.))~~

(3) Within ninety days of such submittal, the economic analysis in subsection (2)(c) of this section must be completed and the department must either approve demonstration projects that have met these conditions, limitations, and requirements or deny resubmitted applications that have not met these conditions, limitations, and requirements.

(4) Local government sponsors of demonstration projects may elect to decline the project awards as designated in this section, and may elect instead to submit applications according to the process described in RCW 39.104.100.

(5) If a demonstration project listed in subsection (1)(b) of this section does not update and resubmit its application to the department by the deadline specified in subsection (2)(b) of this section or if the demonstration project withdraws its application, the associated dollar amounts may not be approved for another project

and may not be considered part of the annual state contribution limit under RCW 39.104.020(1).

Sec. 121. RCW 82.33A.010 and 2007 c 232 s 8 are each amended to read as follows:

(1) The economic climate council is hereby created.

(2) The council shall(~~(in consultation with the Washington economic development commission,))~~ select a series of benchmarks that characterize the competitive environment of the state. The benchmarks should be indicators of the cost of doing business; the education and skills of the workforce; a sound infrastructure; and the quality of life. In selecting the appropriate benchmarks, the council shall use the following criteria:

(a) The availability of comparative information for other states and countries;

(b) The timeliness with which benchmark information can be obtained; and

(c) The accuracy and validity of the benchmarks in measuring the economic climate indicators named in this section.

(3) Each year the council shall prepare an official state economic climate report on the present status of benchmarks, changes in the benchmarks since the previous report, and the reasons for the changes. The reports shall include current benchmark comparisons with other states and countries, and an analysis of factors related to the benchmarks that may affect the ability of the state to compete economically at the national and international level.

(4) All agencies of state government shall provide to the council immediate access to all information relating to economic climate reports.

Sec. 122. RCW 43.131.418 and 2013 2nd sp.s. c 24 s 3 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2021:

(1) RCW 28B.155.010 and 2014 c ... s 102 (section 102 of this act) & 2012 c 242 s 1; and

(2) RCW 28B.155.020 and 2012 c 242 s 2.

NEW SECTION. Sec. 123. The following acts or parts of acts are each repealed:

(1) RCW 43.162.005 (Findings--Intent) and 2011 c 311 s 1, 2007 c 232 s 1, & 2003 c 235 s 1;

(2) RCW 43.162.010 (Washington state economic development commission--Membership--Policies and procedures) and 2011 c 311 s 2, 2007 c 232 s 2, & 2003 c 235 s 2;

(3) RCW 43.162.012 ("Commission" defined) and 2011 c 311 s 3;

(4) RCW 43.162.015 (Executive director) and 2011 c 311 s 4 & 2007 c 232 s 3;

(5) RCW 43.162.020 (Duties--Biennial comprehensive statewide economic development strategy--Report--Biennial budget request--Memorandum of understanding--Performance evaluation--Gifts, grants, donations) and 2012 c 195 s 3, 2011 c 311 s 5, 2009 c 151 s 9, 2007 c 232 s 4, & 2003 c 235 s 3;

(6) RCW 43.162.025 (Additional authority) and 2011 c 311 s 6 & 2007 c 232 s 5;

(7) RCW 43.162.030 (Authority of governor and department of commerce not affected) and 2011 c 311 s 7, 2007 c 232 s 7, & 2003 c 235 s 4;

(8) RCW 43.162.040 (Washington state economic development commission account) and 2011 c 311 s 8; and

(9) RCW 82.33A.020 (Consulting with Washington economic development commission) and 2007 c 232 s 9 & 1996 c 152 s 4.

PART II

ELIMINATION OF THE WASHINGTON GLOBAL HEALTH TECHNOLOGIES

AND PRODUCT DEVELOPMENT COMPETITIVENESS PROGRAM

NEW SECTION. Sec. 201. RCW 43.374.010 (Washington global health technologies and product development competitiveness program) and 2010 1st sp.s. c 13 s 2 are each repealed.

PART III

ELIMINATION OF THE WASHINGTON TOURISM COMMISSION

NEW SECTION. Sec. 301. The following acts or parts of acts are each repealed:

(1) RCW 43.336.010 (Definitions) and 2009 c 565 s 42 & 2007 c 228 s 101;

(2) RCW 43.336.020 (Commission created--Composition--Terms--Executive director--Rule-making authority) and 2011 1st sp.s. c 50 s 957, 2009 c 549 s 5178, & 2007 c 228 s 102;

(3) RCW 43.336.030 (Tourism industry expansion--Coordinated program--Strategic plan--Tourism marketing plan) and 2007 c 228 s 103;

(4) RCW 43.336.040 (Tourism competitive grant program) and 2007 c 228 s 104;

(5) RCW 43.336.050 (Tourism enterprise account) and 2011 c 5 s 914 & 2007 c 228 s 105;

(6) RCW 43.336.060 (Tourism development program--Report to the legislature) and 2009 c 518 s 13, 2007 c 228 s 107, & 1998 c 299 s 5; and

(7) RCW 43.336.900 (Part headings not law--2007 c 228) and 2007 c 228 s 204.

PART IV

ELIMINATION OF THE MICROENTERPRISE DEVELOPMENT PROGRAM

Sec. 401. RCW 43.330.010 and 2011 c 286 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the department of commerce.

(3) "Director" means the director of the department of commerce.

(4) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business in this state under state or federal law.

(5) ("Microenterprise development organization" means a community development corporation, a nonprofit development organization, a nonprofit social services organization or other locally operated nonprofit entity that provides services to low-income entrepreneurs.

(6)) "Small business" has the same meaning as provided in RCW ((39.29.006)) 39.26.010.

((7) "Statewide microenterprise association" means a nonprofit entity with microenterprise development organizations as members that serves as an intermediary between the department of commerce and local microenterprise development organizations.))

NEW SECTION. Sec. 402. RCW 43.330.290 (Microenterprise development program) and 2009 c 565 s 15 & 2007 c 322 s 3 are each repealed.

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**PART V
MISCELLANEOUS PROVISIONS**

NEW SECTION. **Sec. 501.** Section 106 of this act expires on the date the requirements set out in section 7, chapter 36, Laws of 2012 are met.

NEW SECTION. **Sec. 502.** Section 107 of this act takes effect on the date the requirements set out in section 7, chapter 36, Laws of 2012 are met."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 2029.

The motion by Senator Braun carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 28B.30.530, 28B.155.010, 28C.18.060, 39.102.040, 43.160.060, 43.160.900, 43.330.050, 43.330.080, 43.330.082, 43.330.090, 43.330.250, 43.330.270, 43.330.280, 43.330.375, 50.38.050, 82.14.505, 82.33A.010, 43.131.418, and 43.330.010; reenacting and amending RCW 28C.18.080, 43.84.092, 43.84.092, and 43.330.310; repealing RCW 43.162.005, 43.162.010, 43.162.012, 43.162.015, 43.162.020, 43.162.025, 43.162.030, 43.162.040, 43.336A.020, 43.374.010, 43.336.010, 43.336.020, 43.336.030, 43.336.040, 43.336.050, 43.336.060, 43.336.900, and 43.330.290; providing a contingent effective date; and providing a contingent expiration date."

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Second Substitute House Bill No. 2029 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2029 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2029 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2029 as amended by the Senate, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senators Hasegawa and Kline were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2171, by House Committee on Judiciary (originally sponsored by Representatives Orwall, Johnson, Tarleton, Ross, Nealey, Hayes, Sullivan, Farrell, Kirby, Hansen, Chandler, Green, Shea, Moscoso, Parker, Smith, Magendanz, Klippert, Rodne, Pollet, Seaquist, Appleton, Carlyle, Stanford, Buys, Morrell, Goodman, Liias, Haigh, Short, Fagan, Bergquist, Fey, Riccelli and Ryu)

Strengthening economic protections for veterans and military personnel.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 2171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2171.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2171 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Hasegawa and Kline

SUBSTITUTE HOUSE BILL NO. 2171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Appleton, Dahlquist, Hurst, McCoy, Ryu, Santos and Pollet)

Subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe.

The measure was read the second time.

MOTION

Senator Sheldon moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This section is the tax preference performance statement for the tax preference contained in section 5 of this act. This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes this tax preference as one intended to create jobs and improve the economic health of tribal communities as indicated in RCW 82.32.808(2) (c) and (f).

(2) It is the legislature's specific public policy objective to create jobs and improve the economic health of tribal communities. It is the legislature's intent to exempt property used by federally recognized Indian tribes for economic development purposes, in order to achieve these policy objectives.

(3) The joint legislative audit and review committee must perform an economic impact report to the legislature as required in section 10 of this act to provide the information necessary to measure the effectiveness of this act.

Sec. 2. RCW 82.29A.010 and 2010 c 281 s 2 are each amended to read as follows:

(1)(a) The legislature hereby recognizes that properties of the state of Washington, counties, school districts, and other municipal corporations are exempted by Article 7, section 1 of the state Constitution from property tax obligations, but that private lessees of such public properties receive substantial benefits from governmental services provided by units of government.

(b) The legislature further recognizes that a uniform method of taxation should apply to such leasehold interests in publicly owned property.

(c) The legislature finds that lessees of publicly owned property or community centers are entitled to those same governmental services and does hereby provide for a leasehold excise tax to fairly compensate governmental units for services rendered to such lessees of publicly owned property or community centers. For the purposes of this subsection, "community center" has the same meaning as provided in RCW 84.36.010.

(d) The legislature also finds that eliminating the property tax on property owned exclusively by federally recognized Indian tribes within the state requires that the leasehold excise tax also be applied to leasehold interests on tribally owned property.

(2) The legislature further finds that experience gained by lessors, lessees, and the department of revenue since enactment of the leasehold excise tax under this chapter has shed light on areas in the leasehold excise statutes that need explanation and clarification. The purpose of chapter 220, Laws of 1999 is to make those changes.

Sec. 3. RCW 82.29A.020 and 2012 2nd sp.s. c 6 s 501 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context requires otherwise.

(1)(a) "Leasehold interest" means an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the property in fee, granting possession and use, to a degree less than fee simple ownership. However, no interest in personal property (excluding land or buildings) which is owned by the United States, whether or not as trustee, or by any foreign government may constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or

production of articles for sale to the United States or any foreign government. The term "leasehold interest" includes the rights of use or occupancy by others of property which is owned in fee or held in trust by a public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites.

(b) The term "leasehold interest" does not include:

(i) Road or utility easements, rights of access, occupancy, or use granted solely for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner, or rights of access, occupancy, or use granted solely for the purpose of natural energy resource exploration (~~"Leasehold interest" does not include~~); or

(ii) The preferential use of publicly owned cargo cranes and docks and associated areas used in the loading and discharging of cargo located at a port district marine facility. "Preferential use" means that publicly owned real or personal property is used by a private party under a written agreement with the public owner, but the public owner or any third party maintains a right to use the property when not being used by the private party.

(c) "Publicly owned real or personal property" includes real or personal property owned by a federally recognized Indian tribe in the state and exempt from tax under RCW 84.36.010.

(2)(a) "Taxable rent" means contract rent as defined in (c) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor. However, after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in (g) of this subsection. All other leasehold interests are subject to the determination of taxable rent under the terms of (g) of this subsection.

(b) For purposes of determining leasehold excise tax on any lands on the Hanford reservation subleased to a private or public entity by the department of ecology, taxable rent includes only the annual cash rental payment made by such entity to the department of ecology as specifically referred to as rent in the sublease agreement between the parties and does not include any other fees, assessments, or charges imposed on or collected by such entity irrespective of whether the private or public entity pays or collects such other fees, assessments, or charges as specified in the sublease agreement.

(c) "Contract rent" means the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agreement, including any rents paid by a sublessee; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the property to the extent that such improvements become the property of the lessor. Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest is part of contract rent.

(d) "Contract rent" does not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by the lessor to the lessee or expenditures for improvements and protection made pursuant to a lease or an agreement which requires that the use of the improved property be open to the general public and that no profit will inure to the lessee

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from the lease; (ii) expenditures made by the lessee for the replacement or repair of facilities due to fire or other casualty including payments for insurance to provide reimbursement for losses or payments to a public or private entity for protection of such property from damage or loss or for alterations or additions made necessary by an action of government taken after the date of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements are taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

(e) Any prepaid contract rent is considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more than one year which are included as part of contract rent must be treated as prepaid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, must be prorated from the date of prepayment.

(f) With respect to a "product lease", the value is that value determined at the time of sale under terms of the lease.

(g) If it is determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration must be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration must be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter means a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement. In addition "renegotiated" means a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town.

(6) "Products" includes natural resource products such as cut or picked evergreen foliage, Cascara bark, wild edible mushrooms, native ornamental trees and shrubs, ore and minerals, natural gas,

geothermal water and steam, and forage removed through the grazing of livestock.

Sec. 4. RCW 82.29A.050 and 1992 c 206 s 6 are each amended to read as follows:

(1) The leasehold excise taxes provided for in RCW 82.29A.030 and 82.29A.040 ~~((shall))~~ must be paid by the lessee to the lessor and the lessor ~~((shall))~~ must collect such tax and remit the same to the department ~~((of revenue))~~. The tax ~~((shall))~~ must be payable at the same time as payments are due to the lessor for use of the property from which the leasehold interest arises, and in the case of payment of contract rent to a person other than the lessor, at the time of payment. The tax payment ~~((shall))~~ must be accompanied by such information as the department ~~((of revenue))~~ may require. In the case of prepaid contract rent the payment may be prorated in accordance with instructions of the department ~~((of revenue))~~ and the prorated portion of the tax ~~((shall be))~~ is due, one-half not later than May 31st and the other half not later than November 30th each year.

(2) The lessor receiving taxes payable under the provisions of this chapter ~~((shall))~~ must remit the same together with a return provided by the department, to the department of revenue on or before the last day of the month following the month in which the tax is collected. The department may relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event ~~((shall))~~ may returns be filed for a period greater than one year. The lessor ~~((shall be))~~ is fully liable for collection and remittance of the tax. The amount of tax until paid by the lessee to the lessor ~~((shall))~~ constitutes a debt from the lessee to the lessor. The tax required by this chapter ~~((shall))~~ must be stated separately from contract rent, and if not so separately stated for purposes of determining the tax due from the lessee to the lessor and from the lessor to the department, the contract rent does not include the tax imposed by this chapter. Where a lessee has failed to pay to the lessor the tax imposed by this chapter and the lessor has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the lessee for collection of the tax ~~((: PROVIDED, That))~~. However, taxes due where contract rent has not been paid ~~((shall))~~ must be reported by the lessor to the department and the lessee alone ~~((shall be))~~ is liable for payment of the tax to the department.

(3) Each person having a leasehold interest subject to the tax provided for in this chapter arising out of a lease of federally owned or federal trust lands ~~((shall)), or property owned by a federally recognized Indian tribe in the state and exempt from tax under RCW 84.36.010, must~~ report and remit the tax due directly to the department of revenue in the same manner and at the same time as the lessor would be required to report and remit the tax if such lessor were a state public entity.

Sec. 5. RCW 84.36.010 and 2010 c 281 s 1 are each amended to read as follows:

(1) All property belonging exclusively to the United States, the state, or any county or municipal corporation; all property belonging exclusively to any federally recognized Indian tribe, if (a) the tribe is located in the state, ~~((if that))~~ and (b) the property is used exclusively for essential government services; all state route number 16 corridor transportation systems and facilities constructed under chapter 47.46 RCW; all property under a financing contract pursuant to chapter 39.94 RCW or recorded agreement granting immediate possession and use to the public bodies listed in this section or under an order of immediate possession and use pursuant to RCW 8.04.090; and, for a period of forty years from acquisition, all property of a community center; is exempt from taxation. All property belonging exclusively to a foreign national government is exempt from taxation if that property is used exclusively as an office or residence

for a consul or other official representative of the foreign national government, and if the consul or other official representative is a citizen of that foreign nation.

(2) Property owned by a federally recognized Indian tribe, which is used for economic development purposes, may only qualify for the exemption from taxes in this section if the property was owned by the tribe prior to March 1, 2014.

(3) For the purposes of this section the following definitions apply unless the context clearly requires otherwise.

(a) "Community center" means property, including a building or buildings, determined to be surplus to the needs of a district by a local school board, and purchased or acquired by a nonprofit organization for the purposes of converting them into community facilities for the delivery of nonresidential coordinated services for community members. The community center may make space available to businesses, individuals, or other parties through the loan or rental of space in or on the property.

(b) "Essential government services" means services such as tribal administration, public facilities, fire, police, public health, education, sewer, water, environmental and land use, transportation, ~~(and)~~ utility services, and economic development.

(c) "Economic development" means commercial activities, including those that facilitate the creation or retention of businesses or jobs, or that improve the standard of living or economic health of tribal communities.

Sec. 6. RCW 84.36.451 and 2001 c 26 s 2 are each amended to read as follows:

(1) The following property ~~((shall be))~~ is exempt from taxation: Any and all rights to occupy or use any real or personal property owned in fee or held in trust by:

(a) The United States, the state of Washington, or any political subdivision or municipal corporation of the state of Washington, or a federally recognized Indian tribe for property exempt under RCW 84.36.010; or

(b) A public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites; and

(c) ~~((Including))~~ Any leasehold interest arising from the property identified in (a) and (b) of this subsection as defined in RCW 82.29A.020.

(2) The exemption under this section ~~((shall))~~ does not apply to:

(a) Any such leasehold interests which are a part of operating properties of public utilities subject to assessment under chapter 84.12 RCW; or

(b) Any such leasehold interest consisting of three thousand or more residential and recreational lots that are or may be subleased for residential and recreational purposes.

(3) The exemption under this section ~~((shall))~~ may not be construed to modify the provisions of RCW 84.40.230.

Sec. 7. RCW 84.40.230 and 1994 c 124 s 25 are each amended to read as follows:

When any real property is sold on contract by the United States of America, the state, ~~((or))~~ any county or municipality, or any federally recognized Indian tribe, and the contract expresses or implies that the vendee is entitled to the possession, use, benefits and profits thereof and therefrom so long as the vendee complies with the terms of the contract, it ~~((shall be))~~ is deemed that the vendor retains title merely as security for the fulfillment of the contract, and the property ~~((shall))~~ must be assessed and taxed in the same manner as other similar property in private ownership is taxed, and the tax roll ~~((shall))~~ must contain, opposite the description of the property so assessed the following notation: "Subject to title remaining in the vendor" or other notation of similar significance. No foreclosure for delinquent taxes nor any deed issued pursuant thereto ~~((shall))~~ may extinguish or otherwise affect the title of the

vendor. In any case under former law where the contract and not the property was taxed no deed of the property described in such contract ~~((shall))~~ may ever be executed and delivered by the state or any county or municipality until all taxes assessed against such contract and local assessments assessed against the land described thereon are fully paid.

NEW SECTION. Sec. 8. A new section is added to chapter 82.29A RCW to read as follows:

(1) Property owned exclusively by a federally recognized Indian tribe that is exempt from property tax under RCW 84.36.010 is subject to payment in lieu of leasehold excise taxes, if:

(a) The tax exempt property is used exclusively for economic development, as defined in RCW 84.36.010;

(b) There is no taxable leasehold interest in the tax exempt property;

(c) The property is located outside of the tribe's reservation; and

(d) The property is not otherwise exempt from taxation by federal law.

(2) The amount of the payment in lieu of leasehold excise taxes must be determined jointly and in good faith negotiation between the tribe that owns the property and the county in which the property is located. However, the amount may not exceed the leasehold excise tax amount that would otherwise be owed by a taxable leasehold interest in the property. If the tribe and the county cannot agree to terms on the amount of payment in lieu of taxes, the department may determine the rate, provided that the amount may not exceed the leasehold excise tax amount that would otherwise be owed by a taxable leasehold interest in the property.

(3) Payment must be made by the tribe to the county. The county treasurer must distribute all such money collected solely to the local taxing districts, including cities, in the same proportion that each local taxing district would have shared if a leasehold excise tax had been levied.

NEW SECTION. Sec. 9. A new section is added to chapter 84.36 RCW to read as follows:

(1) To qualify in any year for exempt status for real or personal property used exclusively for essential government services under RCW 84.36.010, a federally recognized Indian tribe must file an initial application with the department of revenue on or before October 1st of the prior year. All applications must be filed on forms prescribed by the department and signed by an authorized agent of the federally recognized tribe.

(2) If the use for essential government services is based in whole or in part on economic development, the application must also include:

(a) If the economic development activities are those of a lessee, a declaration from both the federally recognized tribe and the lessee confirming a lease agreement exists for the exempt tax year.

(b) If the property is subject to the payment in lieu of leasehold excise tax as described in section 8 of this act, a declaration from both the federally recognized tribe and the county in which the property is located confirming that an agreement exists for the exempt tax year regarding the amount for the payment in lieu of leasehold excise tax.

(3) A federally recognized Indian tribe which files an application under the requirements of subsection (2) of this section, must file an annual renewal application, on forms prescribed by the department of revenue, on or before October 1st of each year. The application must contain a declaration certifying the continuing exempt status of the real or personal property, and that the lease agreement or agreement for payment in lieu of leasehold excise tax continue in good standing, or that a new lease or agreement exists.

NEW SECTION. Sec. 10. A new section is added to chapter 52.30 RCW to read as follows:

(1) When exempt tribal property is located within the boundaries of a fire protection district or a regional fire protection

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service authority, the fire protection district or authority is authorized to contract with the tribe for compensation for providing fire protection services in an amount and under such terms as are mutually agreed upon by the fire protection district or authority and the tribe.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Exempt tribal property" means property that is owned exclusively by a federally recognized Indian tribe and that is exempt from taxation under RCW 84.36.010.

(b) "Regional fire protection service authority" or "authority" has the same meaning as provided in RCW 52.26.020.

NEW SECTION. Sec. 11. A new section is added to chapter 43.136 RCW to read as follows:

By December 1, 2020, and in compliance with RCW 43.01.036, the joint legislative audit and review committee must provide an economic impact report to the legislature evaluating the impacts of changes made in this act regarding the leasehold tax and property tax treatment of property owned by a federally recognized Indian tribe. The economic impact report must indicate: The number of parcels and uses of land involved; the economic impacts to tribal governments; state and local government revenue reductions, increases, and shifts from all tax sources affected; impacts on public infrastructure and public services; impacts on business investment and business competition; a description of the types of business activities affected; impacts on the number of jobs created or lost; and any other data the joint legislative audit and review committee deems necessary in determining the economic impacts of this act.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act is null and void.

NEW SECTION. Sec. 13. This act applies to taxes levied for collection in 2015 and thereafter.

NEW SECTION. Sec. 14. This act expires January 1, 2022."

MOTION

Senator Parlette moved that the following amendment by Senator Parlette to the committee striking amendment be adopted:

Beginning on page 1, line 3 of the amendment, strike all material through "2022." on page 12, line 15, and insert the following:

"NEW SECTION. Sec. 1. (1) The governor's office of Indian affairs must coordinate development of an inventory of lands owned by federally recognized Indian tribes, in collaboration with state agencies deemed relevant by the governor's office of Indian affairs. The inventory must:

(a) Include all lands owned by federally recognized Indian tribes, including trust and fee lands;

(b) Identify lands by owner, ownership type, location, acreage, and, if practicable, principal use; and

(c) Be accessible in a web-accessible format, including a GIS-based interactive map.

(2) State agencies identified under subsection (1) of this section must provide information and support as requested to the governor's office of Indian affairs relevant to implementation of this section. In implementing this section, the governor's office of Indian affairs may collaborate with and utilize information and other resources developed through the updated public lands inventory required under section 3174, chapter 19, Laws of 2013 2nd sp. sess.

(3) The inventory must be provided, consistent with RCW 43.01.036, to the governor and appropriate committees of the senate and house of representatives by September 1, 2015.

(4) This section expires June 30, 2016."

On page 12, line 17 of the title amendment, after "insert" strike all material through "date;" on line 21 and insert "creating a new section;"

Senators Parlette and Ericksen spoke in favor of adoption of the amendment to the committee striking amendment.

POINT OF INQUIRY

Senator Chase: "Would Senator Ericksen yield to a question?"

REMARKS BY THE PRESIDENT

President Owen: "No, he's not yielding."

Senators Chase and Sheldon spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 1, line 3 to the committee striking amendment to Engrossed Substitute House Bill No. 1287.

The motion by Senator Parlette failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1287.

The motion by Senator Sheldon carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "tribe;" strike the remainder of the title and insert "amending RCW 82.29A.010, 82.29A.020, 82.29A.050, 84.36.010, 84.36.451, and 84.40.230; adding a new section to chapter 82.29A RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 52.30 RCW; adding a new section to chapter 43.136 RCW; creating new sections; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 1287 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, McCoy spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1287 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1287 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hill, Hobbs, Holmquist Newbry, Keiser, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Nelson, O'Ban, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Braun, Brown, Dansel, Ericksen, Hatfield, Hewitt, Honeyford, King, Mullet, Padden, Parlette and Pearson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2739, by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Ortiz-Self, Walsh, Santos, Bergquist, Walkinshaw, Kagi, Johnson, Ryu, Zeiger and Magendanz)

Requiring a report analyzing the correlation of certain family factors with academic and behavioral indicators of student success.

The measure was read the second time.

MOTION

On motion of Senator Litzow, the rules were suspended, Substitute House Bill No. 2739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2739.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2739 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dansel, Mullet, Padden and Rivers

SUBSTITUTE HOUSE BILL NO. 2739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2582, by Representatives Hargrove, Kagi and Walsh

Concerning filing a petition seeking termination of parental rights.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Human Services & Corrections be not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read as follows:

(1) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the supervising agency or department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department or supervising agency must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty

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on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the supervising agency or the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent and whether housing assistance should be provided by the department or supervising agency;

(vii) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(viii) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(ix) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(x) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(xi) Whether terms of visitation need to be modified;

(xii) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xiii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiv) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed. If the court determines that the child has been in out-of-home care for at least seventeen consecutive months following the filing of a dependency petition and the parents have been noncompliant with court-ordered services and have made no progress towards correcting parental deficiencies, the court shall order that a petition seeking termination of parent and child relationship be filed unless the court makes a good cause exception based on the factors described in RCW 13.34.145.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with the supervising agency's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's or supervising agency's case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's authority to order housing assistance under this chapter is: (a) Limited to cases in which a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose. Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(~~(3)~~) (6)."

On page 1, line 2 of the title, after "rights;" strike the remainder of the title and insert "and reenacting and amending RCW 13.34.138."

The President declared the question before the Senate to be the motion by Senator O'Ban to not adopt the committee striking amendment by the Committee on Human Services & Corrections to Engrossed House Bill No. 2582.

The motion by Senator O'Ban carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following striking amendment by Senator Hargrove and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read as follows:

(1) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the supervising agency or department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department or supervising agency must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the supervising agency or the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent and whether housing assistance should be provided by the department or supervising agency;

(vii) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(viii) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(ix) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(x) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(xi) Whether terms of visitation need to be modified;

(xii) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xiii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiv) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed. Unless the court makes a good cause exception under RCW 13.34.145, the court shall order that a petition seeking termination of the parent and child relationship be filed if the court finds that:

(i) The child has been in out-of-home care for at least twelve consecutive months following the filing of a dependency petition;

(ii) The services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(iii) There is no genuine issue of material fact that the parents have been noncompliant with court-ordered services; and

(iv) There is no genuine issue of material fact that the parents have made no progress toward successfully correcting parental deficiencies identified in a dependency proceeding under this chapter.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with the supervising agency's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's or supervising agency's case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's authority to order housing assistance under this chapter is: (a) Limited to cases in which a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in

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providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose. Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(~~(3)~~) (6)."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and others to Engrossed House Bill No. 2582.

The motion by Senator O'Ban carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "rights;" strike the remainder of the title and insert "and reenacting and amending RCW 13.34.138."

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed House Bill No. 2582 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2582 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2582 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Billig and Fraser

ENGROSSED HOUSE BILL NO. 2582 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2723, by Representatives Gregerson, Rodne, Orwall, Jinkins, Robinson, Freeman, Takko, Farrell, Bergquist, Riccelli, Fitzgibbon, Senn, Ryu, Morrell, Ortiz-Self, Clibborn, Kagi and Goodman

Modifying certain provisions governing foreclosures.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, House Bill No. 2723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2723.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2723 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

HOUSE BILL NO. 2723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2318, by House Committee on Labor & Workforce Development (originally sponsored by Representatives Seaquist and Appleton)

Addressing contractor liability for industrial insurance premiums for not-for-profit nonemergency medicaid transportation brokers.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute House Bill No. 2318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2318.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2318 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist

Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 2318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1773, by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Rodne, Cody, Green, Ryu, Lias, Farrell and Santos)

Concerning the practice of midwifery.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Second Substitute House Bill No. 1773 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Mullet and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1773.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1773 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SECOND SUBSTITUTE HOUSE BILL NO. 1773, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2724, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Ortiz-Self, Appleton, Walkinshaw, Sawyer, Ryu, Roberts, Stanford and Wylie)

Exempting information concerning archaeological resources and traditional cultural places from public disclosure.

The measure was read the second time.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Rivers be adopted:

On page 2, line 4, after "An" strike "archeological" and insert "archaeological"

On page 2, after line 7, insert the following:

"(4) The local government or agency shall respond to requests from the owner of the real property for public records exempt under subsection (1), (2), or (3) of this section by providing information to the requestor on how to contact the department of archaeology and historic preservation to obtain available locality information on archaeological and cultural resources."

Senator Parlette spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette and Rivers on page 2, line 4 to Substitute House Bill No. 2724.

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 2724 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2724 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2724 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Danel and Padden

SUBSTITUTE HOUSE BILL NO. 2724 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1129, by House Committee on Transportation (originally sponsored by Representative Morris)

Concerning ferry vessel replacement.

The measure was read the second time.

MOTION

Senator King moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.60.322 and 2011 1st sp.s. c 16 s 2 are each amended to read as follows:

(1) The capital vessel replacement account is created in the motor vehicle fund. All revenues generated from the vessel replacement surcharge under RCW 47.60.315(7) and service fees collected by the department of licensing or county auditor or other agent appointed by the director under RCW 46.17.040 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of ferry vessels. However, expenditures from the account must first be used to support the construction or purchase, including any applicable financing costs, of a ferry vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The state treasurer may not transfer any moneys from the capital vessel replacement account except to the transportation 2003 account (nickel account) for debt service on bonds issued for the construction of ~~((a))~~ 144-car class ferry vessels.

(3) The legislature may transfer from the capital vessel replacement account to the Puget Sound ferry operations account such amounts as reflect the excess fund balance of the capital vessel replacement account.

Sec. 2. RCW 46.17.040 and 2011 c 171 s 55 are each amended to read as follows:

~~((A))~~ (1) The department, county auditor or other agent, or subagent appointed by the director shall collect a service fee of:

~~((+))~~ (a) Twelve dollars for changes in a certificate of title, with or without registration renewal, or for verification of record and preparation of an affidavit of lost title other than at the time of the certificate of title application or transfer; and

~~((2))~~ (b) Five dollars for a registration renewal, issuing a transit permit, or any other service under this section.

(2) Service fees collected under this section by the department or county auditor or other agent appointed by the director must be credited to the capital vessel replacement account under RCW 47.60.322.

Sec. 3. RCW 46.17.050 and 2010 c 161 s 505 are each amended to read as follows:

Before accepting a report of sale filed under RCW 46.12.650(2), the county auditor or other agent or subagent appointed by the director shall require the applicant to pay:

(1) The filing fee under RCW 46.17.005(1), the license plate technology fee under RCW 46.17.015, and the license service fee under RCW 46.17.025 to the county auditor or other agent; and

(2) The ~~((subagent))~~ service fee under RCW 46.17.040~~((2))~~ (1)(b) to the subagent.

Sec. 4. RCW 46.17.060 and 2010 c 161 s 507 are each amended to read as follows:

Before accepting a transitional ownership record filed under RCW 46.12.660, the county auditor or other agent or subagent appointed by the director shall require the applicant to pay:

(1) The filing fee under RCW 46.17.005(1), the license plate technology fee under RCW 46.17.015, and the license service fee under RCW 46.17.025 to the county auditor or other agent; and

(2) The ~~((subagent))~~ service fee under RCW 46.17.040~~((2))~~ (1)(b) to the subagent.

NEW SECTION. Sec. 5. This act applies to vehicle registrations that are due or become due on or after January 1, 2015, and certificate of title transactions that are processed on or after January 1, 2015."

MOTION

Senator Angel moved that the following amendment by Senators Angel, King and Rolfes to the committee striking amendment be adopted:

On page 1, after line 21 of the amendment, strike all of subsection (3).

Senators Angel and Eide spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Angel, King and Rolfes on page 1, after line 21 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1129.

The motion by Senator Angel carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to Engrossed Second Substitute House Bill No. 1129.

The motion by Senator King carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "replacement;" strike the remainder of the title and insert "amending RCW 47.60.322, 46.17.040, 46.17.050, and 46.17.060; and creating a new section."

MOTION

On motion of Senator King, the rules were suspended, Engrossed Second Substitute House Bill No. 1129 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1129 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1129 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler and Tom

Voting nay: Senators Braun, Brown, Dansel, Ericksen, Hasegawa, Holmquist Newbry, Padden and Sheldon

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1129 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117, by House Committee on Judiciary (originally sponsored by Representatives Hansen, Rodne and Pedersen)

Concerning the transfer of real property by deed taking effect at the grantor's death.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. SHORT TITLE. This chapter may be cited as the Washington uniform real property transfer on death act.

NEW SECTION. Sec. 2. DEFINITIONS. The following definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Beneficiary" means a person that receives property under a transfer on death deed.

(2) "Designated beneficiary" means a person designated to receive property in a transfer on death deed.

(3) "Joint owner" means an individual who owns property concurrently with one or more other individuals with a right of survivorship. The term includes a joint tenant with a right to survivorship. The term does not include a tenant in common or owner of community property.

(4) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(5) "Property" means an interest in real property located in this state which is transferable on the death of the owner.

(6) "Transfer on death deed" means a deed authorized under this chapter.

(7) "Transferor" means an individual who makes a transfer on death deed.

NEW SECTION. Sec. 3. APPLICABILITY. This chapter applies to a transfer on death deed made before, on, or after the effective date of this section by a transferor dying on or after the effective date of this section.

NEW SECTION. Sec. 4. NONEXCLUSIVITY. The chapter does not affect any method of transferring property otherwise permitted under the law of this state.

NEW SECTION. Sec. 5. TRANSFER ON DEATH DEED AUTHORIZED. An individual may transfer property to one or more beneficiaries effective at the transferor's death by a transfer on death deed. A transfer on death deed may not be used to effect a deed in lieu of foreclosure of a deed of trust.

NEW SECTION. Sec. 6. TRANSFER ON DEATH DEED REVOCABLE. A transfer on death deed is revocable even if the deed or another instrument contains a contrary provision.

NEW SECTION. Sec. 7. TRANSFER ON DEATH DEED NONTTESTAMENTARY. A transfer on death deed is nontestamentary.

NEW SECTION. Sec. 8. CAPACITY OF TRANSFEROR. The capacity required to make or revoke a transfer on death deed is the same as the capacity required to make a will.

NEW SECTION. Sec. 9. REQUIREMENTS. A transfer on death deed:

(1) Except as otherwise provided in subsection (2) of this section, must contain the essential elements and formalities of a properly recordable inter vivos deed;

(2) Must state that the transfer to the designated beneficiary is to occur at the transferor's death; and

(3) Must be recorded before the transferor's death in the public records in the office of the auditor of the county where the property is located.

NEW SECTION. Sec. 10. NOTICE, DELIVERY, ACCEPTANCE, CONSIDERATION NOT REQUIRED. A transfer on death deed is effective without:

(1) Notice or delivery to or acceptance by the designated beneficiary during the transferor's life; or

(2) Consideration.

NEW SECTION. Sec. 11. REVOCATION BY INSTRUMENT AUTHORIZED; REVOCATION BY ACT NOT PERMITTED. (1) Subject to subsection (2) of this section, an instrument is effective to revoke a recorded transfer on death deed, or any part of it, only if the instrument:

(a) Is one of the following:

(i) A transfer on death deed that revokes the deed or part of the deed expressly or by inconsistency;

(ii) An instrument of revocation that expressly revokes the deed or part of the deed; or

(iii) An inter vivos deed that expressly revokes the transfer on death deed or part of the deed; and

(b) Is acknowledged by the transferor after the acknowledgment of the deed being revoked and recorded before the transferor's death in the public records in the office of the county auditor of the county where the deed is recorded.

(2) If a transfer on death deed is made by more than one transferor:

(a) Revocation by a transferor does not affect the deed as to the interest of another transferor;

(b) A deed of joint owners is revoked only if it is revoked by all of the joint owners living at the time that the revocation is recorded; and

(c) A deed of community property by both spouses or by both domestic partners is revoked only if it is revoked by both of the spouses or domestic partners, provided that if only one of the spouses or domestic partners is then surviving, that spouse or domestic partner may revoke the deed.

(3) After a transfer on death deed is recorded, it may not be revoked by a revocatory act on the deed.

(4) This section does not limit the effect of an inter vivos transfer of the property.

NEW SECTION. Sec. 12. EFFECT OF TRANSFER ON DEATH DEED DURING TRANSFEROR'S LIFE. During a transferor's life, a transfer on death deed does not:

(1) Affect an interest or right of the transferor or any other owner, including the right to transfer or encumber the property;

(2) Affect an interest or right of a transferee, even if the transferee has actual or constructive notice of the deed;

(3) Affect an interest or right of a secured or unsecured creditor or future creditor of the transferor, even if the creditor has actual or constructive notice of the deed;

(4) Affect the transferor's or designated beneficiary's eligibility for any form of public assistance;

(5) Create a legal or equitable interest in favor of the designated beneficiary; or

(6) Subject the property to claims or process of a creditor of the designated beneficiary.

NEW SECTION. Sec. 13. EFFECT OF TRANSFER ON DEATH DEED AT TRANSFEROR'S DEATH. (1) Except as otherwise provided in this section, or in RCW 11.07.010, and 11.05A.030, on the death of the transferor, the following rules apply

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to property that is the subject of a transfer on death deed and owned by the transferor at death:

(a) Subject to (b) of this subsection, the interest in the property is transferred to the designated beneficiary in accordance with the deed.

(b) The interest of a designated beneficiary is contingent on the designated beneficiary surviving the transferor. The interest of a designated beneficiary that fails to survive the transferor lapses.

(c) Subject to (d) of this subsection, concurrent interests are transferred to the beneficiaries in equal and undivided shares with no right of survivorship.

(d) If the transferor has identified two or more designated beneficiaries to receive concurrent interests in the property, the share of one which lapses or fails for any reason is transferred to the other, or to the others in proportion to the interest of each in the remaining part of the property held concurrently.

(2) Subject to chapter 65.08 RCW, a beneficiary takes the property subject to all conveyances, encumbrances, assignments, contracts, mortgages, liens, and other interests to which the property is subject at the transferor's death, including liens recorded within twenty-four months after the transferor's death under RCW 41.05A.090 and 43.20B.080. For purposes of this subsection and chapter 65.08 RCW, the recording of the transfer on death deed is deemed to have occurred at the transferor's death.

(3) If a transferor is a joint owner and is:

(a) Survived by one or more other joint owners, the property that is the subject of a transfer on death deed belongs to the surviving joint owner or owners with right of survivorship; or

(b) The last surviving joint owner, the transfer on death deed is effective.

(4) If the property that is the subject of a transfer on death deed is community property and:

(a) The transferor is married and is not joined in the deed by the transferor's spouse or is in a registered domestic partnership and is not joined in the deed by the transferor's domestic partner, the transferor's interest in the property is transferred to the designated beneficiary in accordance with the deed on the transferor's death; or

(b) The transferor is married and is joined in the deed by the transferor's spouse, or is in a registered domestic partnership and is joined in the deed by the transferor's domestic partner, and:

(i) Is survived by the transferor's spouse or domestic partner, the deed is not effective upon the transferor's death; or

(ii) Is the surviving spouse or domestic partner, the transfer on death deed is effective on the transferor's death with respect to the transferor's interest in the property as of the time of the transferor's death.

(5) A transfer on death deed transfers property without covenant or warranty of title even if the deed contains a contrary provision.

NEW SECTION. Sec. 14. DISCLAIMER. A beneficiary may disclaim all or part of the beneficiary's interest as provided by chapter 11.86 RCW.

NEW SECTION. Sec. 15. LIABILITY FOR CREDITOR CLAIMS AND STATUTORY ALLOWANCES. A beneficiary of a transfer on death deed is liable for an allowed claim against the transferor's probate estate and statutory allowances to a surviving spouse and children to the extent provided in RCW 11.18.200, 11.42.085, and chapter 11.54 RCW.

NEW SECTION. Sec. 16. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

NEW SECTION. Sec. 17. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This act modifies, limits, and supersedes the federal

electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001, et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

Sec. 18. RCW 11.02.005 and 2011 c 327 s 1 are each reenacted and amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(2) "Codicil" means a will that modifies or partially revokes an existing earlier will. A codicil need not refer to or be attached to the earlier will.

(3) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(4) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(5) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(6) "Heirs" denotes those persons, including the surviving spouse or surviving domestic partner, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.

(7) "Internal revenue code" means the United States internal revenue code of 1986, as amended or renumbered as of January 1, 2001.

(8) "Issue" means all the lineal descendants of an individual. An adopted individual is a lineal descendant of each of his or her adoptive parents and of all individuals with regard to which each adoptive parent is a lineal descendant. A child conceived prior to the death of a parent but born after the death of the deceased parent is considered to be the surviving issue of the deceased parent for purposes of this title.

(9) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the deceased or the estate.

(10) "Nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument or arrangement other than the person's will. "Nonprobate asset" includes, but is not limited to, a right or interest passing under a joint tenancy with right of survivorship, joint bank account with right of survivorship, transfer on death deed, payable on death or trust bank account, transfer on death security or security account, deed or conveyance if possession has been postponed until the death of the person, trust of which the person is grantor and that becomes effective or irrevocable only upon the person's death, community property agreement, individual retirement account or bond, or note or other contract the payment or performance of which is affected by the death of the person. "Nonprobate asset" does not include: A payable-on-death provision of a life insurance policy, annuity, or other similar contract, or of an employee benefit plan; a right or interest passing by descent and distribution under chapter 11.04 RCW; a right or interest if, before death, the person has irrevocably transferred the right or interest, the person has waived the power to transfer it or, in the case of contractual arrangement, the person has waived the

unilateral right to rescind or modify the arrangement; or a right or interest held by the person solely in a fiduciary capacity. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, RCW 11.07.010(5) applies. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, see RCW 11.07.010(5). For the definition of "nonprobate asset" relating to testamentary disposition of nonprobate assets, see RCW 11.11.010(7).

(11) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian and special representative.

(12) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(13) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to a decedent, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the decedent who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the decedent but who left issue surviving the decedent; each share of a deceased person in the nearest degree (~~(shall)~~ must be divided among those of the deceased person's issue who survive the decedent and have no ancestor then living who is in the line of relationship between them and the decedent, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the decedent.

(14) References to "section 2033A" of the internal revenue code in wills, trust agreements, powers of appointment, beneficiary designations, and other instruments governed by or subject to this title (~~(shall be)~~ are deemed to refer to the comparable or corresponding provisions of section 2057 of the internal revenue code, as added by section 6006(b) of the internal revenue service restructuring act of 1998 (H.R. 2676, P.L. 105-206); and references to the section 2033A "exclusion" (~~(shall be)~~ are deemed to mean the section 2057 deduction.

(15) "Settlor" has the same meaning as provided for "trustor" in this section.

(16) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(17) "Surviving spouse" or "surviving domestic partner" does not include an individual whose marriage to or state registered domestic partnership with the decedent has been terminated, dissolved, or invalidated unless, by virtue of a subsequent marriage or state registered domestic partnership, he or she is married to or in a domestic partnership with the decedent at the time of death. A decree of separation that does not terminate the status of spouses or domestic partners is not a dissolution or invalidation for purposes of this subsection.

(18) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(19) "Trustor" means a person, including a testator, who creates, or contributes property to, a trust.

(20) "Will" means an instrument validly executed as required by RCW 11.12.020.

Words that import the singular number may also be applied to the plural of persons and things.

Words importing the masculine gender only may be extended to females also.

Sec. 19. RCW 11.07.010 and 2008 c 6 s 906 are each amended to read as follows:

(1) This section applies to all nonprobate assets, wherever situated, held at the time of entry of a decree of dissolution of marriage or state registered domestic partnership or a declaration of invalidity or certification of termination of a state registered domestic partnership.

(2)(a) If a marriage or state registered domestic partnership is dissolved or invalidated, or a state registered domestic partnership terminated, a provision made prior to that event that relates to the payment or transfer at death of the decedent's interest in a nonprobate asset in favor of or granting an interest or power to the decedent's former spouse or state registered domestic partner, is revoked. A provision affected by this section must be interpreted, and the nonprobate asset affected passes, as if the former spouse or former state registered domestic partner, failed to survive the decedent, having died at the time of entry of the decree of dissolution or declaration of invalidity or termination of state registered domestic partnership.

(b) This subsection does not apply if and to the extent that:

(i) The instrument governing disposition of the nonprobate asset expressly provides otherwise;

(ii) The decree of dissolution, declaration of invalidity, or other court order requires that the decedent maintain a nonprobate asset for the benefit of a former spouse or former state registered domestic partner or children of the marriage or domestic partnership, payable on the decedent's death either outright or in trust, and other nonprobate assets of the decedent fulfilling such a requirement for the benefit of the former spouse or former state registered domestic partner or children of the marriage or domestic partnership do not exist at the decedent's death;

(iii) A court order requires that the decedent maintain a nonprobate asset for the benefit of another, payable on the decedent's death either outright or in a trust, and other nonprobate assets of the decedent fulfilling such a requirement do not exist at the decedent's death; or

(iv) If not for this subsection, the decedent could not have effected the revocation by unilateral action because of the terms of the decree, declaration, termination of state registered domestic partnership, or for any other reason, immediately after the entry of the decree of dissolution, declaration of invalidity, or termination of state registered domestic partnership.

(3)(a) A payor or other third party in possession or control of a nonprobate asset at the time of the decedent's death is not liable for making a payment or transferring an interest in a nonprobate asset to a decedent's former spouse or state registered domestic partner, whose interest in the nonprobate asset is revoked under this section, or for taking another action in reliance on the validity of the instrument governing disposition of the nonprobate asset, before the payor or other third party has actual knowledge of the dissolution or other invalidation of marriage or termination of the state registered domestic partnership. A payor or other third party is liable for a payment or transfer made or other action taken after the payor or other third party has actual knowledge of a revocation under this section.

(b) This section does not require a payor or other third party to pay or transfer a nonprobate asset to a beneficiary designated in a governing instrument affected by the dissolution or other invalidation of marriage or termination of state registered domestic partnership, or to another person claiming an interest in the nonprobate asset, if the payor or third party has actual knowledge of the existence of a dispute between the former spouse or former state registered domestic partner, and the beneficiaries or other persons concerning rights of ownership of the nonprobate asset as a result of

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the application of this section among the former spouse or former state registered domestic partner, and the beneficiaries or among other persons, or if the payor or third party is otherwise uncertain as to who is entitled to the nonprobate asset under this section. In such a case, the payor or third party may, without liability, notify in writing all beneficiaries or other persons claiming an interest in the nonprobate asset of either the existence of the dispute or its uncertainty as to who is entitled to payment or transfer of the nonprobate asset. The payor or third party may also, without liability, refuse to pay or transfer a nonprobate asset in such a circumstance to a beneficiary or other person claiming an interest until the time that either:

(i) All beneficiaries and other interested persons claiming an interest have consented in writing to the payment or transfer; or

(ii) The payment or transfer is authorized or directed by a court of proper jurisdiction.

(c) Notwithstanding subsections (1) and (2) of this section and (a) and (b) of this subsection, a payor or other third party having actual knowledge of the existence of a dispute between beneficiaries or other persons concerning rights to a nonprobate asset as a result of the application of this section may condition the payment or transfer of the nonprobate asset on execution, in a form and with security acceptable to the payor or other third party, of a bond in an amount that is double the fair market value of the nonprobate asset at the time of the decedent's death or the amount of an adverse claim, whichever is the lesser, or of a similar instrument to provide security to the payor or other third party, indemnifying the payor or other third party for any liability, loss, damage, costs, and expenses for and on account of payment or transfer of the nonprobate asset.

(d) As used in this subsection, "actual knowledge" means, for a payor or other third party in possession or control of the nonprobate asset at or following the decedent's death, written notice to the payor or other third party, or to an officer of a payor or third party in the course of his or her employment, received after the decedent's death and within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge. The notice must identify the nonprobate asset with reasonable specificity. The notice also must be sufficient to inform the payor or other third party of the revocation of the provisions in favor of the decedent's spouse or state registered domestic partner, by reason of the dissolution or invalidation of marriage or termination of state registered domestic partnership, or to inform the payor or third party of a dispute concerning rights to a nonprobate asset as a result of the application of this section. Receipt of the notice for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(4)(a) A person who purchases a nonprobate asset from a former spouse, former state registered domestic partner, or other person, for value and without actual knowledge, or who receives from a former spouse, former state registered domestic partner, or other person payment or transfer of a nonprobate asset without actual knowledge and in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, property, or benefit nor is liable under this section for the amount of the payment or the value of the nonprobate asset. However, a former spouse, former state registered domestic partner, or other person who, with actual knowledge, not for value, or not in satisfaction of a legally enforceable obligation, receives payment or transfer of a nonprobate asset to which that person is not entitled under this section is obligated to return the payment or nonprobate asset, or is personally liable for the amount of the payment or value

of the nonprobate asset, to the person who is entitled to it under this section.

(b) As used in this subsection, "actual knowledge" means, for a person described in (a) of this subsection who purchases or receives a nonprobate asset from a former spouse, former state registered domestic partner, or other person, personal knowledge or possession of documents relating to the revocation upon dissolution or invalidation of marriage of provisions relating to the payment or transfer at the decedent's death of the nonprobate asset, received within a time after the decedent's death and before the purchase or receipt that is sufficient to afford the person purchasing or receiving the nonprobate asset reasonable opportunity to act upon the knowledge. Receipt of the personal knowledge or possession of the documents for a period of more than thirty days is presumed to be received within a time that is sufficient to afford the payor or third party a reasonable opportunity to act upon the knowledge, but receipt of the notice for a period of less than five business days is presumed not to be a sufficient time for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(5)(a) As used in this section, "nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under only the following written instruments or arrangements other than the decedent's will:

~~((a))~~ (i) A payable-on-death provision of a life insurance policy, employee benefit plan, annuity or similar contract, or individual retirement account, unless provided otherwise by controlling federal law;

~~((b))~~ (ii) A payable-on-death, trust, or joint with right of survivorship bank account;

~~((c))~~ (iii) A trust of which the person is a grantor and that becomes effective or irrevocable only upon the person's death;

~~((d))~~ (iv) Transfer on death beneficiary designations of a transfer on death or pay on death security, or joint tenancy or joint tenancy with right of survivorship designations of a security, if such designations are authorized under Washington law;

~~((e))~~ (v) A transfer on death, pay on death, joint tenancy, or joint tenancy with right of survivorship brokerage account;

~~((f))~~ (vi) A transfer on death deed;

~~((g))~~ (vii) Unless otherwise specifically provided therein, a contract wherein payment or performance under that contract is affected by the death of the person; or

~~((h))~~ (viii) Unless otherwise specifically provided therein, any other written instrument of transfer, within the meaning of RCW 11.02.091(3), containing a provision for the nonprobate transfer of an asset at death.

(b) For the general definition in this title of "nonprobate asset," see RCW 11.02.005~~((45))~~ (10) and for the definition of "nonprobate asset" relating to testamentary disposition of nonprobate assets, see RCW 11.11.010(7). For the purposes of this chapter, a "bank account" includes an account into or from which cash deposits and withdrawals can be made, and includes demand deposit accounts, time deposit accounts, money market accounts, or certificates of deposit, maintained at a bank, savings and loan association, credit union, brokerage house, or similar financial institution.

(6) This section is remedial in nature and applies as of July 25, 1993, to decrees of dissolution and declarations of invalidity entered after July 24, 1993, and this section applies as of January 1, 1995, to decrees of dissolution and declarations of invalidity entered before July 25, 1993.

Sec. 20. RCW 11.11.010 and 2008 c 6 s 909 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Actual knowledge" means:

(i) For a financial institution, whether acting as personal representative or otherwise, or other third party in possession or control of a nonprobate asset, receipt of written notice that: (A) Complies with RCW 11.11.050; (B) pertains to the testamentary disposition or ownership of a nonprobate asset in its possession or control; and (C) is received by the financial institution or third party after the death of the owner in a time sufficient to afford the financial institution or third party a reasonable opportunity to act upon the knowledge; and

(ii) For a personal representative that is not a financial institution, personal knowledge or possession of documents relating to the testamentary disposition or ownership of a nonprobate asset of the owner sufficient to afford the personal representative reasonable opportunity to act upon the knowledge, including reasonable opportunity for the personal representative to provide the written notice under RCW 11.11.050.

(b) For the purposes of (a) of this subsection, notice of more than thirty days is presumed to be notice that is sufficient to afford the party a reasonable opportunity to act upon the knowledge, but notice of less than five business days is presumed not to be a sufficient notice for these purposes. These presumptions may be rebutted only by clear and convincing evidence to the contrary.

(2) "Beneficiary" means the person designated to receive a nonprobate asset upon the death of the owner by means other than the owner's will.

(3) "Broker" means a person defined as a broker or dealer under the federal securities laws.

(4) "Date of will" means, as to any nonprobate asset, the date of signature of the will or codicil that refers to the asset and disposes of it.

(5) "Designate" means a written means by which the owner selects a beneficiary, including but not limited to instruments under contractual arrangements and registration of accounts, and "designation" means the selection.

(6) "Financial institution" means: A bank, trust company, mutual savings bank, savings and loan association, credit union, broker, or issuer of stock or its transfer agent.

(7)(a) "Nonprobate asset" means a nonprobate asset within the meaning of RCW 11.02.005, but excluding the following:

(i) A right or interest in real property passing under a joint tenancy with right of survivorship;

(ii) A deed or conveyance for which possession has been postponed until the death of the owner;

(iii) A transfer on death deed;

(iv) A right or interest passing under a community property agreement; and

~~((i+))~~ (v) An individual retirement account or bond.

(b) For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse or former domestic partner upon dissolution of marriage or state registered domestic partnership or declaration of invalidity of marriage or state registered domestic partnership, see RCW 11.07.010(5).

(8) "Owner" means a person who, during life, has beneficial ownership of the nonprobate asset.

(9) "Request" means a request by the beneficiary for transfer of a nonprobate asset after the death of the owner, if it complies with all conditions of the arrangement, including reasonable special requirements concerning necessary signatures and regulations of the financial institution or other third party, or by the personal representative of the owner's estate or the testamentary beneficiary, if it complies with the owner's will and any additional conditions of the financial institution or third party for such transfer.

(10) "Testamentary beneficiary" means a person named under the owner's will to receive a nonprobate asset under this chapter, including but not limited to the trustee of a testamentary trust.

(11) "Third party" means a person, including a financial institution, having possession of or control over a nonprobate asset at the death of the owner, including the trustee of a revocable living trust and surviving joint tenant or tenants.

Sec. 21. RCW 11.18.200 and 1999 c 42 s 605 are each amended to read as follows:

(1) Unless expressly exempted by statute, a beneficiary of a nonprobate asset that was subject to satisfaction of the decedent's general liabilities immediately before the decedent's death takes the asset subject to liabilities, claims, estate taxes, and the fair share of expenses of administration reasonably incurred by the personal representative in the transfer of or administration upon the asset. The beneficiary of such an asset is liable to account to the personal representative to the extent necessary to satisfy liabilities, claims, the asset's fair share of expenses of administration, and the asset's share of any applicable estate taxes under chapter ~~((83.110))~~ 83.110A RCW. Before making demand that a beneficiary of a nonprobate asset account to the personal representative, the personal representative ~~((shall))~~ must give notice to the beneficiary, in the manner provided in chapter 11.96A RCW, that the beneficiary is liable to account under this section.

(2) The following rules govern in applying subsection (1) of this section:

(a) A beneficiary of property passing at death under a community property agreement takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section. However, assets existing as community or separate property immediately before the decedent's death under the community property agreement are subject to the decedent's liabilities and claims to the same extent that they would have been had they been assets of the probate estate.

(b) A beneficiary of property held in joint tenancy form with right of survivorship, including without limitation United States savings bonds or similar obligations, takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section to the extent of the decedent's beneficial ownership interest in the property immediately before death.

(c) A beneficiary of payable-on-death or trust bank accounts, bonds, securities, or similar obligations, including without limitation United States bonds or similar obligations, takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section, to the extent of the decedent's beneficial ownership interest in the property immediately before death.

(d) A beneficiary of a transfer on death deed or of deeds or conveyances made by the decedent if possession has been postponed until the death of the decedent takes the property subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section, to the extent of the decedent's beneficial ownership interest in the property immediately before death.

(e) A trust for the decedent's use of which the decedent is the grantor is subject to the decedent's liabilities, claims, estate taxes, and administration expenses as described in subsection (1) of this section, to the same extent as the trust was subject to claims of the decedent's creditors immediately before death under RCW 19.36.020.

(f) A trust not for the use of the grantor but of which the decedent is the grantor and that becomes effective or irrevocable only upon the decedent's death is subject to the decedent's claims, liabilities, estate taxes, and expenses of administration as described in subsection (1) of this section.

(g) Anything in this section to the contrary notwithstanding, nonprobate assets that existed as community property immediately

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before the decedent's death are subject to the decedent's liabilities and claims to the same extent that they would have been had they been assets of the probate estate.

(h) The liability of a beneficiary of life insurance is governed by chapter 48.18 RCW.

(i) The liability of a beneficiary of pension or retirement employee benefits is governed by chapter 6.15 RCW.

(j) An inference may not be drawn from (a) through (i) of this subsection that a beneficiary of nonprobate assets other than those assets specifically described in (a) through (i) of this subsection does or does not take the assets subject to claims, liabilities, estate taxes, and administration expenses as described in subsection (1) of this section.

(3) Nothing in this section derogates from the rights of a person interested in the estate to recover any applicable estate tax under chapter ~~((83.110))~~ 83.110A RCW or from the liability of any beneficiary for estate tax under chapter ~~((83.110))~~ 83.110A RCW.

(4) Nonprobate assets that may be responsible for the satisfaction of the decedent's general liabilities and claims abate together with the probate assets of the estate in accord with chapter 11.10 RCW.

Sec. 22. RCW 11.86.011 and 1989 c 34 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Beneficiary" means the person entitled, but for the person's disclaimer, to take an interest.

(2) "Interest" includes the whole of any property, real or personal, legal or equitable, or any fractional part, share, or particular portion or specific assets thereof, any vested or contingent interest in any such property, any power to appoint, consume, apply, or expend property, or any other right, power, privilege, or immunity relating to property. "Interest" includes, but is not limited to, an interest created in any of the following manners:

- (a) By intestate succession;
- (b) Under a will;
- (c) Under a trust;
- (d) By succession to a disclaimed interest;
- (e) By virtue of an election to take against a will;
- (f) By creation of a power of appointment;
- (g) By exercise or nonexercise of a power of appointment;
- (h) By an inter vivos gift, whether outright or in trust;
- (i) By surviving the death of a depositor of a trust or P.O.D. account within the meaning of RCW 30.22.040;
- (j) Under an insurance or annuity contract;
- (k) By surviving the death of another joint tenant;
- (l) Under an employee benefit plan;
- (m) Under an individual retirement account, annuity, or bond;
- (n) Under a community property agreement; ~~((¶))~~
- (o) By surviving the death of a transferor of a transfer on death deed; or

_____ (p) Any other interest created by any testamentary or inter vivos instrument or by operation of law.

(3) "Creator of the interest" means a person who establishes, declares, or otherwise creates an interest.

(4) "Disclaimer" means any writing which declines, refuses, renounces, or disclaims any interest that would otherwise be taken by a beneficiary.

(5) "Disclaimant" means a beneficiary who executes a disclaimer on his or her own behalf or a person who executes a disclaimer on behalf of a beneficiary.

(6) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, or other entity.

(7)(a) "Date of the transfer" means:

~~((¶))~~ (i) For an inter vivos transfer, the date of the creation of the interest; or

~~((¶))~~ (ii) For a transfer upon the death of the creator of the interest, the date of the death of the creator.

(b) A joint tenancy interest of a deceased joint tenant ~~((shall be))~~ is deemed to be transferred at the death of the joint tenant rather than at the creation of the joint tenancy.

Sec. 23. RCW 11.94.050 and 2011 c 327 s 4 are each amended to read as follows:

(1) Although a designated attorney-in-fact or agent has all powers of absolute ownership of the principal, or the document has language to indicate that the attorney-in-fact or agent ~~((shall have))~~ has all the powers the principal would have if alive and competent, the attorney-in-fact or agent ~~((shall))~~ does not have the power to make, amend, alter, or revoke the principal's wills or codicils, and ~~((shall))~~ does not have the power, unless specifically provided otherwise in the document: To make, amend, alter, or revoke any of the principal's life insurance, annuity, or similar contract beneficiary designations, employee benefit plan beneficiary designations, trust agreements, registration of the principal's securities in beneficiary form, payable on death or transfer on death beneficiary designations, designation of persons as joint tenants with right of survivorship with the principal with respect to any of the principal's property, community property agreements, transfer on death deeds, or any other provisions for nonprobate transfer at death contained in nontestamentary instruments described in RCW 11.02.091; to make any gifts of property owned by the principal; to exercise the principal's rights to distribute property in trust or cause a trustee to distribute property in trust to the extent consistent with the terms of the trust agreement; to make transfers of property to any trust (whether or not created by the principal) unless the trust benefits the principal alone and does not have dispositive provisions which are different from those which would have governed the property had it not been transferred into the trust; or to disclaim property.

(2) Nothing in subsection (1) of this section prohibits an attorney-in-fact or agent from making any transfer of resources not prohibited under chapter 74.09 RCW when the transfer is for the purpose of qualifying the principal for medical assistance or the limited casualty program for the medically needy.

Sec. 24. RCW 82.45.010 and 2010 1st sp.s. c 23 s 207 are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a twelve-month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is

exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

~~((e))~~ (d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

~~((d))~~ (e) The partition of property by tenants in common by agreement or as the result of a court decree.

~~((e))~~ (f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

~~((f))~~ (g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

~~((g))~~ (h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

~~((h))~~ (i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

~~((i))~~ (j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

~~((j))~~ (k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

~~((k))~~ (l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

~~((l))~~ (m) The sale of any grave or lot in an established cemetery.

~~((m))~~ (n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

~~((n))~~ (o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

~~((p))~~ (p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

~~((q))~~ (q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in ~~((p))~~ (q)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in ~~((p))~~ (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection ~~(3)((p))~~ (q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection ~~(3)((p))~~ (q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

~~((r))~~ (r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

Sec. 25. RCW 82.45.197 and 2008 c 269 s 1 are each amended to read as follows:

In order to receive an exemption from the tax in this chapter on real property transferred as a result of inheritance under RCW 82.45.010(3)(a), the following documentation must be provided:

(1) If the property is being transferred under the terms of a community property agreement, a copy of the recorded agreement and a certified copy of the death certificate;

(2) If the property is being transferred under the terms of a trust instrument, a certified copy of the death certificate and a copy of the trust instrument showing the authority of the grantor;

(3) If the property is being transferred under the terms of a probated will, a certified copy of the letters testamentary or in the case of intestate administration, a certified copy of the letters of

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administration showing that the grantor is the court-appointed executor, executrix, or administrator, and a certified copy of the death certificate;

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(4) In the case of joint tenants with right of survivorship and remainder interests, a certified copy of the death certificate is recorded to perfect title;

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(5) If the property is being transferred pursuant to a court order, a certified copy of the court order requiring the transfer, and confirming that the grantor is required to do so under the terms of the order; ~~((or))~~

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(6) If the community property interest of the decedent is being transferred to a surviving spouse or surviving domestic partner absent the documentation set forth in subsections (1) through (5) of this section, a certified copy of the death certificate and a signed affidavit from the surviving spouse or surviving domestic partner affirming that he or she is the sole and rightful heir to the property;

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or

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(7) If the property is being transferred pursuant to a transfer on death deed, a certified copy of the death certificate is recorded to perfect title.

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Sec. 26. RCW 82.45.150 and 1996 c 149 s 6 are each amended to read as follows:

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All of chapter 82.32 RCW, except RCW 82.32.030, 82.32.050, 82.32.140, 82.32.270, and 82.32.090 (1) and ~~((8))~~ (10), applies to the tax imposed by this chapter, in addition to any other provisions of law for the payment and enforcement of the tax imposed by this chapter. The department of revenue ~~((shall))~~ must by rule provide for the effective administration of this chapter. The rules ~~((shall))~~ must prescribe and furnish a real estate excise tax affidavit form verified by both the seller and the buyer, or agents of each, to be used by each county, or the department, as the case may be, in the collection of the tax imposed by this chapter, except that an affidavit given in connection with grant of an easement or right-of-way to a gas, electrical, or telecommunications company, as defined in RCW 80.04.010, or to a public utility district or cooperative that distributes electricity, need be verified only on behalf of the company, district, or cooperative and except that a transfer on death deed need be verified only on behalf of the transferor. The department of revenue ~~((shall))~~ must annually conduct audits of transactions and affidavits filed under this chapter.

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Sec. 27. RCW 84.33.140 and 2013 2nd sp.s. c 11 s 13 are each amended to read as follows:

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(1) When land has been designated as forest land under RCW 84.33.130, a notation of the designation must be made each year upon the assessment and tax rolls. A copy of the notice of approval together with the legal description or assessor's parcel numbers for the land must, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded.

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(2) In preparing the assessment roll as of January 1, 2002, for taxes payable in 2003 and each January 1st thereafter, the assessor must list each parcel of designated forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (3) of this section. The assessor must compute the assessed value of the land using the same assessment ratio applied generally in computing the assessed value of other property in the county. Values for the several grades of bare forest land are as follows:

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LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
	1	\$234
1	2	229

(3) On or before December 31, 2001, the department must adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and must certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department must:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section must be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment must be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values must be successively one year more recent.

(5) Land graded, assessed, and valued as forest land must continue to be so graded, assessed, and valued until removal of designation by the assessor upon the occurrence of any of the following:

(a) Receipt of notice from the owner to remove the designation;

(b) Sale or transfer to an ownership making the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner or transfer by a transfer on death deed, does not, by itself, result in removal of designation. The signed notice of continuance must be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance must be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated under subsection (11) of this section are due and payable by the seller or transferor at time of sale. The auditor may not accept an instrument of conveyance regarding designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (11) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) The land is no longer primarily devoted to and used for growing and harvesting timber. However, land may not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (13) or (14) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in the designated forest land by means of a transaction that qualifies for an exemption under subsection (13) or (14) of this section. The governmental agency, organization, or recipient must annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

(6) Land may not be removed from designation if there is a governmental restriction that prohibits, in whole or in part, the owner from harvesting timber from the owner's designated forest land. If only a portion of the parcel is impacted by governmental restrictions of this nature, the restrictions cannot be used as a basis to remove the remainder of the forest land from designation under this chapter. For the purposes of this section, "governmental restrictions" includes: (a) Any law, regulation, rule, ordinance, program, or other action adopted or taken by a federal, state, county, city, or other governmental entity; or (b) the land's zoning or its presence within an urban growth area designated under RCW 36.70A.110.

(7) The assessor has the option of requiring an owner of forest land to file a timber management plan with the assessor upon the occurrence of one of the following:

(a) An application for designation as forest land is submitted; or

(b) Designated forest land is sold or transferred and a notice of continuance, described in subsection (5)(c) of this section, is signed.

(8) If land is removed from designation because of any of the circumstances listed in subsection (5)(a) through (c) of this section, the removal applies only to the land affected. If land is removed from designation because of subsection (5)(d) of this section, the removal applies only to the actual area of land that is no longer primarily devoted to the growing and harvesting of timber, without regard to any other land that may have been included in the application and approved for designation, as long as the remaining designated forest land meets the definition of forest land contained in RCW 84.33.035.

(9) Within thirty days after the removal of designation as forest land, the assessor must notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(10) Unless the removal is reversed on appeal a copy of the notice of removal with a notation of the action, if any, upon appeal, together with the legal description or assessor's parcel numbers for the land removed from designation must, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded and a notation of removal from designation must immediately be made upon the assessment and tax rolls. The assessor must revalue the land to be removed with reference to its true and fair value as of January 1st of the year of removal from designation. Both the assessed value before and after the removal of designation must be listed. Taxes based on the value of the land as forest land are assessed and payable up until the date of removal and taxes based on the true and fair value of the land are assessed and payable from the date of removal from designation.

(11) Except as provided in subsection (5)(c), (13), or (14) of this section, a compensating tax is imposed on land removed from designation as forest land. The compensating tax is due and payable to the treasurer thirty days after the owner is notified of the amount of this tax. As soon as possible after the land is removed from designation, the assessor must compute the amount of compensating tax and mail a notice to the owner of the amount of compensating tax owed and the date on which payment of this tax is due. The amount of compensating tax is equal to the difference between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed value of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, in no event greater than nine, equal to the number of years for which the land was designated as forest land, plus compensating taxes on the land at forest land values up until the date of removal and the prorated taxes on the land at true

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and fair value from the date of removal to the end of the current tax year.

(12) Compensating tax, together with applicable interest thereon, becomes a lien on the land, which attaches at the time the land is removed from designation as forest land and has priority and must be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date will thereupon become delinquent. From the date of delinquency until paid, interest is charged at the same rate applied by law to delinquent ad valorem property taxes.

(13) The compensating tax specified in subsection (11) of this section may not be imposed if the removal of designation under subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW, or for acquisition and management as a community forest trust as defined in chapter 79.155 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section is imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of the land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(g) The creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040;

(h) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(h); or

(i)(i) The discovery that the land was designated under this chapter in error through no fault of the owner. For purposes of this subsection (13)(i), "fault" means a knowingly false or misleading statement, or other act or omission not in good faith, that contributed to the approval of designation under this chapter or the failure of the assessor to remove the land from designation under this chapter.

(ii) For purposes of this subsection (13), the discovery that land was designated under this chapter in error through no fault of the owner is not the sole reason for removal of designation under subsection (5) of this section if an independent basis for removal

exists. An example of an independent basis for removal includes the land no longer being devoted to and used for growing and harvesting timber.

(14) In a county with a population of more than six hundred thousand inhabitants or in a county with a population of at least two hundred forty-five thousand inhabitants that borders Puget Sound as defined in RCW 90.71.010, the compensating tax specified in subsection (11) of this section may not be imposed if the removal of designation as forest land under subsection (5) of this section resulted solely from:

(a) An action described in subsection (13) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax is imposed upon the current owner.

Sec. 28. RCW 84.34.108 and 2009 c 513 s 2, 2009 c 354 s 3, 2009 c 255 s 2, and 2009 c 246 s 3 are each reenacted and amended to read as follows:

(1) When land has once been classified under this chapter, a notation of the classification ~~((shall))~~ must be made each year upon the assessment and tax rolls and the land ~~((shall))~~ must be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner ~~((shall))~~ or transfer by a transfer on death deed does not, by itself, result in removal of classification. The notice of continuance ~~((shall))~~ must be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section ~~((shall))~~ become due and payable by the seller or transferor at time of sale. The auditor ~~((shall))~~ may not accept an instrument of conveyance regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d)(i) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

(ii) The granting authority, upon request of an assessor, ~~((shall))~~ must provide reasonable assistance to the assessor in making a determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance ~~((shall))~~ must be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after the removal of all or a portion of the land from current use classification under subsection (1) of this section, the assessor (~~shall~~) must notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038. The removal notice must explain the steps needed to appeal the removal decision, including when a notice of appeal must be filed, where the forms may be obtained, and how to contact the county board of equalization.

(4) Unless the removal is reversed on appeal, the assessor (~~shall~~) must revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification (~~shall~~) must be listed and taxes (~~shall~~) must be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty (~~shall~~) must be imposed which (~~shall be~~) are due and payable to the treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor (~~shall~~) must compute the amount of additional tax, applicable interest, and penalty and the treasurer (~~shall~~) must mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax, applicable interest, and penalty (~~shall~~) must be determined as follows:

(a) The amount of additional tax (~~shall be~~) is equal to the difference between the property tax paid as "open space land," "farm and agricultural land," or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest (~~shall be~~) is equal to the interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty (~~shall be~~) is as provided in RCW 84.34.080. The penalty (~~shall~~) may not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty (~~shall~~) become a lien on the land (~~which shall attach~~) that attaches at the time the land is removed from classification under this chapter and (~~shall~~) have priority to and (~~shall~~) must be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on its due date (~~shall~~) will thereupon become delinquent. From the date of delinquency until paid, interest (~~shall~~) must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section (~~shall~~) may not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said

entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;

(e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section (~~shall~~) must be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(f);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(j) The creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040;

(k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k); or

(l)(i) The discovery that the land was classified under this chapter in error through no fault of the owner. For purposes of this subsection (6)(l), "fault" means a knowingly false or misleading statement, or other act or omission not in good faith, that contributed to the approval of classification under this chapter or the failure of the assessor to remove the land from classification under this chapter.

(ii) For purposes of this subsection (6), the discovery that land was classified under this chapter in error through no fault of the owner is not the sole reason for removal of classification pursuant to subsection (1) of this section if an independent basis for removal exists. Examples of an independent basis for removal include the owner changing the use of the land or failing to meet any applicable income criteria required for classification under this chapter.

NEW SECTION. Sec. 29. Section 23 of this act takes effect if the Washington uniform power of attorney act (House/Senate Bill No. . . .) is not enacted during the 2014 regular legislative session.

NEW SECTION. Sec. 30. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 31. Sections 1 through 17 of this act constitute a new chapter in Title 64 RCW."

Senator Pedersen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Second Engrossed Substitute House Bill No. 1117.

The motion by Senator Pedersen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "death;" strike the remainder of the title and insert "amending RCW 11.07.010, 11.11.010, 11.18.200, 11.86.011, 11.94.050, 82.45.010, 82.45.197, 82.45.150, and 84.33.140; reenacting and amending RCW 11.02.005 and 84.34.108; adding a new chapter to Title 64 RCW; and providing a contingent effective date."

MOTION

On motion of Senator Pedersen, the rules were suspended, Second Engrossed Substitute House Bill No. 1117 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute House Bill No. 1117 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute House Bill No. 1117 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2708, by Representatives Tarleton, Short, DeBolt, Fey, Freeman, Hudgins, Lytton, Smith, Morrell, Ortiz-Self, Springer, Pollet and Muri

Concerning a qualified alternative energy resource.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, House Bill No. 2708 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Lias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2708.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2708 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

HOUSE BILL NO. 2708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2099, by Representatives Vick, Blake, Buys, Van De Wege, Orcutt, Haler, Ross and Fagan

Extending the expiration date for reporting requirements on timber purchases.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, House Bill No. 2099 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2099.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2099 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

HOUSE BILL NO. 2099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2454, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Buys, Lytton and Smith)

Developing a water quality trading program in Washington.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Substitute House Bill No. 2454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield, McCoy and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2454.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2454 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE HOUSE BILL NO. 2454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2251, by House Committee on Appropriations (originally sponsored by Representatives Wilcox, Blake, Orcutt and Clibborn)

Concerning fish barrier removals.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.55.181 and 2010 c 210 s 29 are each amended to read as follows:

(1)(a) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under ~~((a) and (b) of)~~ this ~~(subsection: (a) A fish habitat enhancement project)~~ section and must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made or caused fish passage barriers, including culvert repair and replacement;

(ii) Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

(b) The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be

evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety~~((and))~~.

~~((b))~~ (c) A fish habitat enhancement project must be approved in one of the following ways in order to receive the permit review and approval process created in this section:

(i) By the department pursuant to chapter 77.95 or 77.100 RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration; ~~((and))~~

(vii) Through the department of transportation's environmental retrofit program as a stand-alone fish passage barrier correction project;

(viii) Through a local, state, or federally approved fish barrier removal grant program designed to assist local governments in implementing stand-alone fish passage barrier corrections;

(ix) By a city or county for a stand-alone fish passage barrier correction project funded by the city or county; and

(x) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3)(a) A permit is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government.

(b) Local governments shall accept the application as notice of the proposed project. The department shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts.

(c) Within forty-five days, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit.

(d) If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

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~~((b))~~ (e) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may appeal the decision as provided in RCW 77.55.021~~((4))~~ (8).

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

(5) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from a fish enhancement project permitted by the department under the criteria of this section except upon proof of gross negligence or willful or wanton misconduct.

Sec. 2. RCW 77.95.180 and 2010 1st sp.s. c 7 s 83 are each amended to read as follows:

(1)(a) To maximize available state resources, the department and the department of transportation ~~((shall))~~ must work in partnership to identify ~~((cooperative))~~ and complete projects to eliminate fish passage barriers caused by state roads and highways.

(b) The partnership between the department and the department of transportation must be based on the principle of maximizing habitat recovery through a coordinated investment strategy that, to the maximum extent practical and allowable, prioritizes opportunities: To correct multiple fish barriers in whole streams rather than through individual, isolated projects; to coordinate with other entities sponsoring barrier removals, such as regional fisheries enhancement groups incorporated under this chapter, in a manner that achieves the greatest cost savings to all parties; and to correct barriers located furthest downstream in a stream system. Examples of this principle include:

(i) Coordinating with all relevant state agencies and local governments to maximize the habitat recovery value of the investments made by the state to correct fish passage barriers;

(ii) Maximizing the habitat recovery value of investments made by public and private forest landowners through the road maintenance and abandonment planning process outlined in the forest practices rules, as that term is defined in RCW 76.09.020;

(iii) Recognizing that many of the barriers owned by the state are located in the same stream systems as barriers that are owned by cities and counties with limited financial resources for correction and that state-local partnership opportunities should be sought to address these barriers; and

(iv) Recognizing the need to continue investments in the family forest fish passage program created pursuant to RCW 76.13.150 and other efforts to address fish passage barriers owned by private parties that are in the same stream systems as barriers owned by public entities.

(2) The department ~~((of transportation))~~ shall also provide engineering and other technical services to assist ~~((regional fisheries enhancement groups))~~ nonstate barrier owners with fish passage barrier removal projects, provided that the barrier removal projects have been identified as a priority by the department ~~((of fish and wildlife))~~ and the department ~~((of transportation))~~ has received an appropriation to continue ~~((the))~~ that component of a fish barrier removal program.

(3) Nothing in this section is intended to:

(a) Alter the process and prioritization methods used in the implementation of the forest practices rules, as that term is defined in RCW 76.09.020, or the family forest fish passage program, created pursuant to RCW 76.13.150, that provides public cost assistance to small forest landowners associated with the road maintenance and abandonment processes; or

(b) Prohibit or delay fish barrier projects undertaken by the department of transportation or another state agency that are a component of an overall transportation improvement project or that are being undertaken as a direct result of state law, federal law, or a

court order. However, the department of transportation or another state agency is required to work in partnership with the fish passage barrier removal board created in RCW 77.95.160 to ensure that the scheduling, staging, and implementation of these projects are, to maximum extent practicable, consistent with the coordinated and prioritized approach adopted by the fish passage barrier removal board.

Sec. 3. RCW 77.95.170 and 1999 c 242 s 4 are each amended to read as follows:

(1) The department ~~((of transportation and the department of fish and wildlife))~~ may ~~((administer and))~~ coordinate with the recreation and conservation office in the administration of all state grant programs specifically designed to assist state agencies, ~~((local governments,))~~ private landowners, tribes, organizations, and volunteer groups in identifying and removing impediments to salmonid fish passage. The transportation improvement board may administer all grant programs specifically designed to assist cities, counties, and other units of local governments with fish passage barrier corrections associated with transportation projects. All grant programs must be administered and be consistent with the following:

(a) Salmonid-related corrective projects, inventory, assessment, and prioritization efforts;

(b) Salmonid projects subject to a competitive application process; and

(c) A minimum dollar match rate that is consistent with the funding authority's criteria. If no funding match is specified, a match amount of at least twenty-five percent per project is required. For local, private, and volunteer projects, in-kind contributions may be counted toward the match requirement.

(2) Priority shall be given to projects that ~~((immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. Priority shall also be given to project applications that are coordinated with other efforts within a watershed))~~ match the principles provided in RCW 77.95.180.

(3) ~~((Except for projects administered by the transportation improvement board,))~~ All projects subject to this section shall be reviewed and approved by the fish passage barrier removal ~~((task force))~~ board created in RCW 77.95.160 or an alternative oversight committee designated by the state legislature.

(4) Other agencies that administer natural resource-based grant programs ~~((that may include fish passage barrier removal projects))~~ shall use fish passage selection criteria that are consistent with this section when those programs are addressing fish passage barrier removal projects.

(5)(a) The ~~((departments of transportation and fish and wildlife))~~ department shall establish a centralized database directory of all fish passage barrier information. The database directory must include, but is not limited to, existing fish passage inventories, fish passage projects, grant program applications, and other databases. These data must be used to coordinate and assist in habitat recovery and project mitigation projects.

(b) The department must develop a barrier inventory training program that qualifies participants to perform barrier inventories and develop data that enhance the centralized database. The department may decide the qualifications for participation. However, employees and volunteers of conservation districts and regional salmon recovery groups must be given priority consideration.

Sec. 4. RCW 77.95.160 and 2000 c 107 s 110 are each amended to read as follows:

(1) The department ~~((and the department of transportation))~~ shall ~~((convene))~~ maintain a fish passage barrier removal ~~((task force))~~ board. ~~((The task force shall consist of one representative~~

each from the department, the department of transportation, the department of ecology, tribes, cities, counties, a business organization, an environmental organization, regional fisheries enhancement groups, and other interested entities as deemed appropriate by the cochairs. The persons representing the department and the department of transportation shall serve as cochairs of the task force and shall appoint members to the task force. The task force shall make recommendations to expand the program in RCW 77.95.180)) The board must be composed of a representative from the department, the department of transportation, cities, counties, the governor's salmon recovery office, tribal governments, and the department of natural resources. The representative of the department must serve as chair of the board and may expand the membership of the board to representatives of other governments, stakeholders, and interested entities.

(2)(a) The duty of the board is to identify and expedite the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical((. Program)) through the development of a coordinated approach and schedule that identifies and prioritizes the projects necessary to eliminate fish passage barriers caused by state and local roads and highways and barriers owned by private parties.

(b) The coordinated approach must address fish passage barrier removals in all areas of the state in a manner that is consistent with a recognition that scheduling and prioritization is necessary.

(c) The board must coordinate and mutually share information, when appropriate, with:

(i) Other fish passage correction programs, including local salmon recovery plan implementation efforts through the governor's salmon recovery office;

(ii) The applicable conservation districts when developing schedules and priorities within set geographic areas or counties; and

(iii) The recreation and conservation office to ensure that barrier removal methodologies are consistent with, and maximizing the value of, other salmon recovery efforts and habitat improvements that are not primarily based on the removal of barriers.

(d) Recommendations ((shall) must include ((a)) proposed funding mechanisms and other necessary mechanisms and methodologies to coordinate ((and prioritize)) state, tribal, local, and volunteer barrier removal efforts within each water resource inventory area and satisfy the principles of RCW 77.95.180. To the degree practicable, the board must utilize the database created in RCW 77.95.170 and information on fish barriers developed by conservation districts to guide methodology development. The board may consider recommendations by interested entities from the private sector and regional fisheries enhancement groups.

(e) When developing a prioritization methodology under this section, the board shall consider:

(i) Projects benefiting depressed, threatened, and endangered stocks;

(ii) Projects providing access to available and high quality spawning and rearing habitat;

(iii) Correcting the lowest barriers within the stream first;

(iv) Whether an existing culvert is a full or partial barrier;

(v) Projects that are coordinated with other adjacent barrier removal projects; and

(vi) Projects that address replacement of infrastructure associated with flooding, erosion, or other environmental damage. ((A priority shall be given to projects that immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. The department of the department of transportation may contract with cities and counties to assist in the identification and removal of impediments to anadromous fish passage.))

(f) The board may not make decisions on fish passage standards or categorize as impassible culverts or other infrastructure developments that have been deemed passable by the department.

NEW SECTION. Sec. 5. A new section is added to chapter 77.95 RCW to read as follows:

The department must implement RCW 77.95.160 and 77.95.180 within existing funds.

NEW SECTION. Sec. 6. A new section is added to chapter 77.95 RCW to read as follows:

The department may contract with cities and counties to assist in the identification and removal of impediments to fish passage.

NEW SECTION. Sec. 7. (1) The department of fish and wildlife must initiate contact with the United States army corps of engineers, the national oceanic and atmospheric administration, and, if necessary, the United States fish and wildlife service to explore the feasibility of bundling multiple transportation-related fish barrier removal projects under any available nationwide permits for the purpose of achieving streamlined federal permitting with a reduced processing time.

(2) The department of fish and wildlife must report back to the legislature, consistent with RCW 43.01.036, by October 31, 2016, summarizing the information gathered and any progress made towards using the bundling concept to streamline permitting for transportation-related fish barrier removal projects.

(3) This section must be implemented by the department of fish and wildlife using existing funds.

(4) This section expires June 30, 2017.

Sec. 8. RCW 19.27.490 and 2003 c 39 s 11 are each amended to read as follows:

A fish habitat enhancement project meeting the criteria of RCW ((77.55.290(4))) 77.55.181 is not subject to grading permits, inspections, or fees and shall be reviewed according to the provisions of RCW ((77.55.290)) 77.55.181.

Sec. 9. RCW 35.21.404 and 2003 c 39 s 14 are each amended to read as follows:

A city or town is not liable for adverse impacts resulting from a fish enhancement project that meets the criteria of RCW ((77.55.290)) 77.55.181 and has been permitted by the department of fish and wildlife.

Sec. 10. RCW 35.63.230 and 2003 c 39 s 15 are each amended to read as follows:

A permit required under this chapter for a watershed restoration project as defined in RCW 89.08.460 shall be processed in compliance with RCW 89.08.450 through 89.08.510. A fish habitat enhancement project meeting the criteria of RCW ((77.55.290(4))) 77.55.181 shall be reviewed and approved according to the provisions of RCW ((77.55.290)) 77.55.181.

Sec. 11. RCW 35A.21.290 and 2003 c 39 s 16 are each amended to read as follows:

A code city is not liable for adverse impacts resulting from a fish enhancement project that meets the criteria of RCW ((77.55.290)) 77.55.181 and has been permitted by the department of fish and wildlife.

Sec. 12. RCW 35A.63.250 and 2003 c 39 s 17 are each amended to read as follows:

(1) A permit required under this chapter for a watershed restoration project as defined in RCW 89.08.460 shall be processed in compliance with RCW 89.08.450 through 89.08.510.

(2) A fish habitat enhancement project meeting the criteria of RCW ((77.55.290(4))) 77.55.181 shall be reviewed and approved according to the provisions of RCW ((77.55.290)) 77.55.181.

Sec. 13. RCW 36.70.982 and 2003 c 39 s 19 are each amended to read as follows:

A county is not liable for adverse impacts resulting from a fish enhancement project that meets the criteria of RCW ((77.55.290))

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77.55.181 and has been permitted by the department of fish and wildlife.

Sec. 14. RCW 36.70.992 and 2003 c 39 s 20 are each amended to read as follows:

(1) A permit required under this chapter for a watershed restoration project as defined in RCW 89.08.460 shall be processed in compliance with RCW 89.08.450 through 89.08.510.

(2) A fish habitat enhancement project meeting the criteria of RCW (~~(77.55.290(4))~~) 77.55.181 shall be reviewed and approved according to the provisions of RCW (~~(77.55.290)~~) 77.55.181.

Sec. 15. RCW 36.70A.460 and 2003 c 39 s 21 are each amended to read as follows:

(1) A permit required under this chapter for a watershed restoration project as defined in RCW 89.08.460 shall be processed in compliance with RCW 89.08.450 through 89.08.510.

(2) A fish habitat enhancement project meeting the criteria of RCW (~~(77.55.290(4))~~) 77.55.181 shall be reviewed and approved according to the provisions of RCW (~~(77.55.290)~~) 77.55.181.

Sec. 16. RCW 43.21C.0382 and 2003 c 39 s 23 are each amended to read as follows:

(1) Decisions pertaining to watershed restoration projects as defined in RCW 89.08.460 are not subject to the requirements of RCW 43.21C.030(2)(c).

(2) Decisions pertaining to fish habitat enhancement projects meeting the criteria of RCW (~~(77.55.290(4))~~) 77.55.181 and being reviewed and approved according to the provisions of RCW (~~(77.55.290)~~) 77.55.181 are not subject to the requirements of RCW 43.21C.030(2)(c)."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources & Parks to Second Substitute House Bill No. 2251.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "removals;" strike the remainder of the title and insert "amending RCW 77.55.181, 77.95.180, 77.95.170, 77.95.160, 19.27.490, 35.21.404, 35.63.230, 35A.21.290, 35A.63.250, 36.70.982, 36.70.992, 36.70A.460, and 43.21C.0382; adding new sections to chapter 77.95 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Pearson, the rules were suspended, Second Substitute House Bill No. 2251 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2251 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2251 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dangel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SECOND SUBSTITUTE HOUSE BILL NO. 2251 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1888, by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Shea, Hurst, Condotta, Holy, Taylor and Overstreet)

Regarding industrial hemp.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following committee striking amendment by the Committee on Agriculture, Water & Rural Economic Development be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to investigate the various economic opportunities and industrial uses associated with industrial hemp cultivation and production as a farm product in the state of Washington. Through conducting a study, the legislature intends to assess whether the state's growing conditions and economic potential are favorable for the production of industrial hemp so that growers and other businesses in Washington's agricultural industry may take advantage of this market opportunity. Furthermore, should the study find favorable growing conditions, it is the intent of the legislature to encourage the development of an industrial hemp industry as a fecund addition to our state's cornucopia.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agribusiness" means the processing of raw agricultural products, including but not limited to timber and industrial hemp, or the performance of value-added functions with regard to raw agricultural products.

(2) "Grower" means any person or business entity growing industrial hemp.

(3) "Hemp products" includes all products made from industrial hemp including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particle board, plastics, seed, seed meal and seed oil for consumption, and certified seed for cultivation, if the seeds originate from industrial hemp varieties.

(4) "Industrial hemp" means all parts and varieties of the plant *Cannabis sativa*, cultivated or possessed by a grower, whether growing or not, that contain a tetrahydrocannabinol concentration of point three percent or less by weight, except that the THC concentration limit of point three percent may be exceeded for licensed industrial hemp seed research.

(5) "THC concentration" means percent of total THC, which is the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis sativa*, regardless of moisture content.

NEW SECTION. Sec. 3. Industrial hemp is an agricultural product that may be grown, produced, possessed, and commercially traded in the state.

NEW SECTION. Sec. 4. (1) Subject to receiving federal or private funds for this purpose, Washington State University shall study the feasibility and desirability of industrial hemp production in Washington state. In conducting the study, the university shall gather information from agricultural and scientific literature, consulting with experts and the public, and reviewing the best practices of other states and countries worldwide regarding the development of markets for industrial hemp and hemp products. The study must include an analysis of:

(a) The market economic conditions affecting the development of an industrial hemp industry in the state;

(b) The estimated value-added benefit that Washington's economy would reap from having a developed industrial hemp industry in the state;

(c) Whether Washington soils and growing conditions are appropriate for economically viable levels of industrial hemp production;

(d) The agronomy research being conducted worldwide relating to industrial hemp varieties, production, and use; and

(e) Other legislative acts, experiences, and outcomes around the world regarding industrial hemp production.

(2)(a) The university shall report its findings to the legislature by January 14, 2015.

(b) The report must include recommendations for any legislative actions necessary to encourage and support the development of an industrial hemp industry in the state of Washington.

(3) This section expires August 1, 2015.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act constitute a new chapter in Title 15 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water & Rural Economic Development to Second Substitute House Bill No. 1888.

The motion by Senator Hatfield carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "hemp;" strike the remainder of the title and insert "adding a new chapter to Title 15 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Hatfield, the rules were suspended, Second Substitute House Bill No. 1888 as amended was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

MOTION

On motion of Senator Fain, further consideration of Second Substitute House Bill No. 1888 as amended was deferred and the bill held its place on the third reading calendar.

SECOND READING

ENGROSSED HOUSE BILL NO. 2789, by Representatives Taylor, Goodman, Shea, Morris, Smith, Walkinshaw, Overstreet, Condotta, Moscoso, Ryu, Short and Scott

Concerning technology-enhanced government surveillance.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be not adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that technological advances have provided new, unique equipment that may be utilized for surveillance purposes. These technological advances often outpace statutory protections and can lead to inconsistent or contradictory interpretations between jurisdictions. The legislature finds that regardless of application or size, the use of these extraordinary surveillance technologies, without public debate or clear legal authority, creates uncertainty for citizens and agencies throughout Washington state. The legislature finds that extraordinary surveillance technologies do present a substantial privacy risk potentially contrary to the strong privacy protections enshrined in Article I, section 7 of the Washington state Constitution that reads "No person shall be disturbed in his private affairs, or his home invaded, without authority of law." The legislature further finds that the lack of clear statutory authority for the use of extraordinary surveillance technologies may increase liability to state and local jurisdictions. It is the intent of the legislature to provide clear standards for the lawful use of extraordinary surveillance technologies by state and local jurisdictions.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise.

(1)(a) "Agency" means the state of Washington, its agencies, and political subdivisions, except the Washington national guard in Title 32 U.S.C. status.

(b) "Agency" also includes any entity or individual, whether public or private, with which any of the entities identified in (a) of this subsection has entered into a contractual relationship or any other type of relationship, with or without consideration, for the operation of an extraordinary sensing device that acquires, collects, or indexes personal information to accomplish an agency function.

(2) "Court of competent jurisdiction" means any district court of the United States, or a court of general jurisdiction authorized by the state of Washington to issue search warrants.

(3) "Extraordinary sensing device" means a sensing device attached to an unmanned aircraft system.

(4) "Governing body" means the council, commission, board, or other controlling body of an agency in which legislative powers are vested, except that for a state agency for which there is no governing body other than the state legislature, "governing body" means the chief executive officer responsible for the governance of the agency.

(5) "Personal information" means all information that:

(a) Describes, locates, or indexes anything about a person including, but not limited to:

(i) His or her social security number, driver's license number, agency-issued identification number, student identification number, real or personal property holdings derived from tax returns, and the person's education, financial transactions, medical history, ancestry, religion, political ideology, or criminal or employment record; or

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(ii) Intellectual property, trade secrets, proprietary information, or operational information;

(b) Affords a basis for inferring personal characteristics, such as finger and voice prints, photographs, or things done by or to such person; and the record of the person's presence, registration, or membership in an organization or activity, or admission to an institution; or

(c) Indexes anything about a person including, but not limited to, his or her activities, behaviors, pursuits, conduct, interests, movements, occupations, or associations.

(6)(a) "Sensing device" means a device capable of remotely acquiring personal information from its surroundings, using any frequency of the electromagnetic spectrum, or a sound detecting system.

(b) "Sensing device" does not include equipment whose sole function is to provide information directly necessary for safe air navigation or operation of a vehicle.

(7) "Unmanned aircraft system" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft, together with associated elements, including communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

NEW SECTION. Sec. 3. Except as otherwise specifically authorized in this subchapter, it is unlawful for an agency to operate an extraordinary sensing device or disclose personal information about any person acquired through the operation of an extraordinary sensing device.

NEW SECTION. Sec. 4. (1) No state agency or organization having jurisdiction over criminal law enforcement or regulatory violations including, but not limited to, the Washington state patrol, shall procure an extraordinary sensing device without the explicit approval of the legislature, given for that specific extraordinary sensing device to be used for a specific purpose.

(2) No local agency having jurisdiction over criminal law enforcement or regulatory violations shall procure an extraordinary sensing device without the explicit approval of the governing body of such locality, given for that specific extraordinary sensing device to be used for a specific purpose.

NEW SECTION. Sec. 5. The governing body for each agency must develop and make publicly available, including on the agency web site, written policies and procedures for the use of any extraordinary sensing device procured, and provide notice and opportunity for public comment prior to adoption of the written policies and procedures.

NEW SECTION. Sec. 6. All operations of an extraordinary sensing device, by an agency, or disclosure of personal information about any person acquired through the operation of an extraordinary sensing device, by an agency, must be conducted in such a way as to minimize the collection and disclosure of personal information not authorized under this subchapter.

NEW SECTION. Sec. 7. (1) An extraordinary sensing device may be operated and personal information from such operation disclosed, if the operation and collection of personal information is pursuant to a search warrant issued by a court of competent jurisdiction as provided in this section, and the operation, collection, and disclosure are compliant with the provisions of this chapter.

(2) Each petition for a search warrant from a judicial officer to permit the use of an extraordinary sensing device and personal information collected from such operation must be made in writing, upon oath or affirmation, to a judicial officer in a court of competent jurisdiction for the geographic area in which an extraordinary sensing device is to be operated or where there is probable cause to believe the offense for which the extraordinary sensing device is

sought has been committed, is being committed, or will be committed.

(3) The law enforcement officer shall submit an affidavit that includes:

(a) The identity of the applicant and the identity of the agency conducting the investigation;

(b) The identity of the individual, if known, and area for which use of the extraordinary sensing device is being sought;

(c) Specific and articulable facts demonstrating probable cause to believe that there has been, is, or will be criminal activity and that the operation of the extraordinary sensing device will uncover evidence of such activity or facts to support the finding that there is probable cause for issuance of a search warrant pursuant to applicable requirements; and

(d) A statement that other methods of data collection have been investigated and found to be either cost-prohibitive or pose an unacceptable safety risk to a law enforcement officer or to the public.

(4) If the judicial officer finds, based on the affidavit submitted, there is probable cause to believe a crime has been committed, is being committed, or will be committed and there is probable cause to believe the personal information likely to be obtained from the use of the extraordinary sensing device will be evidence of the commission of such offense, the judicial officer may issue a search warrant authorizing the use of the extraordinary sensing device. The search warrant must authorize the collection of personal information contained in or obtained from the extraordinary sensing device.

(5) Warrants may not be issued for a period greater than ten days. Extensions may be granted, but no longer than the authorizing judicial officer deems necessary to achieve the purposes for which it was granted and in no event for longer than thirty days.

(6) Within ten days of the execution of a search warrant, the officer executing the warrant must serve a copy of the warrant upon the target of the warrant, except if notice is delayed pursuant to section 8 of this act.

NEW SECTION. Sec. 8. (1) A governmental entity acting under this section may, when a warrant is sought, include in the petition a request, which the court shall grant, for an order delaying the notification required under section 7(6) of this act for a period not to exceed ninety days if the court determines that there is a reason to believe that notification of the existence of the warrant may have an adverse result.

(2) An adverse result for the purposes of this section is:

(a) Placing the life or physical safety of an individual in danger;

(b) Causing a person to flee from prosecution;

(c) Causing the destruction of or tampering with evidence;

(d) Causing the intimidation of potential witnesses; or

(e) Jeopardizing an investigation or unduly delaying a trial.

(3) The governmental entity shall maintain a copy of certification.

(4) Extension of the delay of notification of up to ninety days each may be granted by the court upon application or by certification by a governmental entity.

(5) Upon expiration of the period of delay of notification under subsection (2) or (4) of this section, the governmental entity shall serve a copy of the warrant upon, or deliver it by registered or first-class mail to, the target of the warrant, together with notice that:

(a) States with reasonable specificity the nature of the law enforcement inquiry; and

(b) Informs the target of the warrant: (i) That notification was delayed; (ii) what governmental entity or court made the certification or determination pursuant to which that delay was made; and (iii) which provision of this section allowed such delay.

NEW SECTION. Sec. 9. (1) It is lawful under this section for any law enforcement officer or other public official to operate an extraordinary sensing device and disclose personal information from such operation if the officer reasonably determines that an emergency situation exists that involves criminal activity and presents immediate danger of death or serious physical injury to any person and:

(a) Requires operation of an extraordinary sensing device before a warrant authorizing such interception can, with due diligence, be obtained;

(b) There are grounds upon which such a warrant could be entered to authorize such operation; and

(c) An application for a warrant providing for such operation is made within forty-eight hours after the operation has occurred or begins to occur.

(2) In the absence of a warrant, an operation of an extraordinary sensing device carried out under this section must immediately terminate when the personal information sought is obtained or when the application for the warrant is denied, whichever is earlier.

(3) In the event such application for approval is denied, the personal information obtained from the operation of a device must be treated as having been obtained in violation of this subchapter, except for purposes of section 15 of this act, and an inventory must be served on the person named in the application.

NEW SECTION. Sec. 10. (1) It is lawful under this section for a law enforcement officer, agency employee, or authorized agent to operate an extraordinary sensing device and disclose personal information from such operation if:

(a) An officer, employee, or agent reasonably determines that an emergency situation exists that:

(i) Does not involve criminal activity;

(ii) Presents immediate danger of death or serious physical injury to any person; and

(iii) Has characteristics such that operation of an extraordinary sensing device can reasonably reduce the danger of death or serious physical injury;

(b) An officer, employee, or agent reasonably determines that the operation does not intend to collect personal information and is unlikely to accidentally collect personal information, and such operation is not for purposes of regulatory enforcement. Allowable uses are limited to:

(i) Monitoring to discover, locate, observe, and prevent forest fires;

(ii) Monitoring an environmental or weather-related catastrophe or damage from such an event;

(iii) Surveying for wildlife management, habitat preservation, or environmental damage; and

(iv) Surveying for the assessment and evaluation of environmental or weather-related damage, erosion, flood, or contamination;

(c) The operation is part of a training exercise conducted on a military base and the extraordinary sensing device does not collect personal information on persons located outside the military base;

(d) The operation is for training, testing, or research purposes by an agency and does not collect personal information without specific written consent of any individual whose personal information is collected; or

(e) The operation is part of the response to an emergency or disaster for which the governor has proclaimed a state of emergency under RCW 43.06.010(12).

(2) Upon completion of the operation of an extraordinary sensing device pursuant to this section, any personal information obtained must be treated as information collected on an individual other than a target for purposes of section 14 of this act.

NEW SECTION. Sec. 11. Operation of an extraordinary sensing device by an agency is prohibited unless the agency has

affixed a unique identifier registration number assigned by the agency.

NEW SECTION. Sec. 12. Whenever any personal information from an extraordinary sensing device has been acquired, no part of such personal information and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state or a political subdivision thereof if the collection or disclosure of that personal information would be in violation of this subchapter.

NEW SECTION. Sec. 13. Personal information collected during the operation of an extraordinary sensing device authorized by and consistent with this subchapter may not be used, copied, or disclosed for any purpose after conclusion of the operation, unless there is probable cause that the personal information is evidence of criminal activity. Personal information must be deleted as soon as possible after there is no longer probable cause that the personal information is evidence of criminal activity; this must be within thirty days if the personal information was collected on the target of a warrant authorizing the operation of the extraordinary sensing device, and within ten days for other personal information collected incidentally to the operation of an extraordinary sensing device otherwise authorized by and consistent with this subchapter. There is a presumption that personal information is not evidence of criminal activity if that personal information is not used in a criminal prosecution within one year of collection.

NEW SECTION. Sec. 14. Any person who knowingly violates this subchapter is subject to legal action for damages, to be brought by any other person claiming that a violation of this subchapter has injured his or her business, his or her person, or his or her reputation. A person so injured is entitled to actual damages. In addition, the individual is entitled to reasonable attorneys' fees and other costs of litigation.

NEW SECTION. Sec. 15. Any use of an extraordinary sensing device must fully comply with all federal aviation administration requirements and guidelines. Compliance with the terms of this subchapter is mandatory and supplemental to compliance with federal aviation administration requirements and guidelines. Nothing in this chapter shall be construed to limit the state's ability to establish and operate a test range for the integration of unmanned aviation vehicles into the national airspace.

NEW SECTION. Sec. 16. (1) For a state agency having jurisdiction over criminal law enforcement including, but not limited to, the Washington state patrol, the agency must maintain records of each use of an extraordinary sensing device and, for any calendar year in which an agency has used an extraordinary sensing device, prepare an annual report including, at a minimum, the following:

(a) The number of uses of an extraordinary sensing device organized by types of incidents and types of justification for use;

(b) The number of crime investigations aided by the use and how the use was helpful to the investigation;

(c) The number of uses of an extraordinary sensing device for reasons other than criminal investigations and how the use was helpful;

(d) The frequency and type of data collected for individuals or areas other than targets;

(e) The total cost of the extraordinary sensing device;

(f) The dates when personal information and other data was deleted or destroyed in compliance with the act;

(g) The number of warrants requested, issued, and extended; and

(h) Additional information and analysis the governing body deems useful.

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(2) For a state agency other than that in subsection (1) of this section, the agency must maintain records of each use of an extraordinary sensing device and, for any calendar year in which an agency has used an extraordinary sensing device, prepare an annual report including, at a minimum, the following:

- (a) The types of extraordinary sensing devices used, the purposes for which each type of extraordinary sensing device was used, the circumstances under which use was authorized, and the name of the officer or official who authorized the use;
- (b) Whether deployment of the device was imperceptible to the public;
- (c) The specific kinds of personal information that the extraordinary sensing device collected about individuals;
- (d) The length of time for which any personal information collected by the extraordinary sensing device was retained;
- (e) The specific steps taken to mitigate the impact on an individual's privacy, including protections against unauthorized use and disclosure and a data minimization protocol; and
- (f) An individual point of contact for citizen complaints and concerns.

(3) For a local agency having jurisdiction over criminal law enforcement or regulatory violations, the agency must maintain records of each use of an extraordinary sensing device including, at a minimum, the following:

- (a) The number of uses of an extraordinary sensing device organized by types of incidents and types of justification for use;
 - (b) The number of investigations aided by the use and how the use was helpful to the investigation;
 - (c) The number of uses of an extraordinary sensing device for reasons other than criminal investigations and how the use was helpful;
 - (d) The frequency and type of data collected for individuals or areas other than targets;
 - (e) The total cost of the extraordinary sensing device;
 - (f) The dates when personal information and other data was deleted or destroyed in compliance with the act;
 - (g) The number of warrants requested, issued, and extended; and
 - (h) Additional information and analysis the governing body deems useful.
- (4) The annual reports required pursuant to subsections (1) and (2) of this section must be filed electronically to the office of financial management, who must compile the results and submit them electronically to the relevant committees of the legislature by September 1st of each year, beginning in 2015.

NEW SECTION. Sec. 17. Sections 2 through 16 of this act are each added to chapter 9.73 RCW and codified with the subchapter heading of "extraordinary sensing devices."

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "surveillance;" strike the remainder of the title and insert "adding new sections to chapter 9.73 RCW; creating a new section; and prescribing penalties."

The President declared the question before the Senate to be the motion by Senator Padden to not adopt the committee striking amendment by the Committee on Law & Justice to Engrossed House Bill No. 2789.

The motion by Senator Padden carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Padden moved that the following striking amendment by Senator Padden and others be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that technological advances have provided new, unique equipment that may be utilized for surveillance purposes. These technological advances often outpace statutory protections and can lead to inconsistent or contradictory interpretations between jurisdictions. The legislature finds that regardless of application or size, the use of these extraordinary surveillance technologies, without public debate or clear legal authority, creates uncertainty for citizens and agencies throughout Washington state. The legislature finds that extraordinary surveillance technologies do present a substantial privacy risk potentially contrary to the strong privacy protections enshrined in Article I, section 7 of the Washington state Constitution that reads "No person shall be disturbed in his private affairs, or his home invaded, without authority of law." The legislature further finds that the lack of clear statutory authority for the use of extraordinary surveillance technologies may increase liability to state and local jurisdictions. It is the intent of the legislature to provide clear standards for the lawful use of extraordinary surveillance technologies by state and local jurisdictions.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise.

(1)(a) "Agency" means the state of Washington, its agencies, and political subdivisions, except the Washington national guard in Title 32 U.S.C. status.

(b) "Agency" also includes any entity or individual, whether public or private, with which any of the entities identified in (a) of this subsection has entered into a contractual relationship or any other type of relationship, with or without consideration, for the operation of an extraordinary sensing device that acquires, collects, or indexes personal information to accomplish an agency function.

(2) "Court of competent jurisdiction" means any district court of the United States, or a court of general jurisdiction authorized by the state of Washington to issue search warrants.

(3) "Extraordinary sensing device" means a sensing device attached to an unmanned aircraft system.

(4) "Governing body" means the council, commission, board, or other controlling body of an agency in which legislative powers are vested, except that for a state agency for which there is no governing body other than the state legislature, "governing body" means the chief executive officer responsible for the governance of the agency.

(5) "Personal information" means all information that:

(a) Describes, locates, or indexes anything about a person including, but not limited to:

(i) His or her social security number, driver's license number, agency-issued identification number, student identification number, real or personal property holdings derived from tax returns, and the person's education, financial transactions, medical history, ancestry, religion, political ideology, or criminal or employment record; or

(ii) Intellectual property, trade secrets, proprietary information, or operational information;

(b) Affords a basis for inferring personal characteristics, such as finger and voice prints, photographs, or things done by or to such person; and the record of the person's presence, registration, or membership in an organization or activity, or admission to an institution; or

(c) Indexes anything about a person including, but not limited to, his or her activities, behaviors, pursuits, conduct, interests, movements, occupations, or associations.

(6)(a) "Sensing device" means a device capable of remotely acquiring personal information from its surroundings, using any

frequency of the electromagnetic spectrum, or a sound detecting system.

(b) "Sensing device" does not include equipment whose sole function is to provide information directly necessary for safe air navigation or operation of a vehicle.

(7) "Unmanned aircraft system" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft, together with associated elements, including communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

NEW SECTION. Sec. 3. Except as otherwise specifically authorized in this subchapter, it is unlawful for an agency to operate an extraordinary sensing device or disclose personal information about any person acquired through the operation of an extraordinary sensing device.

NEW SECTION. Sec. 4. (1) No state agency or state organization having jurisdiction over criminal law enforcement or regulatory violations including, but not limited to, the Washington state patrol and the department of natural resources, shall purchase an extraordinary sensing device unless moneys are expressly appropriated by the legislature for this specific purpose.

(2) No local agency having jurisdiction over criminal law enforcement or regulatory violations shall procure an extraordinary sensing device without the explicit approval of the governing body of such locality, given for that specific extraordinary sensing device to be used for a specific purpose.

NEW SECTION. Sec. 5. The governing body for each agency must develop and make publicly available, including on the agency web site, written policies and procedures for the use of any extraordinary sensing device procured, and provide notice and opportunity for public comment prior to adoption of the written policies and procedures.

NEW SECTION. Sec. 6. All operations of an extraordinary sensing device, by an agency, or disclosure of personal information about any person acquired through the operation of an extraordinary sensing device, by an agency, must be conducted in such a way as to minimize the collection and disclosure of personal information not authorized under this subchapter.

NEW SECTION. Sec. 7. An extraordinary sensing device may be operated and personal information from such operation disclosed, if the operation and collection of personal information is pursuant to a search warrant issued by a court of competent jurisdiction.

NEW SECTION. Sec. 8. (1) A governmental entity acting under this section may, when a warrant is sought, include in the petition a request, which the court shall grant, for an order delaying the notification for a period not to exceed ninety days if the court determines that there is a reason to believe that notification of the existence of the warrant may have an adverse result.

(2) An adverse result for the purposes of this section is:

- (a) Placing the life or physical safety of an individual in danger;
- (b) Causing a person to flee from prosecution;
- (c) Causing the destruction of or tampering with evidence;
- (d) Causing the intimidation of potential witnesses; or
- (e) Jeopardizing an investigation or unduly delaying a trial.

(3) The governmental entity shall maintain a copy of certification.

(4) Extension of the delay of notification of up to ninety days each may be granted by the court upon application or by certification by a governmental entity.

(5) Upon expiration of the period of delay of notification under subsection (2) or (4) of this section, the governmental entity shall serve a copy of the warrant upon, or deliver it by registered or first-class mail to, the target of the warrant, together with notice that:

(a) States with reasonable specificity the nature of the law enforcement inquiry; and

(b) Informs the target of the warrant: (i) That notification was delayed; (ii) what governmental entity or court made the certification or determination pursuant to which that delay was made; and (iii) which provision of this section allowed such delay.

NEW SECTION. Sec. 9. (1) It is lawful for a law enforcement officer, agency employee, or authorized agent to operate an extraordinary sensing device and disclose personal information from such operation if the officer, employee, or agent reasonably determines that an emergency situation exists that:

(a) Does not involve criminal activity, unless exigent circumstances exist;

(b) Presents immediate danger of death or serious physical injury to any person; and

(c) Has characteristics such that operation of an extraordinary sensing device can reasonably reduce the danger of death or serious physical injury.

(2) It is lawful for an officer, employee, or agent to operate an extraordinary sensing device if the officer, employee, or agent does not intend to collect personal information, the operation is unlikely to accidentally collect personal information, and the operation is not for purposes of regulatory enforcement. Allowable uses under this subsection are limited to:

(a) Monitoring to discover, locate, observe, and prevent forest fires;

(b) Monitoring an environmental or weather-related catastrophe or damage from such an event;

(c) Surveying for wildlife management, habitat preservation, or environmental damage; and

(d) Surveying for the assessment and evaluation of environmental or weather-related damage, erosion, flood, or contamination.

(3) It is lawful for an officer, employee, or agent to operate an extraordinary sensing device as part of a training exercise conducted on a military base if the extraordinary sensing device does not collect personal information on persons located outside the military base.

(4) It is lawful for an officer, employee, or agent to operate an extraordinary sensing device if the operation is for training, testing, or research purposes by an agency and does not collect personal information without the specific written consent of any individual whose personal information is collected.

(5) It is lawful for an officer, employee, or agent to operate an extraordinary sensing device if the operation is part of the response to an emergency or disaster for which the governor has proclaimed a state of emergency under RCW 43.06.010(12).

(6) Upon completion of the operation of an extraordinary sensing device pursuant to this section, any personal information obtained must be treated as information collected on an individual other than a target for purposes of section 13 of this act.

NEW SECTION. Sec. 10. Operation of an extraordinary sensing device by an agency is prohibited unless the agency has affixed a unique identifier registration number assigned by the agency.

NEW SECTION. Sec. 11. Whenever any personal information from an extraordinary sensing device has been acquired, no part of such personal information and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state or a political subdivision thereof if the collection or disclosure of that personal information would be in violation of this subchapter.

NEW SECTION. Sec. 12. (1) Personal information collected during the operation of an extraordinary sensing device

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authorized by and consistent with this subchapter may not be used, copied, or disclosed for any purpose after the conclusion of the operation, unless there is probable cause that the personal information is evidence of criminal activity. The personal information of the person who is the target of a warrant must be destroyed within thirty days after the applicable period of limitations for the criminal activity, as provided in RCW 9A.04.080, if the person has not been charged.

(2) The personal information of a person who is not the target of a warrant that is collected incidentally during the operation of an extraordinary sensing device must be destroyed within ten days after it is collected if it can be destroyed without destroying evidence that may be relevant to a pending criminal investigation or case.

(3) There is a presumption that personal information is not evidence of criminal activity if that personal information is not used in a criminal prosecution within one year of collection.

NEW SECTION. Sec. 13. Any person who knowingly violates this subchapter is subject to legal action for damages, to be brought by any other person claiming that a violation of this subchapter has injured his or her business, his or her person, or his or her reputation. A person so injured is entitled to actual damages. In addition, the individual is entitled to reasonable attorneys' fees and other costs of litigation.

NEW SECTION. Sec. 14. Any use of an extraordinary sensing device must fully comply with all federal aviation administration requirements and guidelines. Compliance with the terms of this subchapter is mandatory and supplemental to compliance with federal aviation administration requirements and guidelines. Nothing in this chapter shall be construed to limit the state's ability to establish and operate a test range for the integration of unmanned aviation vehicles into the national airspace.

NEW SECTION. Sec. 15. (1) For a state agency having jurisdiction over criminal law enforcement including, but not limited to, the Washington state patrol, the agency must maintain records of each use of an extraordinary sensing device and, for any calendar year in which an agency has used an extraordinary sensing device, prepare an annual report including, at a minimum, the following:

- (a) The number of uses of an extraordinary sensing device organized by types of incidents and types of justification for use;
- (b) The number of crime investigations aided by the use and how the use was helpful to the investigation;
- (c) The number of uses of an extraordinary sensing device for reasons other than criminal investigations and how the use was helpful;
- (d) The frequency and type of data collected for individuals or areas other than targets;
- (e) The total cost of the extraordinary sensing device;
- (f) The dates when personal information and other data was deleted or destroyed in compliance with the act;
- (g) The number of warrants requested, issued, and extended; and
- (h) Additional information and analysis the governing body deems useful.

(2) For a state agency other than that in subsection (1) of this section, the agency must maintain records of each use of an extraordinary sensing device and, for any calendar year in which an agency has used an extraordinary sensing device, prepare an annual report including, at a minimum, the following:

- (a) The types of extraordinary sensing devices used, the purposes for which each type of extraordinary sensing device was used, the circumstances under which use was authorized, and the name of the officer or official who authorized the use;
- (b) Whether deployment of the device was imperceptible to the public;

(c) The specific kinds of personal information that the extraordinary sensing device collected about individuals;

(d) The length of time for which any personal information collected by the extraordinary sensing device was retained;

(e) The specific steps taken to mitigate the impact on an individual's privacy, including protections against unauthorized use and disclosure and a data minimization protocol; and

(f) An individual point of contact for citizen complaints and concerns.

(3) For a local agency having jurisdiction over criminal law enforcement or regulatory violations, the agency must maintain records of each use of an extraordinary sensing device including, at a minimum, the following:

(a) The number of uses of an extraordinary sensing device organized by types of incidents and types of justification for use;

(b) The number of investigations aided by the use and how the use was helpful to the investigation;

(c) The number of uses of an extraordinary sensing device for reasons other than criminal investigations and how the use was helpful;

(d) The frequency and type of data collected for individuals or areas other than targets;

(e) The total cost of the extraordinary sensing device;

(f) The dates when personal information and other data was deleted or destroyed in compliance with the act;

(g) The number of warrants requested, issued, and extended; and

(h) Additional information and analysis the governing body deems useful.

(4) The annual reports required pursuant to subsections (1) and (2) of this section must be filed electronically to the office of financial management, who must compile the results and submit them electronically to the relevant committees of the legislature by September 1st of each year, beginning in 2015.

NEW SECTION. Sec. 16. Sections 2 through 15 of this act are each added to chapter 9.73 RCW and codified with the subchapter heading of "extraordinary sensing devices."

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted:

On page 1, line 11 of the amendment, after "that" insert ", while the public has no expectation of privacy from surveillance by piloted or unpiloted aerial vehicles,"

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 1, line 11 to the striking amendment to Engrossed House Bill No. 2789 was withdrawn.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted:

On page 1, line 26 of the amendment, after "subdivisions" insert ", and also Santa Claus and his flying sleigh, known worldwide under a variety of aliases, who is reputed to collect personal information on all the good and bad boys and girls around the world"

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 1, line 26 to the striking amendment Engrossed House Bill No. 2789 was withdrawn.

PARLIAMENTARY INQUIRY

Senator Fain: "Is there a special order of consideration set at 4:59 today?"

REPLY BY THE PRESIDENT

President Owen: "There was Senator but I didn't hear anyone call for it. It's now 5:01. We seem to have a problem."

PARLIAMENTARY INQUIRY

Senator Fain: "It's my understanding Mr. President that in previous times the gavel went down in the midst of whatever we were working on to go to the immediate special order of consideration."

REPLY BY THE PRESIDENT

President Owen: "That is possible Senator but I don't have anything in the rules that says that's what I'm supposed to do. It's also been a practice in the past that someone has stood up and asked the President what time it was and I didn't hear anybody do that either, Senator Fain. I mean if you want to talk about it I'm perfectly willing to talk about it."

REMARKS BY THE PRESIDENT

President Owen: "Senator Fain, did you have a point of order or not? The President believes that we're beyond five o'clock and that the business of the senate is done. The Senate Rule says that you continue the bill after the special order. There was no special order."

POINT OF ORDER

Senator Benton: "Thank you Mr. President. I believe it's always been the practice of the Senate once we begin the transaction on a bill that we are allowed to complete the transaction on the bill. The action on Engrossed House Bill No. 2789 began prior to the special order of consideration and regardless of whether there was actually a special order of consideration or not the action and activity on this bill has already begun and therefore should be completed before the Senate adjourns."

REPLY BY THE PRESIDENT

President Owen: "So are you raising to a point of order or...?"

POINT OF ORDER

Senator Benton: "Mr. President, I believe that's the way we've always operated here and I would ask that the President would continue to operate that way."

REPLY BY THE PRESIDENT

President Owen: "Well, it's based on the rules Senator and the President is perfectly happy to check the rules if that's what you're asking the President to do."

POINT OF ORDER

Senator Benton: "I am Mr. President but by your own admission we don't allow for debate on rules and sometimes you say well, the practice of the Senate can prevail so, I'm hoping that will be the case."

RULING BY THE PRESIDENT

President Owen: "In ruling upon Senator Benton's Point of Order, the President finds the rule is not crystal clear as to what happens if in fact there's not a special order of business but he believes his memory banks remind him, as well as his fine attorney over here, that in the past even if we haven't had a special order the President has allowed the bill that we were on to continue and be completed. So, the President believes that, I believe it is Engrossed House Bill No. 2789 is appropriately before us and can be completed."

MOTION

On motion of Senator Billig, Senators Lias and Mullet were excused.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted:

On page 3, line 11 of the amendment, after "device" insert "provided that any operation of an extraordinary sensing device or personal information gathered during the operation of the device may be disclosed and used to the same extent as that obtained from the use of a piloted aircraft"

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 3, line 11 to the striking amendment to Engrossed House Bill No. 2789 was withdrawn.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted:

On page 3, line 14 of the amendment, after "state patrol" insert ", the department of ecology,"

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 3, line 14 to the striking amendment to Engrossed House Bill No. 2789 was withdrawn.

Senator Padden moved that the following amendment by Senators Kline and Padden to the striking amendment be adopted:

On page 5, after line 38, insert the following:

"NEW SECTION. Sec. 10. The Department of Enterprise Services shall convene a work group comprised of four legislators and a representative of the Governor. The work group will submit a report to the legislature by December 1, 2014 proposing standards for the use of extraordinary sensing devices for regulatory enforcement purposes. No state agency or state organization having jurisdiction over regulatory violations shall operate extraordinary sensing devices for regulatory enforcement purposes until the legislature has approved of standards for this purpose."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Padden, Kline and Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Honeyford spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Padden on page 5, after line 38 to the striking amendment to Engrossed House Bill No. 2789.

The motion by Senator Padden carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Kline moved that the following amendment by Senators Kline and Padden to the striking amendment be adopted:

On page 6, line 17 of the amendment, after "activity," insert "Nothing in this act is intended to expand or contract the obligations of an agency to disclose public records as provided in chapter 42.56 RCW."

Senators Kline and Padden spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Padden on page 6, line 17 to the striking amendment to Engrossed House Bill No. 2789.

The motion by Senator Kline carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Padden and others as amended to Engrossed House Bill No. 2789

Senator Padden spoke in favor of the striking amendment as amended.

PARLIAMENTARY INQUIRY

Senator Kline: "This is the adoption of the striking amendment?"

REPLY BY THE PRESIDENT

President Owen: "That is correct."

The motion by Senator Padden carried and the striking amendment as amended was adopted by voice vote.

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "surveillance;" strike the remainder of the title and insert "adding new sections to chapter 9.73 RCW; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed House Bill No. 2789 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Kline, Dinsel, Holmquist Newbry, Hargrove, Benton and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2789 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2789 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Honeyford

Excused: Senators Liias and Mullet

ENGROSSED HOUSE BILL NO. 2789 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Fain: "May I read Mr. President?"

REPLY BY THE PRESIDENT

President Owen: "You certainly may."

PARLIAMENTARY INQUIRY

Senator Fain: "Thank you Mr. President. 'Special order; Rule 18. The President shall call the Senate to order at the hour fixed for the consideration of Special Order and announce the special order is before the Senate which shall then it shall be considered unless it is postponed by the majority vote of the members present and it any business before the Senate at the time of the announcement of the special order shall take its regular position in the order of business except that if cut-off established by concurrent resolution occurs during the special order the Senate may complete the measure that was before the Senate when consideration of special order was commenced.' My question Mr. President: I believe there was acknowledged that we had a departure from tradition. This is an important issue for I

think both sides to understand as we move forward how cut-off and the special order of consideration will be treated. I'm merely seeking inquiry on how the President would ask that the members request the special order of consideration come before the body?"

REPLY BY THE PRESIDENT

President Owen: "Senator Fain, you are correct in reading the language. It says 'the President shall call the Senate to order.' The Senate was already called to order. The rule presumes that you're not in order at the time, for instance at ease or at recess. The President would come in, call the Senate to order at the time that you have ordered at that time and then state that the issue is before us. Now, let's take that a little further. From history, because the President has been around here a very long time, and that is the practice quite often has been for the majority to stand up and ask the President 'what time is it?' To remind him that it is time to go to the special order. That was not done. It is also been the practice prior to the last year or two for the call of special order at about 4:55 rather than waiting for one minute where an error can easily be made. The President would strongly urge in the future that the majority party learn to work with the President on these issues and he would be happy to work with you in return. That was not done."

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. For the information of members, we are going to be working on a few gubernatorial appointments to give those Chairs, Ranking Members and sponsors of Senate bills that are returning an opportunity to work through those folders. Hopefully the staff is bringing out those documents to the Chairs right now so that they can go and work with their Ranking Members and the bill sponsors. We'll be going through this brief order of gubernatorial appointments with the hope that we can then have those documents ready and given back to myself or to Kathleen on our staff in order to start at 9:00 a.m. tomorrow morning working on our dispute calendar. So, that's the reason we are working on gubernatorial appointments right now so please use that time to complete your folders on returning Senate bills. Thank you Mr. President."

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Baumgartner moved that Lindsey Schaffer, Gubernatorial Appointment No. 9318, be confirmed as a member of the Board of Regents, Washington State University.

Senator Baumgartner spoke in favor of the motion.

APPOINTMENT OF LINDSEY SCHAFFER

The President declared the question before the Senate to be the confirmation of Lindsey Schaffer, Gubernatorial Appointment No. 9318, as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Lindsey Schaffer, Gubernatorial Appointment No. 9318, as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Hargrove

Excused: Senators Liias and Mullet

Lindsey Schaffer, Gubernatorial Appointment No. 9318, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hewitt moved that Roland Schirman, Gubernatorial Appointment No. 9319, be confirmed as a member of the Board of Trustees, Walla Walls Community College District No.20.

Senator Hewitt spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Kline was excused.

APPOINTMENT OF ROLAND SCHIRMAN

The President declared the question before the Senate to be the confirmation of Roland Schirman, Gubernatorial Appointment No. 9319, as a member of the Board of Trustees, Walla Walls Community College District No.20.

The Secretary called the roll on the confirmation of Roland Schirman, Gubernatorial Appointment No. 9319, as a member of the Board of Trustees, Walla Walls Community College District No.20 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Hasegawa

Excused: Senators Kline, Liias and Mullet

Roland Schirman, Gubernatorial Appointment No. 9319, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Walla Walls Community College District No.20.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

FIFTY FOURTH DAY, MARCH 7, 2014

2014 REGULAR SESSION

Senator Braun moved that Joanne H. Schwartz, Gubernatorial Appointment No. 9320, be confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

Senators Braun and Fraser spoke in favor of passage of the motion.

APPOINTMENT OF JOANNE H SCHWARTZ

The President declared the question before the Senate to be the confirmation of Joanne H Schwartz, Gubernatorial Appointment No. 9320, as a member of the Board of Trustees, Centralia Community College District No. 12.

The Secretary called the roll on the confirmation of Joanne H Schwartz, Gubernatorial Appointment No. 9320, as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser,

Frocht, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Lias and Mullet

Joanne H Schwartz, Gubernatorial Appointment No. 9320, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

MOTION

At 5:59 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 a.m. Saturday, March 8, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 8, 2014

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Liias.

The Sergeant at Arms Color Guard consisting of Senate Legislative Assistants Adam Day and Marian Ericks, presented the Colors. Senator Dammeier offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5123,
SUBSTITUTE SENATE BILL NO. 5969,
SUBSTITUTE SENATE BILL NO. 6046,
SUBSTITUTE SENATE BILL NO. 6074,
SENATE BILL NO. 6219,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5360,
SENATE BILL NO. 5956,
ENGROSSED SENATE BILL NO. 5964,
SENATE BILL NO. 6115,
SENATE BILL NO. 6284,
SENATE BILL NO. 6321,
SENATE BILL NO. 6328,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1090,
SUBSTITUTE HOUSE BILL NO. 1171,
HOUSE BILL NO. 1264,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643,

SUBSTITUTE HOUSE BILL NO. 1742,
HOUSE BILL NO. 1785,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1840,
SUBSTITUTE HOUSE BILL NO. 1841,
SUBSTITUTE HOUSE BILL NO. 2080,
SUBSTITUTE HOUSE BILL NO. 2105,
HOUSE BILL NO. 2137,
SUBSTITUTE HOUSE BILL NO. 2153,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2160,
HOUSE BILL NO. 2167,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2192,
HOUSE BILL NO. 2208,
HOUSE BILL NO. 2225,
SUBSTITUTE HOUSE BILL NO. 2229,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2298,
ENGROSSED HOUSE BILL NO. 2351,
HOUSE BILL NO. 2456,
SUBSTITUTE HOUSE BILL NO. 2492,
ENGROSSED HOUSE BILL NO. 2636,
HOUSE BILL NO. 2741,
HOUSE BILL NO. 2744,
HOUSE BILL NO. 2776,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
SENATE BILL NO. 5931,
SECOND SUBSTITUTE SENATE BILL NO. 5973,
SUBSTITUTE SENATE BILL NO. 6007,
SENATE BILL NO. 6013,
SUBSTITUTE SENATE BILL NO. 6069,
SUBSTITUTE SENATE BILL NO. 6078,
SENATE BILL NO. 6134,
SENATE BILL NO. 6135,
SENATE BILL NO. 6299,
SUBSTITUTE SENATE BILL NO. 6339,
SENATE BILL NO. 6358,
SENATE BILL NO. 6419,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6450,
SUBSTITUTE SENATE BILL NO. 6453,
SENATE JOINT MEMORIAL NO. 8003,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6582 by Senators Baumgartner, Ericksen and Braun

AN ACT Relating to the safety of the transport of liquid bulk crude oil; amending RCW 82.23B.010, 82.23B.020,

FIFTY FIFTH DAY, MARCH 8, 2014

2014 REGULAR SESSION

82.23B.030, and 82.23B.040; adding new sections to chapter 90.56 RCW; and creating new sections.

Referred to Committee on Energy, Environment & Telecommunications.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2798 by Representative Hunter

AN ACT Relating to payments by the health care authority to managed health care systems; and amending RCW 70.47.110.

Referred to Committee on Ways & Means.

HCR 4416 by Representatives Haler, Pollet, Zeiger, Seaquist and Gregerson

Approving specific statewide educational attainment goals.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
8717

By Senators McAuliffe, Rivers, Pedersen, Liias, Hewitt, Braun, Billig, Keiser, Darneille, Angel, King, and Cleveland

WHEREAS, Colorectal cancer is the second leading cause of cancer deaths in men and women in the United States, with the lifetime risk of developing the cancer at 5 percent; and

WHEREAS, In the United States alone, over 141,000 people are diagnosed with colorectal cancer, and it is expected to cause 50,300 deaths in the year 2014; and

WHEREAS, It is estimated that in Washington State, 3,000 people are diagnosed with, and 1,000 people will die, every year of colorectal cancer; and

WHEREAS, Colorectal cancer affects people regardless of age, race, or sex. Nine out of ten diagnoses will occur in people aged 50

and older. Men are slightly more likely to be diagnosed with colorectal cancer than women. Also, African-Americans are 20 percent more likely to be diagnosed with colorectal cancer than Caucasians, and 45 percent more likely to die of the disease; and

WHEREAS, Despite its high incidence, colorectal cancer is one of the most detectable and, if found early, most treatable forms of cancer. Ninety percent of those diagnosed early, while the cancer is still localized, survive more than five years. Sadly, only 39 percent of all colorectal cancers are detected early enough for survival to occur. When the cancer is diagnosed at a more advanced stage, having spread to surrounding areas, the five-year survival rate drops from 90 percent to 70 percent. When diagnosed at an advanced stage, having spread to distant organs, the five-year survival rate is only 12 percent; and

WHEREAS, Early detection is the best defense against this devastating, but preventable disease. Over half of all colon cancer deaths in the United States can be prevented by early screening. However, a majority of Americans are not being screened early enough to catch the cancer while it is still localized. In a recent survey, the Centers for Disease Control found that only 72 percent of all Americans reported having used the most inferior form of screening methods and just 65 percent reported have used a more advanced screening. This compares to 85 percent of all women who had been screened for breast cancer; and

WHEREAS, There are many factors that contribute to such low screening rates: A lack of public awareness and education about the prevention and treatment of colorectal cancer, negative attitudes towards screening procedures, and the absence of symptoms; and

WHEREAS, On November 19, 1999, the United States Senate designated March as National Colorectal Cancer Awareness Month, and on October 3, 2000, the United States House of Representatives passed House Concurrent Resolution 133, legislation that recognizes the impact of colorectal cancer and urges action to be taken;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate urge Washingtonians to become more educated of the risks facing them regarding this disease and actively fight it by getting regular screenings for colorectal cancer; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the American Cancer Society.

Senators McAuliffe and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8717.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Bean Rodin, cancer survivor, and her children, Miss Kate Bradley and Mr. Brock Bradley; Ms. Anne Rodin McAlvey and her daughter, Miss Christine McAlvey; and Ms. Kelly Snyder, cancer prevention and awareness advocates, who were present in the gallery.

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION
8712

By Senators Parlette, Fraser, Roach, Holmquist Newbry, Nelson, Kohl-Welles, Becker, Eide, Hargrove, Chase, Ericksen, Tom, Brown, King, O'Ban, Rolfes, Rivers, Schoesler, Conway, and Dammeier

WHEREAS, Washington has a rich history of being a champion for women's rights and a national leader in promoting progress for women; and

WHEREAS, In 1910, Washington distinguished itself by becoming the fifth state in the nation and the first on the Pacific Coast to permanently enact women's suffrage; and

WHEREAS, It took an additional 10 years, but Washington's action inspired and reinvigorated the national suffrage movement, which culminated in the passage of the 19th Amendment to the United States Constitution in 1920, assuring nearly all women in the nation the right to vote; and

WHEREAS, Washington's history would look very different today had it not been for the courageous women and men who were willing to speak out against the status quo in pursuit of equal rights for all; and

WHEREAS, Susan B. Anthony was a catalyst for suffrage legislation and spoke before members of the Washington State Territorial Legislature in Olympia on October 19, 1871; and

WHEREAS, Over the past 100 years, women have made significant marks on the history of the state and the legislative process through their hard work, effective leadership, and broad influence to transform economic, cultural, political, family, and social issues in Washington; and

WHEREAS, In 1926, Bertha Landes became the first woman to lead a major American city as mayor of Seattle, and gender barriers continued to crumble when Belle Reeves became Washington's first female secretary of state; and

WHEREAS, In 1977, Dixy Lee Ray became Washington's first female governor, and only two years later, Senator Jeannette Hayner became the first woman to serve as the Senate Majority Leader in the Washington Legislature; and

WHEREAS, Washington was the first state to have two female U.S. senators, Patty Murray and Maria Cantwell, and a female governor, Christine Gregoire, at the same time; and

WHEREAS, Today Chief Justice Barbara Madsen leads the state Supreme Court, where a majority of the justices are women, and Kim Wyman serves as Washington's 15th Secretary of State and is the second female to ever hold that office in Washington's 125-year history; and

WHEREAS, 18 women now serve in the Washington State Senate, Senator Pam Roach (since 1991), Senator Karen Fraser (1993), Senator Rosemary McAuliffe (1993), Senator Jeanne Kohl-Welles (1994), Senator Tracey Eide (1999), Senator Karen Keiser (2001), Senator Linda Evans Parlette (2001), Senator Janéa Holmquist Newbry (2007), Senator Randi Becker (2009), Senator Sharon Nelson (2010), Senator Maralyn Chase (2011), Senator Christine Rolfes (2011), Senator Ann Rivers (2013), Senator Barbara Bailey (2013), Senator Annette Cleveland (2013), Senator Jeannie Darneille (2013), Senator Sharon Brown (2013), and Senator Jan Angel (2013);

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud these women, and many others who have served Washington diligently and boldly, for changing the course of history and promoting the full equality of women; and

BE IT FURTHER RESOLVED, That the Senate recognize that Washington has consistently been a national leader in the percentage of women serving in the Legislature, honor the legacy of women leaders in service to the State of Washington, and celebrate their role in our democratic process over the past 100 years.

Senators Parlette, Chase, Roach, Kohl-Welles, Holmquist Newbry, Brown, Fraser, Hargrove, Padden, Keiser and Bailey spoke in favor of adoption of the resolution.

POINT OF INQUIRY

Senator King: "Would Senator Chase yield to a question? Senator Chase you referenced the city Catherin May Bedell came from. Could you tell me what city that was?"

Senator Chase: "It was my hometown."

Senator King: "And that would be?"

Senator Chase: "Yakima."

Senators Angel, Ericksen, Baumgartner, Dansel and Becker spoke in favor of adoption of the resolution.

Senators Fraser and Parlette again spoke in favor of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8712.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Honorable Kim Wyman, Secretary of State, and Ms. Shannon Stevenson, Coordinator, Women's Consortium, who were present in the gallery.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1090,
 SUBSTITUTE HOUSE BILL NO. 1171,
 HOUSE BILL NO. 1264,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643,
 SUBSTITUTE HOUSE BILL NO. 1742,
 HOUSE BILL NO. 1785,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1840,
 SUBSTITUTE HOUSE BILL NO. 1841,
 SUBSTITUTE HOUSE BILL NO. 2080,
 SUBSTITUTE HOUSE BILL NO. 2105,
 HOUSE BILL NO. 2137,
 SUBSTITUTE HOUSE BILL NO. 2153,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2160,
 HOUSE BILL NO. 2167,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2192,
 HOUSE BILL NO. 2208,
 HOUSE BILL NO. 2225,
 SUBSTITUTE HOUSE BILL NO. 2229,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2298,
 ENGROSSED HOUSE BILL NO. 2351,
 HOUSE BILL NO. 2456,
 SUBSTITUTE HOUSE BILL NO. 2492,
 ENGROSSED HOUSE BILL NO. 2636,
 HOUSE BILL NO. 2741,
 HOUSE BILL NO. 2744,
 HOUSE BILL NO. 2776.

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MOTION

At 10:09 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:32 a.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist Newbry moved that Keith Thompson, Gubernatorial Appointment No. 9326, be confirmed as a member of the Board of Trustees, Central Washington University.

Senator Holmquist Newbry spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senators Hobbs and Liias were excused.

APPOINTMENT OF KEITH THOMPSON

The President declared the question before the Senate to be the confirmation of Keith Thompson, Gubernatorial Appointment No. 9326, as a member of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Keith Thompson, Gubernatorial Appointment No. 9326, as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Liias

Keith Thompson, Gubernatorial Appointment No. 9326, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Central Washington University.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5045 with the following amendment(s): 5045-S.E AMH APPG H4458.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 66.20 RCW to read as follows:

(1) There shall be a permit known as a day spa permit to allow the holder to offer or supply without charge, wine or beer by the individual glass to a customer for consumption on the premises. The customer must be at least twenty-one years of age and may only be offered wine or beer if the services he or she will be receiving will last more than one hour. Wine or beer served or consumed shall be purchased from a Washington state licensed retailer. A customer may consume no more than one six ounce glass of wine or one twelve ounce glass of beer per day under this permit. Day spas with a day spa permit may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. Any employee involved in the service of wine or beer must complete a board-approved limited alcohol server training program.

(2) For the purposes of this section, "day spa" means a business that offers at least three of the following four service categories:

- (a) Hair care;
- (b) Skin care;
- (c) Nail care; and
- (d) Body care, such as massages, wraps, and waxing.

Day spas must provide separate service areas of the day spa for at least three of the service categories offered.

(3) The annual fee for this permit is one hundred twenty-five dollars.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2014, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Holmquist Newbry moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5045 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Holmquist Newbry that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5045 and ask the House to recede therefrom.

The motion by Senator Holmquist Newbry carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5045 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed SENATE BILL NO. 5141 with the following amendment(s): 5141 AMH TR H4410.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.61 RCW to read as follows:

Notwithstanding any provision of law to the contrary, the operator of a street legal motorcycle approaching an intersection, including a left turn intersection, that is controlled by a triggered traffic control signal using a vehicle detection device that is inoperative due to the size of the street legal motorcycle shall come to a full and complete stop at the intersection. If the traffic control signal, including the left turn signal, as appropriate, fails to begin a change in signal phase after ninety seconds, the operator may, after exercising due care, proceed directly through the intersection or proceed to turn left, as appropriate. It is not a defense to a violation of RCW 46.61.050 that the driver of a motorcycle proceeded under the belief that a traffic control signal used a vehicle detection device or was inoperative due to the size of the motorcycle when the signal did not use a vehicle detection device or that any such device was not in fact inoperative due to the size of the motorcycle."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator King moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5141 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator King that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5141 and ask the House to recede therefrom.

The motion by Senator King carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5141 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6129 with the following amendment(s): 6129-S AMH ENGR H4326.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature acknowledges that paraeducators have become a significant resource to students who need additional education assistance. The legislature further recognizes that there is significant variability in paraeducator standards, training, and opportunity for professional development. A carefully constructed paraeducator development program would place the highest qualified paraeducators working with the highest need students. Such a program when combined with a career ladder could offer paraeducators real opportunities for upward mobility. Since paraeducators more closely reflect the cultural diversity of the student population, a development program and career ladder would be likely to encourage more paraeducators to become teachers. Training teachers how to work with a paraeducator in their classrooms could increase paraeducators' ability to teach students who need additional assistance.

NEW SECTION. Sec. 2. (1) The superintendent of public instruction shall convene a work group to examine the use of paraeducators across school districts, including their roles and types of assignments in the classroom and the variation in paraeducator deployment in support of teachers. The work group must include paraeducators, teachers, school and school district administrators, school directors, and representatives of their respective associations. The superintendent of public instruction shall submit the findings of the work group to the professional educator standards board by

August 31, 2014, to inform the work of the board and the work group established under subsection (2) of this section.

(2)(a) The professional educator standards board shall simultaneously convene a work group to design program specific minimum employment standards for paraeducators, professional development and education opportunities that support the standards, a paraeducator career ladder, an articulated pathway for teacher preparation and certification, and teacher professional development on how to maximize the use of paraeducators in the classroom.

(b) The work group convened by the professional educator standards board must include representatives of:

(i) The professional educator standards board; the Green River Community College center of excellence for careers in education; educational service districts; community and technical college paraeducator apprenticeship and certificate programs; colleges of education; teacher, paraeducator, principal, school director, and administrator associations; career and technical education; special education parents and advocacy organizations; community-based organizations representing immigrant and refugee communities and communities of color; the educational opportunity gap oversight and accountability committee; and the office of the superintendent of public instruction; and

(ii) A maximum of two paraeducators from each program for which specific minimum employment standards will be designed.

(3) By January 10, 2015, the work group convened by the professional educator standards board shall submit a report to the education committees of the legislature that recommends:

(a) Multiple options for assuring minimum employment standards and professional development opportunities for paraeducators who work in:

(i) English language learner programs, transitional bilingual instruction programs, and federal limited English proficiency programs; and

(ii) The learning assistance program and federal disadvantaged program;

(b) A career ladder that encourages paraeducators to pursue advanced education and professional development as well as increased instructional ability and responsibility;

(c) An articulated pathway for teacher preparation that includes:

(i) Paraeducator certificate and apprenticeship programs that offer course credits that apply to transferrable associate degrees and are aligned with the standards and competencies for teachers adopted by the professional educator standards board;

(ii) Associate degree programs that build on and do not duplicate the courses and competencies of paraeducator certificate programs, incorporate field experiences, are aligned with the standards and competencies for teachers adopted by the professional educator standards board, and are transferrable to bachelor's degree in education programs and teacher certification programs;

(iii) Bachelor's degree programs that lead to teacher certification that build on and do not duplicate the courses and competencies of transferrable associate degrees;

(iv) Incorporation of the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270 throughout the courses and curriculum of the pathway, particularly focusing on multicultural education and principles of language acquisition; and

(v) A comparison of the current status of pathways for teacher certification to the elements of the articulated pathway, highlighting gaps and recommending strategies to address the gaps;

(d) Professional development for certificated employees that focuses on maximizing the success of paraeducators in the classroom.

(4) The work group convened by the professional educator standards board must submit a final report of its recommendations

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to the education committees of the legislature by January 10, 2016, concerning:

(a) Multiple options for assuring minimum employment standards and professional development opportunities for basic education and special education paraeducators;

(b) Whether there should be alignment of training requirements of paraeducators providing special education services for students during the school year with existing training for home care aides who provide similar services to students when they are not in school, and if so, how the alignment should be accomplished; and

(c) Appropriate professional development and training to help paraeducators meet the employment standards.

(5) This section expires June 30, 2016.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.410 RCW to read as follows:

The professional educator standards board and the state board for community and technical colleges may exercise their respective authorities regarding program approval to implement the articulated pathway for teacher preparation and certification recommended pursuant to section 2, chapter . . ., Laws of 2014 (section 2 of this act) in approved teacher certification programs and certificate and degree programs offered by community and technical colleges.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.50 RCW to read as follows:

Beginning with the 2016-17 academic year, any community or technical college that offers an apprenticeship program or certificate program for paraeducators must provide candidates the opportunity to earn transferrable course credits within the program. The programs must also incorporate the standards for cultural competence, including multicultural education and principles of language acquisition, developed by the professional educator standards board under RCW 28A.410.270.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2014, in the omnibus appropriations act, this act is null and void." Correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Litzow moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6129 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Litzow that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6129 and ask the House to recede therefrom.

The motion by Senator Litzow carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6129 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 6312 with the following amendment(s): 6312-S2 AMH ENGR H4412.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2013 c 338 s 1 (uncodified) is amended to read as follows:

(1)(a) Beginning (~~May~~) April 1, 2014, the legislature shall convene a task force to examine reform of the adult behavioral health system, with voting members as provided in this subsection.

(i) The president of the senate shall appoint (~~one~~) two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint (~~one~~) two members from each of the two largest caucuses in the house of representatives.

(iii) The governor shall appoint five members consisting of the secretary of the department of social and health services or the secretary's designee, the director of the health care authority or the director's designee, the director of the office of financial management or the director's designee, the secretary of the department of corrections or the secretary's designee, and a representative of the governor.

(iv) The Washington state association of counties shall appoint three members.

(v) The governor shall request participation by a representative of tribal governments.

(b) The task force shall choose two cochairs from among its legislative members.

(c) The task force shall adopt a bottom-up approach and welcome input and participation from all stakeholders interested in the improvement of the adult behavioral health system. To that end, the task force must invite participation from, at a minimum, the following: The department of commerce, behavioral health service recipients and their families; local government; representatives of regional support networks; representatives of county coordinators; law enforcement; city and county jails; tribal representatives; behavioral health service providers; housing providers; labor representatives; counties with state hospitals; mental health advocates; chemical dependency advocates; public defenders with involuntary mental health commitment or mental health court experience; chemical dependency experts working with drug courts; medicaid managed care plan and associated delivery system representatives; long-term care service providers; the Washington state hospital association; and individuals with expertise in evidence-based and research-based behavioral health service practices. Leadership of subcommittees formed by the task force may be drawn from this body of invited participants.

(2) The task force shall undertake a systemwide review of the adult behavioral health system and make recommendations (~~for reform concerning, but not limited to, the following~~) to facilitate the full integration of mental health, chemical dependency, and physical health services by January 1, 2020, including:

(a) The means by which mental health, chemical dependency, and physical health services (~~are~~) will be purchased and delivered for adults (~~with mental illness and chemical dependency disorders~~) by the department of social and health services and the health care authority, with attention to:

(i) Adequacy of the supply, type, and quality of the behavioral health and recovery workforce, services, providers, and facilities, including detoxification services that are available twenty-four hours a day, medication-assisted treatment, inpatient psychiatric involuntary treatment services, and options to reduce barriers to increasing the necessary supply, including options related to certificate of need and health professions licensing standards;

(ii) By August 1, 2014, a review of performance measures and outcomes developed pursuant to RCW 43.20A.895 and chapter 70.320 RCW;

(iii) Incentives for physical and behavioral health care providers to use community resources that will reduce utilization of the criminal justice system and promote recovery through community supports, such as supportive housing or supportive employment;

(iv) Legal, clinical, and technological obstacles to sharing

relevant health care information related to mental health, chemical dependency, and physical health across practice settings; and

(v) Identification of other key issues that must be addressed by the health care authority and the department of social and health services to achieve the full integration of medical and behavioral health services by January 1, 2020;

(b) Guidance for the creation of common regional service areas for purchasing behavioral health services and medical care services by the department of social and health services and the health care authority, taking into consideration any proposal submitted by the Washington state association of counties under section 2 of this act;

((b) Availability of effective means to promote recovery and prevent harm associated with mental illness;))

(c) Availability of crisis services, including boarding of mental health patients outside of regularly certified treatment beds;

(d) Best practices for cross-system collaboration between behavioral health treatment providers, medical care providers, long-term care service providers, entities providing health home services to high-risk medicaid clients, law enforcement, and criminal justice agencies; ~~((and))~~

(e) ~~((Public safety practices involving persons with mental illness with forensic involvement))~~ A review of the detailed plan criteria to be used by the department of social and health services under section 4 of this act, prior to its adoption by the department of social and health services for use in awarding contracts to serve as a behavioral health and recovery organization;

(f) The appropriate use of the criminal justice treatment account in a fully integrated behavioral and physical health system; and

(g) Whether a statewide behavioral health ombuds office should be created.

(3) The task force shall review the extent and causes of variations in commitment rates in different jurisdictions across the state.

(4) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

~~((4))~~ (5) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

~~((5))~~ (6) The expenses of the task force must be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

~~((6))~~ (7) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by January 1, 2015, except that recommendations under subsection (2)(b) of this section must be submitted to the governor by September 1, 2014.

~~((7))~~ (8) This section expires June 1, 2015.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

(1) The department and the health care authority shall jointly establish regional service areas by October 1, 2014, as provided in this section.

(2) Counties, through the Washington state association of counties, must be given the opportunity to propose the composition of no more than nine regional service areas. Each service area must:

(a) Include a sufficient number of medicaid lives to support full financial risk managed care contracting for services included in contracts with the department or the health care authority;

(b) Include full counties that are contiguous with one another; and

(c) Reflect natural medical and behavioral health service referral patterns and shared clinical, health care service, behavioral health service, and behavioral health crisis response resources.

(3) The Washington state association of counties must submit their recommendations to the department, the health care authority, and the task force described in section 1 of this act on or before August 1, 2014.

NEW SECTION. Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

(1) Any agreement or contract by the department or the health care authority to provide behavioral health services as defined under RCW 71.24.025 to persons eligible for benefits under medicaid, Title XIX of the social security act, and to persons not eligible for medicaid must include the following:

(a) Contractual provisions consistent with the intent expressed in RCW 71.24.015, 71.36.005, 70.96A.010, and 70.96A.011;

(b) Standards regarding the quality of services to be provided, including increased use of evidence-based, research-based, and promising practices, as defined in RCW 71.24.025;

(c) Accountability for the client outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025 and performance measures linked to those outcomes;

(d) Standards requiring behavioral health and recovery organizations to maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the department or the health care authority and to protect essential existing behavioral health system infrastructure and capacity, including a continuum of chemical dependency services;

(e) Provisions to require that behavioral health and recovery organizations offer contracts to managed health care systems under chapter 74.09 RCW to promote access to the services of chemical dependency professionals under chapter 18.205 RCW and mental health professionals, as defined by the department in rule, for the purpose of integrating such services into primary care settings for individuals with behavioral health and medical comorbidities;

(f) Provisions to require that medically necessary chemical dependency and mental health treatment services be available to clients;

(g) Standards requiring the use of behavioral health service provider reimbursement methods that incentivize improved performance with respect to the client outcomes established in RCW 43.20A.895 and 71.36.025, integration of behavioral health and primary care services at the clinical level, and improved care coordination for individuals with complex care needs;

(h) Standards related to the financial integrity of the responding organization. The department shall adopt rules establishing the solvency requirements and other financial integrity standards for behavioral health and recovery organizations. This subsection does not limit the authority of the department to take action under a contract upon finding that a behavioral health and recovery organization's financial status jeopardizes the organization's ability to meet its contractual obligations;

(i) Mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial deductions, termination of the contract, receivership, reprocurement of the contract, and injunctive remedies;

(j) Provisions to maintain the decision-making independence of designated mental health professionals or designated chemical dependency specialists; and

(k) Provisions stating that public funds appropriated by the legislature may not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

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(2) The following factors must be given significant weight in any purchasing process:

(a) Demonstrated commitment and experience in serving low-income populations;

(b) Demonstrated commitment and experience serving persons who have mental illness, chemical dependency, or co-occurring disorders;

(c) Demonstrated commitment to and experience with partnerships with county and municipal criminal justice systems, housing services, and other critical support services necessary to achieve the outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025;

(d) Recognition that meeting enrollees' physical and behavioral health care needs is a shared responsibility of contracted behavioral health and recovery organizations, managed health care systems, service providers, the state, and communities;

(e) Consideration of past and current performance and participation in other state or federal behavioral health programs as a contractor; and

(f) The ability to meet requirements established by the department.

(3) For purposes of purchasing behavioral health services and medical care services for persons eligible for benefits under medicaid, Title XIX of the social security act and for persons not eligible for medicaid, the department and the health care authority must use common regional service areas. The regional service areas must be established by the department and the health care authority as provided in section 2 of this act.

(4) Consideration must be given to using multiple-biennia contracting periods.

(5) Each behavioral health and recovery organization operating pursuant to a contract issued under this section shall enroll clients within its regional service area who meet the department's eligibility criteria for mental health and chemical dependency services.

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

(1) The secretary shall purchase mental health and chemical dependency treatment services primarily through managed care contracting, but may continue to purchase behavioral health services from tribal clinics and other tribal providers.

(2)(a) The secretary shall request a detailed plan from the entities identified in (b) of this subsection that demonstrates compliance with the contractual elements of section 3 of this act and federal regulations related to medicaid managed care contracting, including, but not limited to: Having a sufficient network of providers to provide adequate access to mental health and chemical dependency services for residents of the regional service area that meet eligibility criteria for services, ability to maintain and manage adequate reserves, and maintenance of quality assurance processes. Any responding entity that submits a detailed plan that demonstrates that it can meet the requirements of this section must be awarded the contract to serve as the behavioral health and recovery organization.

(b)(i) For purposes of responding to the request for a detailed plan under (a) of this subsection, the entities from which a plan will be requested are:

(A) A county in a single county regional service area that currently serves as the regional support network for that area;

(B) In the event that a county has made a decision prior to January 1, 2014, not to contract as a regional support network, any private entity that serves as the regional support network for that area;

(C) All counties within a regional service area that includes more than one county, which shall form a responding entity through the adoption of an interlocal agreement. The interlocal agreement must specify the terms by which the responding entity shall serve as

the behavioral health and recovery organization within the regional service area.

(ii) In the event that a regional service area is comprised of multiple counties including one that has made a decision prior to January 1, 2014, not to contract as a regional support network, the counties shall adopt an interlocal agreement and may respond to the request for a detailed plan under (a) of this subsection and the private entity may also respond to the request for a detailed plan.

(3) Contracts for behavioral health and recovery organizations must begin on April 1, 2016.

(4) Upon request of one or more county authorities, the department and the health care authority may jointly purchase behavioral health services through an integrated medical and behavioral health services contract with a behavioral health and recovery organization or a managed health care system as defined in RCW 74.09.522. Any contract for such a purchase must comply with all federal medicaid and state law requirements related to managed health care contracting.

Sec. 5. RCW 71.24.015 and 2005 c 503 s 1 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs that focus on resilience and recovery, and practices that are evidence-based, research-based, consensus-based, or, where these do not exist, promising or emerging best practices, which provide for:

(1) Access to mental health services for adults (~~(of the state who are acutely mentally ill, chronically mentally ill,)~~) with acute mental illness, chronic mental illness, or who are seriously disturbed and children (~~(of the state who are acutely mentally ill)~~) with acute mental illness, or who are severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, (~~(disabled)~~) individuals with disabilities, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of (~~(mentally ill)~~) children with mental illness and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) The involvement of persons with mental illness, their family members, and advocates in designing and implementing mental health services that reduce unnecessary hospitalization and incarceration and promote the recovery and employment of persons with mental illness. To improve the quality of services available and promote the rehabilitation, recovery, and reintegration of persons with mental illness, consumer and advocate participation in mental health services is an integral part of the community mental health system and shall be supported;

(3) Accountability of efficient and effective services through state-of-the-art outcome and performance measures and statewide standards for monitoring client and system outcomes, performance, and reporting of client and system outcome information. These processes shall be designed so as to maximize the use of available resources for direct care of people with a mental illness and to assure uniform data collection across the state;

(4) Minimum service delivery standards;

(5) Priorities for the use of available resources for the care of ~~((the mentally ill))~~ individuals with mental illness consistent with the priorities defined in the statute;

(6) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, ~~((regional support networks))~~ behavioral health and recovery organizations, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of ~~((the mentally ill))~~ individuals with mental illness, and other service providers; and

(7) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders including services operated by consumers and advocates. The legislature intends to encourage the development of regional mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties ~~((are encouraged to))~~ must enter into joint operating agreements with other counties to form regional systems of care that are consistent with the regional service areas established under section 2 of this act. Regional systems of care, whether operated by a county, group of counties, or another entity shall integrate planning, administration, and service delivery duties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs. The legislature hereby finds and declares that sound fiscal management requires vigilance to ensure that funds appropriated by the legislature for the provision of needed community mental health programs and services are ultimately expended solely for the purpose for which they were appropriated, and not for any other purpose.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end, the legislature intends to promote active engagement with ~~((mentally ill))~~ persons with mental illness and collaboration between families and service providers.

Sec. 6. RCW 71.24.016 and 2006 c 333 s 102 are each amended to read as follows:

(1) The legislature intends that eastern and western state hospitals shall operate as clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. It is further the intent of the legislature that the community mental health service delivery system focus on maintaining ~~((mentally ill))~~ individuals with mental illness in the community. The program shall be evaluated and managed through a limited number of outcome and performance measures ~~((designed to hold each regional support network accountable for program success))~~, as provided in RCW 43.20A.895, 70.320.020, and 71.36.025.

(2) The legislature intends to address the needs of people with mental disorders with a targeted, coordinated, and comprehensive set of evidence-based practices that are effective in serving individuals in their community and will reduce the need for placements in state mental hospitals. The legislature further intends to explicitly hold ~~((regional support networks))~~ behavioral health and recovery organizations accountable for serving people with mental disorders within the boundaries of their ~~((geographic boundaries))~~ regional service area and for not exceeding their allocation of state hospital beds. ~~((Within funds appropriated by the legislature for this purpose, regional support networks shall~~

~~develop the means to serve the needs of people with mental disorders within their geographic boundaries. Elements of the program may include:~~

- ~~—(a) Crisis triage;~~
- ~~—(b) Evaluation and treatment and community hospital beds;~~
- ~~—(c) Residential beds;~~
- ~~—(d) Programs for community treatment teams; and~~
- ~~—(e) Outpatient services.~~

~~(3) The regional support network shall have the flexibility, within the funds appropriated by the legislature for this purpose, to design the mix of services that will be most effective within their service area of meeting the needs of people with mental disorders and avoiding placement of such individuals at the state mental hospital. Regional support networks are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.)~~

NEW SECTION. Sec. 7. A new section is added to chapter 71.24 RCW to read as follows:

(1) By December 1, 2018, the department and the health care authority shall report to the governor and the legislature regarding the preparedness of each regional service area to provide mental health services, chemical dependency services, and medical care services to medicaid clients under a fully integrated managed health care purchasing system.

(2) By January 1, 2020, the department and the health care authority must transition community behavioral health services to a system of fully integrated managed health care purchasing that provides mental health services, chemical dependency services, and medical care services to medicaid clients.

NEW SECTION. Sec. 8. A new section is added to chapter 71.24 RCW to read as follows:

(1) Within funds appropriated by the legislature for this purpose, behavioral health and recovery organizations shall develop the means to serve the needs of people with mental disorders residing within the boundaries of their regional service area. Elements of the program may include:

- (a) Crisis diversion services;
- (b) Evaluation and treatment and community hospital beds;
- (c) Residential treatment;
- (d) Programs for intensive community treatment;
- (e) Outpatient services;
- (f) Peer support services;
- (g) Community support services;
- (h) Resource management services; and
- (i) Supported housing and supported employment services.

(2) The behavioral health and recovery organization shall have the flexibility, within the funds appropriated by the legislature for this purpose, the terms of their contract, and federal requirements for coverage of medicaid-funded services, to design the mix of services that will be most effective within their service area of meeting the needs of people with mental disorders and avoiding placement of such individuals at the state mental hospital. Behavioral health and recovery organizations are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

Sec. 9. RCW 71.24.025 and 2013 c 338 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

- (a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

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(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(6) "Community mental health program" means all mental health services, activities, or programs using available resources.

(7) "Community mental health service delivery system" means public ~~((or))~~, private, or tribal agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(8) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by ~~((regional support networks))~~ behavioral health and recovery organizations.

(9) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(10) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(11) "Department" means the department of social and health services.

(12) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(13) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (14) of this section.

(14) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(15) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 or 70.96A RCW ~~((or))~~, an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, or tribal attestations that meet ~~((s))~~ state minimum standards or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(16) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(17) "Mental health services" means all services provided by ~~((regional support networks))~~ behavioral health and recovery organizations and other services provided by the state for persons who are mentally ill.

(18) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (4), (27), and (28) of this section.

(19) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(20) "~~((Regional support network))~~ Behavioral health and recovery organization" means ~~((a))~~ any county authority or group of county authorities or other entity recognized by the secretary in contract in a defined region.

(21) "Registration records" include all the records of the department, ~~((regional support networks))~~ behavioral health and recovery organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(22) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (14) of this section but does not meet the full criteria for evidence-based.

(23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the ~~((regional support network))~~ behavioral health and recovery organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a ~~((regional support network))~~ behavioral health and recovery organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the ~~((regional support network))~~ behavioral health and recovery organization.

(26) "Secretary" means the secretary of social and health services.

(27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the ~~((regional support network))~~ behavioral health and recovery organization to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly

interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(30) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by ~~((regional support networks))~~ behavioral health and recovery organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, ~~((regional support networks))~~ behavioral health and recovery organizations, or a treatment facility if the notes or records are not available to others.

(31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any ~~((regional support network))~~ behavioral health and recovery organization that would present a conflict of interest.

(32) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and chemical dependency treatment services as described in chapter 70.96A RCW.

Sec. 10. RCW 71.24.035 and 2013 c 200 s 24 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, tribal, and licensed service provider participation in developing the state mental health program, developing contracts with ~~((regional support networks))~~ behavioral health and recovery organizations, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the ~~((regional support network))~~ behavioral health and recovery organization if the ~~((regional support network))~~ behavioral health and recovery organization fails to meet state minimum standards or refuses to exercise responsibilities under its contract or RCW 71.24.045, until such time as a new ~~((regional support network))~~ behavioral health and recovery organization is designated ~~((under RCW 71.24.320))~~.

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(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for adults and children with mental illness ~~((The secretary shall also develop a six-year state mental health plan))~~;

(b) Assure that any ~~((regional))~~ behavioral health and recovery organization or county community mental health program provides ~~((access to treatment for the region's residents, including parents who are respondents independency cases, in the following order of priority: (i) Persons with acute mental illness; (ii) adults with chronic mental illness and children who are severely emotionally disturbed; and (iii) persons who are seriously disturbed. Such programs shall provide:~~

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for persons with mental illness which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in persons with mental illness becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services) medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the department;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department; and

(ii) ~~((Regional support networks; and~~ medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the department;
~~((iii)))~~ inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of persons who are minorities, elderly, disabled, children, low-income, and parents who are respondents in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards ~~((RCW 71.24.320 and 71.24.330,))~~ which shall be used in contracting with ~~((regional support networks))~~ behavioral health and recovery organizations. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork

requirements of ~~((regional support networks))~~ behavioral health and recovery organizations and licensed service providers. The audit procedure shall focus on the outcomes of service ~~((and not the processes for accomplishing them))~~ as provided in RCW 43.20A.895, 70.320.020, and 71.36.025;

(g) Develop and maintain an information system to be used by the state and ~~((regional support networks))~~ behavioral health and recovery organizations that includes a tracking method which allows the department and ~~((regional support networks))~~ behavioral health and recovery organizations to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(h) License service providers who meet state minimum standards;

(i) ~~((Certify regional support networks that meet state minimum standards;~~

~~((j)))~~ Periodically monitor the compliance of ((certified regional support networks)) behavioral health and recovery organizations and their network of licensed service providers for compliance with the contract between the department, the ((regional support network)) behavioral health and recovery organization, and federal and state rules at reasonable times and in a reasonable manner;

~~((k)))~~ Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

~~((l)))~~ Monitor and audit ((regional support networks)) behavioral health and recovery organizations and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

~~((m)))~~ Adopt such rules as are necessary to implement the department's responsibilities under this chapter;

~~((n)))~~ Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services;

~~((o)))~~ License or certify crisis stabilization units that meet state minimum standards;

~~((p)))~~ License or certify clubhouses that meet state minimum standards; and

~~((q)))~~ License or certify triage facilities that meet state minimum standards.

(6) The secretary shall use available resources only for ~~((regional support networks))~~ behavioral health and recovery organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each ~~((certified regional support network))~~ behavioral health and recovery organization and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A ~~((certified regional support network))~~ behavioral health and recovery organization or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the behavioral health and recovery organization contractual remedies in section 3 of this act or may have its service provider certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any (~~regional support network~~) behavioral health and recovery organization or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any (~~regional support network~~) behavioral health and recovery organizations or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a (~~regional support network~~) behavioral health and recovery organization or service provider without a contract, certification, or a license under this chapter.

(12) The standards for certification or licensure of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The standards for certification or licensure of crisis stabilization units shall include standards that:

(a) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;

(b) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and

(c) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.

(14) The standards for certification or licensure of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(15) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(16) The secretary shall assume all duties assigned to the nonparticipating (~~regional support networks~~) behavioral health and recovery organizations under chapters 71.05 and 71.34 RCW and this chapter. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating (~~regional support networks~~) behavioral health and recovery organizations.

The (~~regional support networks~~) behavioral health and recovery organizations, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.34 RCW and this chapter, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(17) The secretary shall:

(a) Disburse funds for the (~~regional support networks~~) behavioral health and recovery organizations within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with (~~regional support networks~~) behavioral health and recovery organizations. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify (~~regional support networks~~) behavioral health and recovery organizations of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to (~~regional support networks~~) behavioral health and recovery organizations based solely upon formal findings of noncompliance with the terms of the (~~regional support network's~~) behavioral health and recovery organization's contract with the department. (~~Regional support networks~~) Behavioral health and recovery organizations disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the (~~regional support networks~~) behavioral health and recovery organizations.

(18) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 11. RCW 71.24.045 and 2006 c 333 s 105 are each amended to read as follows:

The (~~regional support network~~) behavioral health and recovery organization shall:

(1) Contract as needed with licensed service providers. The (~~regional support network~~) behavioral health and recovery organization may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

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(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the ~~((regional support network))~~ behavioral health and recovery organization shall comply with rules promulgated by the secretary that shall provide measurements to determine when a ~~((regional support network))~~ behavioral health and recovery organization provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the ~~((regional support network))~~ behavioral health and recovery organization to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Assure that the special needs of minorities, the elderly, ~~((disabled))~~ individuals with disabilities, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(6) Collaborate to ensure that policies do not result in an adverse shift of ~~((mentally ill))~~ persons with mental illness into state and local correctional facilities;

(7) Work with the department to expedite the enrollment or re-enrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

(8) ~~((If a regional support network is not operated by the county;))~~ Work closely with the county designated mental health professional or county designated crisis responder to maximize appropriate placement of persons into community services; and

(9) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital to ensure they are transitioned into the community in accordance with mutually agreed upon discharge plans and upon determination by the medical director of the state mental hospital that they no longer need intensive inpatient care.

Sec. 12. RCW 71.24.100 and 2012 c 117 s 442 are each amended to read as follows:

A county authority or a group of county authorities may enter into a joint operating agreement to ~~((form))~~ respond to a request for a detailed plan and contract with the state to operate a ~~((regional support network))~~ behavioral health and recovery organization whose boundaries are consistent with the regional service areas established under section 2 of this act. Any agreement between two or more county authorities ~~((for the establishment of a regional support network))~~ shall provide:

(1) That each county shall bear a share of the cost of mental health services; and

(2) That the treasurer of one participating county shall be the custodian of funds made available for the purposes of such mental health services, and that the treasurer may make payments from such funds upon audit by the appropriate auditing officer of the county for which he or she is treasurer.

Sec. 13. RCW 71.24.110 and 1999 c 10 s 7 are each amended to read as follows:

An agreement ~~((for the establishment of a community mental health program))~~ to contract with the state to operate a behavioral health and recovery organization under RCW 71.24.100 may also provide:

(1) For the joint supervision or operation of services and facilities, or for the supervision or operation of service and facilities by one participating county under contract for the other participating counties; and

(2) For such other matters as are necessary or proper to effectuate the purposes of this chapter.

Sec. 14. RCW 71.24.340 and 2005 c 503 s 13 are each amended to read as follows:

The secretary shall require the ~~((regional support networks))~~ behavioral health and recovery organizations to develop ~~((interlocal agreements pursuant to RCW 71.09.555. To this end, the regional support networks shall))~~ agreements with city and county jails to accept referrals for enrollment on behalf of a confined person, prior to the person's release.

Sec. 15. RCW 71.24.420 and 2001 c 323 s 2 are each amended to read as follows:

The department shall operate the community mental health service delivery system authorized under this chapter within the following constraints:

(1) The full amount of federal funds for mental health services, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the community mental health service delivery system authorized in this chapter.

(2) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures ~~((defined in section 5 of this act))~~ established in RCW 43.20A.895 and 71.36.025 and performance measures linked to those outcomes.

(3) The department shall implement strategies that accomplish the outcome measures ~~((identified in section 5 of this act that are within the funding constraints in this section))~~ established in RCW 43.20A.895, 70.320.020, and 71.36.025 and performance measures linked to those outcomes.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section.

Sec. 16. RCW 70.96A.020 and 2001 c 13 s 1 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who suffers from the disease of alcoholism.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(4) "Chemical dependency" means:

(a) Alcoholism; (b) drug addiction; or (c) dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(5) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.

(6) "Department" means the department of social and health services.

(7) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in

RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

(8) "Director" means the person administering the chemical dependency program within the department.

(9) "Drug addict" means a person who suffers from the disease of drug addiction.

(10) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(11) "Emergency service patrol" means a patrol established under RCW 70.96A.170.

(12) "Gravely disabled by alcohol or other psychoactive chemicals" or "gravely disabled" means that a person, as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.

(13) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, or a long-term alcoholism or drug treatment facility, or in confinement.

(14) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, is gravely disabled or presents a likelihood of serious harm to himself or herself, to any other person, or to property.

(15) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

(16) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(17) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(18) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self; (ii) physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused the harm or that places another person or persons in reasonable fear of sustaining the harm; or (iii) physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts.

(19) "Medical necessity" for inpatient care of a minor means a requested certified inpatient service that is reasonably calculated to: (a) Diagnose, arrest, or alleviate a chemical dependency; or (b) prevent the worsening of chemical dependency conditions that endanger life or cause suffering and pain, or result in illness or infirmity or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(20) "Minor" means a person less than eighteen years of age.

(21) "Parent" means the parent or parents who have the legal right to custody of the child. Parent includes custodian or guardian.

(22) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons

specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(23) "Person" means an individual, including a minor.

(24) "Professional person in charge" or "professional person" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

(25) "Secretary" means the secretary of the department of social and health services.

(26) "Treatment" means the broad range of emergency, detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

(27) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of alcoholics or other drug addicts.

(28) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

(29) "Behavioral health and recovery organization" means a county authority or group of county authorities or other entity recognized by the secretary in contract in a defined regional service area.

(30) "Behavioral health services" means mental health services as described in chapters 71.24 and 71.36 RCW and chemical dependency treatment services as described in this chapter.

Sec. 17. RCW 70.96A.040 and 1989 c 270 s 5 are each amended to read as follows:

The department, in the operation of the chemical dependency program may:

(1) Plan, establish, and maintain prevention and treatment programs as necessary or desirable;

(2) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for services rendered or furnished to alcoholics or other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, or intoxicated persons;

(3) Enter into agreements for monitoring of verification of qualifications of counselors employed by approved treatment programs;

(4) Adopt rules under chapter 34.05 RCW to carry out the provisions and purposes of this chapter and contract, cooperate, and coordinate with other public or private agencies or individuals for those purposes;

(5) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(6) Administer or supervise the administration of the provisions relating to alcoholics, other drug addicts, and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(7) Coordinate its activities and cooperate with chemical dependency programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this and other states for the treatment of alcoholics and other drug addicts and their families, persons

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incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons and for the common advancement of chemical dependency programs;

(8) Keep records and engage in research and the gathering of relevant statistics;

(9) Do other acts and things necessary or convenient to execute the authority expressly granted to it;

(10) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide treatment programs.

Sec. 18. RCW 70.96A.050 and 2001 c 13 s 2 are each amended to read as follows:

The department shall:

(1) Develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and other drug addiction, treatment of alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons in cooperation with public and private agencies, organizations, and individuals and provide technical assistance and consultation services for these purposes;

(2) Assure that any behavioral health and recovery organization managed care contract or managed care contract under RCW 74.09.522 for behavioral health services or program for the treatment of alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons provides medically necessary services to medicaid recipients. This must include a continuum of mental health and chemical dependency services consistent with the state's medicaid plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the department;

(3) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism and drug addiction, and treatment of alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

~~((3))~~ (4) Cooperate with public and private agencies in establishing and conducting programs to provide treatment for alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons who are clients of the correctional system;

~~((4))~~ (5) Cooperate with the superintendent of public instruction, state board of education, schools, police departments, courts, and other public and private agencies, organizations and individuals in establishing programs for the prevention of alcoholism and other drug addiction, treatment of alcoholics or other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, and preparing curriculum materials thereon for use at all levels of school education;

~~((5))~~ (6) Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol and other psychoactive chemicals and the consequences of their use;

~~((6))~~ (7) Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of alcoholics or other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol and other psychoactive chemicals, the consequences of their use, the principles of recovery, and HIV and AIDS;

~~((7))~~ (8) Organize and foster training programs for persons engaged in treatment of alcoholics or other drug addicts, persons

incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

~~((8))~~ (9) Sponsor and encourage research into the causes and nature of alcoholism and other drug addiction, treatment of alcoholics and other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, and serve as a clearinghouse for information relating to alcoholism or other drug addiction;

~~((9))~~ (10) Specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

~~((10))~~ (11) Advise the governor in the preparation of a comprehensive plan for treatment of alcoholics and other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons for inclusion in the state's comprehensive health plan;

~~((11))~~ (12) Review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to alcoholism and other drug addiction, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

~~((12))~~ (13) Assist in the development of, and cooperate with, programs for alcohol and other psychoactive chemical education and treatment for employees of state and local governments and businesses and industries in the state;

~~((13))~~ (14) Use the support and assistance of interested persons in the community to encourage alcoholics and other drug addicts voluntarily to undergo treatment;

~~((14))~~ (15) Cooperate with public and private agencies in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

~~((15))~~ (16) Encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics and other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons and to provide them with adequate and appropriate treatment;

~~((16))~~ (17) Encourage all health and disability insurance programs to include alcoholism and other drug addiction as a covered illness; and

~~((17))~~ (18) Organize and sponsor a statewide program to help court personnel, including judges, better understand the disease of alcoholism and other drug addiction and the uses of chemical dependency treatment programs.

Sec. 19. RCW 70.96A.080 and 1989 c 270 s 18 are each amended to read as follows:

(1) In coordination with the health care authority, the department shall establish by ~~((and))~~ appropriate means, ~~((including contracting for services,))~~ a comprehensive and coordinated ~~((discrete))~~ program for the treatment of alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

(2)(a) The program shall include, but not necessarily be limited to, a continuum of chemical dependency treatment services that includes:

~~((a))~~ (i) Detoxification services available twenty-four hours a day;

~~((b))~~ (ii) Residential treatment; ~~((and~~
~~—(c))~~ (iii) Outpatient treatment, including medication assisted treatment; and

(iv) Contracts with at least one provider directly or through contracts with behavioral health and recovery organizations, for

case management and residential treatment services for pregnant and parenting women.

(b) The program may include peer support, supported housing, supported employment, crisis diversion, or recovery support services.

(3) All appropriate public and private resources shall be coordinated with and used in the program when possible.

(4) The department may contract for the use of an approved treatment program or other individual or organization if the secretary considers this to be an effective and economical course to follow.

(5) By April 1, 2016, treatment provided under this chapter must be purchased primarily through managed care contracts. Consistent with RCW 70.96A.350, services and funding provided through the criminal justice treatment account are intended to be exempted from managed care contracting.

Sec. 20. RCW 70.96A.320 and 2013 c 320 s 8 are each amended to read as follows:

(1) A county legislative authority, or two or more counties acting jointly, may establish an alcoholism and other drug addiction program. If two or more counties jointly establish the program, they shall designate one county to provide administrative and financial services.

(2) To be eligible for funds from the department for the support of the county alcoholism and other drug addiction program, the county legislative authority shall establish a county alcoholism and other drug addiction board under RCW 70.96A.300 and appoint a county alcoholism and other drug addiction program coordinator under RCW 70.96A.310.

(3) The county legislative authority may apply to the department for financial support for the county program of alcoholism and other drug addiction. To receive financial support, the county legislative authority shall submit a plan that meets the following conditions:

(a) It shall describe the prevention, early intervention, or recovery support services and activities to be provided;

(b) It shall include anticipated expenditures and revenues;

(c) It shall be prepared by the county alcoholism and other drug addiction program board and be adopted by the county legislative authority;

(d) It shall reflect maximum effective use of existing services and programs; and

(e) It shall meet other conditions that the secretary may require.

(4) The county may accept and spend gifts, grants, and fees, from public and private sources, to implement its program of alcoholism and other drug addiction.

(5) The department shall require that any agreement to provide financial support to a county that performs the activities of a service coordination organization for alcoholism and other drug addiction services must incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW.

(6) The county may subcontract for prevention, early intervention, or recovery support services with approved prevention or treatment programs.

(7) To continue to be eligible for financial support from the department for the county alcoholism and other drug addiction program, an increase in state financial support shall not be used to supplant local funds from a source that was used to support the county alcoholism and other drug addiction program before the effective date of the increase.

Sec. 21. RCW 71.24.049 and 2001 c 323 s 13 are each amended to read as follows:

By January 1st of each odd-numbered year, the ~~((regional support network))~~ behavioral health and recovery organization shall identify: (1) The number of children in each priority group, as

defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

Sec. 22. RCW 71.24.061 and 2007 c 359 s 7 are each amended to read as follows:

(1) The department shall provide flexibility in provider contracting to ~~((regional support networks))~~ behavioral health and recovery organizations for children's mental health services. Beginning with 2007-2009 biennium contracts, ~~((regional support network))~~ behavioral health and recovery organization contracts shall authorize ~~((regional support networks))~~ behavioral health and recovery organizations to allow and encourage licensed community mental health centers to subcontract with individual licensed mental health professionals when necessary to meet the need for an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington division of public behavioral health and justice policy. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, children's hospital and regional medical center, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the department and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of

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other evidence-based practice implementation efforts in Washington and other states.

(3) To the extent that funds are specifically appropriated for this purpose, the department in collaboration with the evidence-based practice institute shall implement a pilot program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program. The program shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

Sec. 23. RCW 71.24.155 and 2001 c 323 s 14 are each amended to read as follows:

Grants shall be made by the department to ~~((regional support networks))~~ behavioral health and recovery organizations for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter.

Sec. 24. RCW 71.24.160 and 2011 c 343 s 6 are each amended to read as follows:

The ~~((regional support networks))~~ behavioral health and recovery organizations shall make satisfactory showing to the secretary that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, 1990. Maintenance of effort funds devoted to judicial services related to involuntary commitment reimbursed under RCW 71.05.730 must be expended for other purposes that further treatment for mental health and chemical dependency disorders.

Sec. 25. RCW 71.24.250 and 2001 c 323 s 16 are each amended to read as follows:

The ~~((regional support network))~~ behavioral health and recovery organization may accept and expend gifts and grants received from private, county, state, and federal sources.

Sec. 26. RCW 71.24.300 and 2008 c 261 s 4 are each amended to read as follows:

(1) Upon the request of a tribal authority or authorities within a ~~((regional support network))~~ behavioral health and recovery organization the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the ~~((regional support network))~~ behavioral health and recovery organization.

(2) The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served.

(3) The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under ~~((regional support networks))~~ behavioral health and recovery organizations by rule, except to assure that all duties required of ~~((regional support networks))~~ behavioral health and recovery organizations are assigned and that counties and the ~~((regional support network))~~ behavioral health and recovery organization do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the ~~((regional support networks))~~ behavioral health and recovery organization's contract with the secretary.

(4) If a ~~((regional support network))~~ behavioral health and recovery organization is a private entity, the department shall allow

for the inclusion of the tribal authority to be represented as a party to the ~~((regional support network))~~ behavioral health and recovery organization.

(5) The roles and responsibilities of the private entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

(6) ~~((Regional support networks))~~ Behavioral health and recovery organizations shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) Provide within the boundaries of each ~~((regional support network))~~ behavioral health and recovery organization evaluation and treatment services for at least ninety percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. ~~((Regional support networks))~~ Behavioral health and recovery organizations may contract to purchase evaluation and treatment services from other ~~((networks))~~ organizations if they are unable to provide for appropriate resources within their boundaries. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each ~~((regional support network))~~ behavioral health and recovery organization. Such exceptions are limited to:

(i) Contracts with neighboring or contiguous regions; or

(ii) Individuals detained or committed for periods up to seventeen days at the state hospitals at the discretion of the secretary.

(d) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as ~~((defined))~~ described in RCW 71.24.035, and mental health services to children.

(e) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(7) A ~~((regional support network))~~ behavioral health and recovery organization may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the persons with mental illness and which is within the boundaries of a ~~((regional support network))~~ behavioral health and recovery organization be made available to support the operations of the ~~((regional support network))~~ behavioral health and recovery organization. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(8) Each ~~((regional support network))~~ behavioral health and recovery organization shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the ~~((regional support network))~~ behavioral health and recovery organization, and work with the ~~((regional support network))~~ behavioral health and recovery organization to resolve significant concerns regarding service delivery and outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding ~~((regional support network))~~ behavioral health and recovery organization performance. The composition of the board shall be broadly

representative of the demographic character of the region and shall include, but not be limited to, representatives of consumers and families, law enforcement, and where the county is not the ~~((regional support network)) behavioral health and recovery organization~~, county elected officials. Composition and length of terms of board members may differ between ~~((regional support networks)) behavioral health and recovery organizations~~ but shall be included in each ~~((regional support network's)) behavioral health and recovery organization's~~ contract and approved by the secretary.

(9) ~~((Regional support networks)) Behavioral health and recovery organizations~~ shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(10) ~~((Regional support networks)) Behavioral health and recovery organizations~~ may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the ~~((regional support network)) behavioral health and recovery organization~~ six-year operating and capital plan, timeline, and budget required by subsection (6) of this section.

Sec. 27. RCW 71.24.310 and 2013 2nd sp.s. c 4 s 994 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the ~~((regional support network)) behavioral health and recovery organization~~ defined in RCW 71.24.025. For this reason, the legislature intends that the department and the ~~((regional support networks)) behavioral health and recovery organizations~~ shall work together to implement chapter 71.05 RCW as follows:

(1) By June 1, 2006, ~~((regional support networks)) behavioral health and recovery organizations~~ shall recommend to the department the number of state hospital beds that should be allocated for use by each ~~((regional support network)) behavioral health and recovery organization~~. The statewide total allocation shall not exceed the number of state hospital beds offering long-term inpatient care, as defined in this chapter, for which funding is provided in the biennial appropriations act.

(2) If there is consensus among the ~~((regional support networks)) behavioral health and recovery organizations~~ regarding the number of state hospital beds that should be allocated for use by each ~~((regional support network)) behavioral health and recovery organization~~, the department shall contract with each ~~((regional support network)) behavioral health and recovery organization~~ accordingly.

(3) If there is not consensus among the ~~((regional support networks)) behavioral health and recovery organizations~~ regarding the number of beds that should be allocated for use by each ~~((regional support network)) behavioral health and recovery organization~~, the department shall establish by emergency rule the number of state hospital beds that are available for use by each ~~((regional support network)) behavioral health and recovery organization~~. The emergency rule shall be effective September 1, 2006. The primary factor used in the allocation shall be the estimated number of adults with acute and chronic mental illness in each ~~((regional support network)) behavioral health and recovery organization~~ area, based upon population-adjusted incidence and utilization.

(4) The allocation formula shall be updated at least every three years to reflect demographic changes, and new evidence regarding the incidence of acute and chronic mental illness and the need for long-term inpatient care. In the updates, the statewide total allocation shall include (a) all state hospital beds offering long-term inpatient care for which funding is provided in the biennial appropriations act; plus (b) the estimated equivalent number of beds

or comparable diversion services contracted in accordance with subsection (5) of this section.

(5) The department is encouraged to enter performance-based contracts with ~~((regional support networks)) behavioral health and recovery organizations~~ to provide some or all of the ~~((regional support network's)) behavioral health and recovery organization's~~ allocated long-term inpatient treatment capacity in the community, rather than in the state hospital. The performance contracts shall specify the number of patient days of care available for use by the ~~((regional support network)) behavioral health and recovery organization~~ in the state hospital.

(6) If a ~~((regional support network)) behavioral health and recovery organization~~ uses more state hospital patient days of care than it has been allocated under subsection (3) or (4) of this section, or than it has contracted to use under subsection (5) of this section, whichever is less, it shall reimburse the department for that care, except during the period of July 1, 2012, through December 31, 2013, where reimbursements may be temporarily altered per section 204, chapter 4, Laws of 2013 2nd sp. sess. The reimbursement rate per day shall be the hospital's total annual budget for long-term inpatient care, divided by the total patient days of care assumed in development of that budget.

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital and, during the 2007-2009 fiscal biennium, implementing new services that will enable a ~~((regional support network)) behavioral health and recovery organization~~ to reduce its utilization of the state hospital. The department shall distribute the remaining half of such reimbursements among ~~((regional support networks)) behavioral health and recovery organizations~~ that have used less than their allocated or contracted patient days of care at that hospital, proportional to the number of patient days of care not used.

Sec. 28. RCW 71.24.350 and 2013 c 23 s 189 are each amended to read as follows:

The department shall require each ~~((regional support network)) behavioral health and recovery organization~~ to provide for a separately funded mental health ombuds office in each ~~((regional support network)) behavioral health and recovery organization~~ that is independent of the ~~((regional support network)) behavioral health and recovery organization~~. The ombuds office shall maximize the use of consumer advocates.

Sec. 29. RCW 71.24.370 and 2006 c 333 s 103 are each amended to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after March 29, 2006.

(2) Except as expressly provided in contracts entered into between the department and the ~~((regional support networks)) behavioral health and recovery organizations~~ after March 29, 2006, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care.

(3) This section applies to counties, ~~((regional support networks)) behavioral health and recovery organizations~~, and entities which contract to provide ~~((regional support network)) behavioral health and recovery organization~~ services and their subcontractors, agents, or employees.

Sec. 30. RCW 71.24.455 and 1997 c 342 s 2 are each amended to read as follows:

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(1) The secretary shall select and contract with a (~~(regional support network)~~) behavioral health and recovery organization or private provider to provide specialized access and services to (~~(mentally ill)~~) offenders with mental illness upon release from total confinement within the department of corrections who have been identified by the department of corrections and selected by the (~~(regional support network)~~) behavioral health and recovery organization or private provider as high-priority clients for services and who meet service program entrance criteria. The program shall enroll no more than twenty-five offenders at any one time, or a number of offenders that can be accommodated within the appropriated funding level, and shall seek to fill any vacancies that occur.

(2) Criteria shall include a determination by department of corrections staff that:

(a) The offender suffers from a major mental illness and needs continued mental health treatment;

(b) The offender's previous crime or crimes have been determined by either the court or department of corrections staff to have been substantially influenced by the offender's mental illness;

(c) It is believed the offender will be less likely to commit further criminal acts if provided ongoing mental health care;

(d) The offender is unable or unlikely to obtain housing and/or treatment from other sources for any reason; and

(e) The offender has at least one year remaining before his or her sentence expires but is within six months of release to community housing and is currently housed within a work release facility or any department of corrections' division of prisons facility.

(3) The (~~(regional support network)~~) behavioral health and recovery organization or private provider shall provide specialized access and services to the selected offenders. The services shall be aimed at lowering the risk of recidivism. An oversight committee composed of a representative of the department, a representative of the selected (~~(regional support network)~~) behavioral health and recovery organization or private provider, and a representative of the department of corrections shall develop policies to guide the pilot program, provide dispute resolution including making determinations as to when entrance criteria or required services may be waived in individual cases, advise the department of corrections and the (~~(regional support network)~~) behavioral health and recovery organization or private provider on the selection of eligible offenders, and set minimum requirements for service contracts. The selected (~~(regional support network)~~) behavioral health and recovery organization or private provider shall implement the policies and service contracts. The following services shall be provided:

(a) Intensive case management to include a full range of intensive community support and treatment in client-to-staff ratios of not more than ten offenders per case manager including: (i) A minimum of weekly group and weekly individual counseling; (ii) home visits by the program manager at least two times per month; and (iii) counseling focusing on relapse prevention and past, current, or future behavior of the offender.

(b) The case manager shall attempt to locate and procure housing appropriate to the living and clinical needs of the offender and as needed to maintain the psychiatric stability of the offender. The entire range of emergency, transitional, and permanent housing and involuntary hospitalization must be considered as available housing options. A housing subsidy may be provided to offenders to defray housing costs up to a maximum of six thousand six hundred dollars per offender per year and be administered by the case manager. Additional funding sources may be used to offset these costs when available.

(c) The case manager shall collaborate with the assigned prison, work release, or community corrections staff during release

planning, prior to discharge, and in ongoing supervision of the offender while under the authority of the department of corrections.

(d) Medications including the full range of psychotropic medications including atypical antipsychotic medications may be required as a condition of the program. Medication prescription, medication monitoring, and counseling to support offender understanding, acceptance, and compliance with prescribed medication regimens must be included.

(e) A systematic effort to engage offenders to continuously involve themselves in current and long-term treatment and appropriate rehabilitative activities shall be made.

(f) Classes appropriate to the clinical and living needs of the offender and appropriate to his or her level of understanding.

(g) The case manager shall assist the offender in the application and qualification for entitlement funding, including medicaid, state assistance, and other available government and private assistance at any point that the offender is qualified and resources are available.

(h) The offender shall be provided access to daily activities such as drop-in centers, prevocational and vocational training and jobs, and volunteer activities.

(4) Once an offender has been selected into the pilot program, the offender shall remain in the program until the end of his or her sentence or unless the offender is released from the pilot program earlier by the department of corrections.

(5) Specialized training in the management and supervision of high-crime risk (~~(mentally ill)~~) offenders with mental illness shall be provided to all participating mental health providers by the department and the department of corrections prior to their participation in the program and as requested thereafter.

(6) The pilot program provided for in this section must be providing services by July 1, 1998.

Sec. 31. RCW 71.24.470 and 2009 c 319 s 1 are each amended to read as follows:

(1) The secretary shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the secretary deems necessary to assist offenders identified under RCW 72.09.370 for participation in the offender reentry community safety program. The contracts may be with (~~(regional support networks)~~) behavioral health and recovery organizations or any other qualified and appropriate entities.

(2) The case manager has the authority to assist these offenders in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, obtaining chemical dependency treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section and distributed to the (~~(regional support networks)~~) behavioral health and recovery organizations are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The offender reentry community safety program was formerly known as the community integration assistance program.

Sec. 32. RCW 71.24.480 and 2009 c 319 s 2 are each amended to read as follows:

(1) A licensed service provider or (~~(regional support network)~~) behavioral health and recovery organization, acting in the course of the provider's or (~~(network's)~~) organization's duties under this

chapter, is not liable for civil damages resulting from the injury or death of another caused by a participant in the offender reentry community safety program who is a client of the provider or ~~((network))~~ organization, unless the act or omission of the provider or ~~((network))~~ organization constitutes:

- (a) Gross negligence;
- (b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed service provider and ~~((regional support network))~~ behavioral health and recovery organization shall report an offender's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed service provider's or ~~((regional support network's))~~ behavioral health and recovery organization's mere act of treating a participant in the offender reentry community safety program is not negligence. Nothing in this subsection alters the licensed service provider's or ~~((regional support network's))~~ behavioral health and recovery organization's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed service providers and ~~((regional support networks))~~ behavioral health and recovery organizations and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the offender reentry community safety program" means a person who has been identified under RCW 72.09.370 as an offender who: (a) Is reasonably believed to be dangerous to himself or herself or others; and (b) has a mental disorder.

Sec. 33. RCW 71.24.845 and 2013 c 230 s 1 are each amended to read as follows:

The ~~((regional support networks))~~ behavioral health and recovery organizations shall jointly develop a uniform transfer agreement to govern the transfer of clients between ~~((regional support networks))~~ behavioral health and recovery organizations. By September 1, 2013, the ~~((regional support networks))~~ behavioral health and recovery organizations shall submit the uniform transfer agreement to the department. By December 1, 2013, the department shall establish guidelines to implement the uniform transfer agreement and may modify the uniform transfer agreement as necessary to avoid impacts on state administrative systems.

Sec. 34. RCW 71.24.055 and 2007 c 359 s 4 are each amended to read as follows:

As part of the system transformation initiative, the department of social and health services shall undertake the following activities related specifically to children's mental health services:

(1) The development of recommended revisions to the access to care standards for children. The recommended revisions shall reflect the policies and principles set out in RCW 71.36.005, 71.36.010, and 71.36.025, and recognize that early identification, intervention and prevention services, and brief intervention services may be provided outside of the ~~((regional support network))~~ behavioral health and recovery organization system. Revised access to care standards shall assess a child's need for mental health services based upon the child's diagnosis and its negative impact upon his or her persistent impaired functioning in family, school, or the community, and should not solely condition the receipt of services upon a determination that a child is engaged in high risk behavior or is in imminent need of hospitalization or out-of-home placement. Assessment and diagnosis for children under five years

of age shall be determined using a nationally accepted assessment tool designed specifically for children of that age. The recommendations shall also address whether amendments to RCW 71.24.025 ~~((26) and))~~ (27) and (28) and 71.24.035(5) are necessary to implement revised access to care standards;

(2) Development of a revised children's mental health benefit package. The department shall ensure that services included in the children's mental health benefit package reflect the policies and principles included in RCW 71.36.005 and 71.36.025, to the extent allowable under medicaid, Title XIX of the federal social security act. Strong consideration shall be given to developmentally appropriate evidence-based and research-based practices, family-based interventions, the use of natural and peer supports, and community support services. This effort shall include a review of other states' efforts to fund family-centered children's mental health services through their medicaid programs;

(3) Consistent with the timeline developed for the system transformation initiative, recommendations for revisions to the children's access to care standards and the children's mental health services benefits package shall be presented to the legislature by January 1, 2009.

Sec. 35. RCW 71.24.065 and 2007 c 359 s 10 are each amended to read as follows:

To the extent funds are specifically appropriated for this purpose, the department of social and health services shall contract for implementation of a wraparound model of integrated children's mental health services delivery in up to four ~~((regional support network))~~ behavioral health and recovery organization regions in Washington state in which wraparound programs are not currently operating, and in up to two ~~((regional support network))~~ behavioral health and recovery organization regions in which wraparound programs are currently operating. Contracts in regions with existing wraparound programs shall be for the purpose of expanding the number of children served.

(1) Funding provided may be expended for: Costs associated with a request for proposal and contracting process; administrative costs associated with successful bidders' operation of the wraparound model; the evaluation under subsection (5) of this section; and funding for services needed by children enrolled in wraparound model sites that are not otherwise covered under existing state programs. The services provided through the wraparound model sites shall include, but not be limited to, services covered under the medicaid program. The department shall maximize the use of medicaid and other existing state-funded programs as a funding source. However, state funds provided may be used to develop a broader service package to meet needs identified in a child's care plan. Amounts provided shall supplement, and not supplant, state, local, or other funding for services that a child being served through a wraparound site would otherwise be eligible to receive.

(2) The wraparound model sites shall serve children with serious emotional or behavioral disturbances who are at high risk of residential or correctional placement or psychiatric hospitalization, and who have been referred for services from the department, a county juvenile court, a tribal court, a school, or a licensed mental health provider or agency.

(3) Through a request for proposal process, the department shall contract, with ~~((regional support networks))~~ behavioral health and recovery organizations, alone or in partnership with either educational service districts or entities licensed to provide mental health services to children with serious emotional or behavioral disturbances, to operate the wraparound model sites. The contractor shall provide care coordination and facilitate the delivery of services and other supports to families using a strength-based, highly individualized wraparound process. The request for proposal shall require that:

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(a) The ~~((regional support network))~~ behavioral health and recovery organization agree to use its medicaid revenues to fund services included in the existing ~~((regional support network's))~~ behavioral health and recovery organization's benefit package that a medicaid-eligible child participating in the wraparound model site is determined to need;

(b) The contractor provide evidence of commitments from at least the following entities to participate in wraparound care plan development and service provision when appropriate: Community mental health agencies, schools, the department of social and health services children's administration, juvenile courts, the department of social and health services juvenile rehabilitation administration, and managed health care systems contracting with the department under RCW 74.09.522; and

(c) The contractor will operate the wraparound model site in a manner that maintains fidelity to the wraparound process as defined in RCW 71.36.010.

(4) Contracts for operation of the wraparound model sites shall be executed on or before April 1, 2008, with enrollment and service delivery beginning on or before July 1, 2008.

(5) The evidence-based practice institute established in RCW 71.24.061 shall evaluate the wraparound model sites, measuring outcomes for children served. Outcomes measured shall include, but are not limited to: Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, school attendance, school performance, recidivism, emergency room utilization, involvement with the juvenile justice system, decreased use of psychotropic medication, and decreased hospitalization.

(6) The evidence-based practice institute shall provide a report and recommendations to the appropriate committees of the legislature by December 1, 2010.

Sec. 36. RCW 71.24.240 and 2005 c 503 s 10 are each amended to read as follows:

In order to establish eligibility for funding under this chapter, any ~~((regional support network))~~ behavioral health and recovery organization seeking to obtain federal funds for the support of any aspect of a community mental health program as defined in this chapter shall submit program plans to the secretary for prior review and approval before such plans are submitted to any federal agency.

Sec. 37. RCW 71.24.320 and 2008 c 261 s 5 are each amended to read as follows:

(1) If an existing ~~((regional support network))~~ behavioral health and recovery organization chooses not to respond to a request for ~~((qualifications))~~ a detailed plan, or is unable to substantially meet the requirements of a request for ~~((qualifications))~~ a detailed plan, or notifies the department of social and health services it will no longer serve as a ~~((regional support network))~~ behavioral health and recovery organization, the department shall utilize a procurement process in which other entities recognized by the secretary may bid to serve as the ~~((regional support network))~~ behavioral health and recovery organization.

(a) The request for proposal shall include a scoring factor for proposals that include additional financial resources beyond that provided by state appropriation or allocation.

(b) The department shall provide detailed briefings to all bidders in accordance with department and state procurement policies.

(c) The request for proposal shall also include a scoring factor for proposals submitted by nonprofit entities that include a component to maximize the utilization of state provided resources and the leverage of other funds for the support of mental health services to persons with mental illness.

(2) A ~~((regional support network))~~ behavioral health and recovery organization that voluntarily terminates, refuses to renew, or refuses to sign a mandatory amendment to its contract to act as a

~~((regional support network))~~ behavioral health and recovery organization is prohibited from responding to a procurement under this section or serving as a ~~((regional support network))~~ behavioral health and recovery organization for five years from the date that the department signs a contract with the entity that will serve as the ~~((regional support network))~~ behavioral health and recovery organization.

Sec. 38. RCW 71.24.330 and 2013 c 320 s 9 are each amended to read as follows:

(1)(a) Contracts between a ~~((regional support network))~~ behavioral health and recovery organization and the department shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial penalties, termination of the contract, and reprourement of the contract.

(b) The department shall incorporate the criteria to measure the performance of service coordination organizations into contracts with ~~((regional support networks))~~ behavioral health and recovery organizations as provided in chapter 70.320 RCW.

(2) The ~~((regional support network))~~ behavioral health and recovery organization procurement processes shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. However, a ~~((regional support network))~~ behavioral health and recovery organization selected through the procurement process is not required to contract for services with any county-owned or operated facility. The ~~((regional support network))~~ behavioral health and recovery organization procurement process shall provide that public funds appropriated by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the ~~((regional support network))~~ behavioral health and recovery organization does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

(c) Require substantial implementation of department adopted integrated screening and assessment process and matrix of best practices;

(d) Maintain the decision-making independence of designated mental health professionals;

(e) Except at the discretion of the secretary or as specified in the biennial budget, require ~~((regional support networks))~~ behavioral health and recovery organizations to pay the state for the costs associated with individuals who are being served on the grounds of the state hospitals and who are not receiving long-term inpatient care as defined in RCW 71.24.025;

(f) Include a negotiated alternative dispute resolution clause; and

(g) Include a provision requiring either party to provide one hundred eighty days' notice of any issue that may cause either party to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to act as a ~~((regional support network))~~ behavioral health and recovery organization. If either party decides to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to serve as a ~~((regional support network))~~ behavioral health and recovery organization they

shall provide ninety days' advance notice in writing to the other party.

Sec. 39. RCW 71.24.360 and 2012 c 91 s 1 are each amended to read as follows:

(1) The department may establish new (~~(regional support network)~~) behavioral health and recovery organization boundaries in any part of the state:

(a) Where more than one (~~(network)~~) organization chooses not to respond to, or is unable to substantially meet the requirements of, the request for (~~(qualifications)~~) a detailed plan under RCW 71.24.320;

(b) Where a (~~(regional support network)~~) behavioral health and recovery organization is subject to procurement under RCW 71.24.330; or

(c) Where two or more (~~(regional support networks)~~) behavioral health and recovery organizations propose to reconfigure themselves to achieve consolidation, in which case the procurement process described in RCW 71.24.320 and 71.24.330(2) does not apply.

(2) The department may establish no fewer than six and no more than fourteen (~~(regional support networks)~~) behavioral health and recovery organizations under this chapter. No entity shall be responsible for more than three (~~(regional support networks)~~) behavioral health and recovery organizations.

Sec. 40. RCW 71.24.405 and 2001 c 323 s 19 are each amended to read as follows:

The department shall establish a comprehensive and collaborative effort within (~~(regional support networks)~~) behavioral health and recovery organizations and with local mental health service providers aimed at creating innovative and streamlined community mental health service delivery systems, in order to carry out the purposes set forth in RCW 71.24.400 and to capture the diversity of the community mental health service delivery system.

The department must accomplish the following:

(1) Identification, review, and cataloging of all rules, regulations, duplicative administrative and monitoring functions, and other requirements that currently lead to inefficiencies in the community mental health service delivery system and, if possible, eliminate the requirements;

(2) The systematic and incremental development of a single system of accountability for all federal, state, and local funds provided to the community mental health service delivery system. Systematic efforts should be made to include federal and local funds into the single system of accountability;

(3) The elimination of process regulations and related contract and reporting requirements. In place of the regulations and requirements, a set of outcomes for mental health adult and children clients according to chapter 71.24 RCW must be used to measure the performance of mental health service providers and (~~(regional support networks)~~) behavioral health and recovery organizations. Such outcomes shall focus on stabilizing out-of-home and hospital care, increasing stable community living, increasing age-appropriate activities, achieving family and consumer satisfaction with services, and system efficiencies;

(4) Evaluation of the feasibility of contractual agreements between the department of social and health services and (~~(regional support networks)~~) behavioral health and recovery organizations and mental health service providers that link financial incentives to the success or failure of mental health service providers and (~~(regional support networks)~~) behavioral health and recovery organizations to meet outcomes established for mental health service clients;

(5) The involvement of mental health consumers and their representatives. Mental health consumers and their representatives will be involved in the development of outcome standards for mental health clients under section 5 of this act; and

(6) An independent evaluation component to measure the success of the department in fully implementing the provisions of RCW 71.24.400 and this section.

Sec. 41. RCW 71.24.430 and 2001 c 323 s 3 are each amended to read as follows:

(1) The department shall ensure the coordination of allied services for mental health clients. The department shall implement strategies for resolving organizational, regulatory, and funding issues at all levels of the system, including the state, the (~~(regional support networks)~~) behavioral health and recovery organizations, and local service providers.

(2) The department shall propose, in operating budget requests, transfers of funding among programs to support collaborative service delivery to persons who require services from multiple department programs. The department shall report annually to the appropriate committees of the senate and house of representatives on actions and projects it has taken to promote collaborative service delivery.

Sec. 42. RCW 74.09.522 and 2013 2nd sp.s. c 17 s 13 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(b) "Nonparticipating provider" means a person, health care provider, practitioner, facility, or entity, acting within their scope of practice, that does not have a written contract to participate in a managed health care system's provider network, but provides health care services to enrollees of programs authorized under this chapter whose health care services are provided by the managed health care system.

(2) The authority shall enter into agreements with managed health care systems to provide health care services to recipients of temporary assistance for needy families under the following conditions:

(a) Agreements shall be made for at least thirty thousand recipients statewide;

(b) Agreements in at least one county shall include enrollment of all recipients of temporary assistance for needy families;

(c) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system: PROVIDED, That the authority may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed twelve months: AND PROVIDED FURTHER, That the authority shall not restrict a recipient's right to terminate enrollment in a system for good cause as established by the authority by rule;

(d) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except as authorized by the authority under federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

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(e)(i) In negotiating with managed health care systems the authority shall adopt a uniform procedure to enter into contractual arrangements, to be included in contracts issued or renewed on or after January 1, 2015, including:

(A) Standards regarding the quality of services to be provided;

(B) The financial integrity of the responding system;

(C) Provider reimbursement methods that incentivize chronic care management within health homes, including comprehensive medication management services for patients with multiple chronic conditions consistent with the findings and goals established in RCW 74.09.5223;

(D) Provider reimbursement methods that reward health homes that, by using chronic care management, reduce emergency department and inpatient use;

(E) Promoting provider participation in the program of training and technical assistance regarding care of people with chronic conditions described in RCW 43.70.533, including allocation of funds to support provider participation in the training, unless the managed care system is an integrated health delivery system that has programs in place for chronic care management;

(F) Provider reimbursement methods within the medical billing processes that incentivize pharmacists or other qualified providers licensed in Washington state to provide comprehensive medication management services consistent with the findings and goals established in RCW 74.09.5223; ~~((and))~~

(G) Evaluation and reporting on the impact of comprehensive medication management services on patient clinical outcomes and total health care costs, including reductions in emergency department utilization, hospitalization, and drug costs; and

(H) Established consistent processes to incentivize integration of behavioral health services in the primary care setting, promoting care that is integrated, collaborative, colocated, and preventive.

(ii)(A) Health home services contracted for under this subsection may be prioritized to enrollees with complex, high cost, or multiple chronic conditions.

(B) Contracts that include the items in (e)(i)(C) through (G) of this subsection must not exceed the rates that would be paid in the absence of these provisions;

(f) The authority shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The authority shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the authority may enter into prepaid capitation contracts that do not include inpatient care;

(h) The authority shall define those circumstances under which a managed health care system is responsible for out-of-plan services and assure that recipients shall not be charged for such services;

(i) Nothing in this section prevents the authority from entering into similar agreements for other groups of people eligible to receive services under this chapter; and

(j) The authority must consult with the federal center for medicare and medicaid innovation and seek funding opportunities to support health homes.

(3) The authority shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate as managed health care systems are seriously considered as contractors. The authority shall coordinate its managed care activities with activities under chapter 70.47 RCW.

(4) The authority shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

(5) The legislature finds that competition in the managed health care marketplace is enhanced, in the long term, by the existence of a large number of managed health care system options for medicaid clients. In a managed care delivery system, whose goal is to focus on prevention, primary care, and improved enrollee health status, continuity in care relationships is of substantial importance, and disruption to clients and health care providers should be minimized. To help ensure these goals are met, the following principles shall guide the authority in its healthy options managed health care purchasing efforts:

(a) All managed health care systems should have an opportunity to contract with the authority to the extent that minimum contracting requirements defined by the authority are met, at payment rates that enable the authority to operate as far below appropriated spending levels as possible, consistent with the principles established in this section.

(b) Managed health care systems should compete for the award of contracts and assignment of medicaid beneficiaries who do not voluntarily select a contracting system, based upon:

(i) Demonstrated commitment to or experience in serving low-income populations;

(ii) Quality of services provided to enrollees;

(iii) Accessibility, including appropriate utilization, of services offered to enrollees;

(iv) Demonstrated capability to perform contracted services, including ability to supply an adequate provider network;

(v) Payment rates; and

(vi) The ability to meet other specifically defined contract requirements established by the authority, including consideration of past and current performance and participation in other state or federal health programs as a contractor.

(c) Consideration should be given to using multiple year contracting periods.

(d) Quality, accessibility, and demonstrated commitment to serving low-income populations shall be given significant weight in the contracting, evaluation, and assignment process.

(e) All contractors that are regulated health carriers must meet state minimum net worth requirements as defined in applicable state laws. The authority shall adopt rules establishing the minimum net worth requirements for contractors that are not regulated health carriers. This subsection does not limit the authority of the Washington state health care authority to take action under a contract upon finding that a contractor's financial status seriously jeopardizes the contractor's ability to meet its contract obligations.

(f) Procedures for resolution of disputes between the authority and contract bidders or the authority and contracting carriers related to the award of, or failure to award, a managed care contract must be clearly set out in the procurement document.

(6) The authority may apply the principles set forth in subsection (5) of this section to its managed health care purchasing efforts on behalf of clients receiving supplemental security income benefits to the extent appropriate.

(7) By April 1, 2016, any contract with a managed health care system to provide services to medical assistance enrollees shall require that managed health care systems offer contracts to behavioral health and recovery organizations, mental health providers, or chemical dependency treatment providers to provide access to primary care services integrated into behavioral health clinical settings, for individuals with behavioral health and medical comorbidities.

(8) Managed health care system contracts effective on or after April 1, 2016, shall serve geographic areas that correspond to the regional service areas established in section 2 of this act.

(9) A managed health care system shall pay a nonparticipating provider that provides a service covered under this chapter to the

system's enrollee no more than the lowest amount paid for that service under the managed health care system's contracts with similar providers in the state.

~~((8))~~ (10) For services covered under this chapter to medical assistance or medical care services enrollees and provided on or after August 24, 2011, nonparticipating providers must accept as payment in full the amount paid by the managed health care system under subsection (7) of this section in addition to any deductible, coinsurance, or copayment that is due from the enrollee for the service provided. An enrollee is not liable to any nonparticipating provider for covered services, except for amounts due for any deductible, coinsurance, or copayment under the terms and conditions set forth in the managed health care system contract to provide services under this section.

~~((9))~~ (11) Pursuant to federal managed care access standards, 42 C.F.R. Sec. 438, managed health care systems must maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the authority, including hospital-based physician services. The authority will monitor and periodically report on the proportion of services provided by contracted providers and nonparticipating providers, by county, for each managed health care system to ensure that managed health care systems are meeting network adequacy requirements. No later than January 1st of each year, the authority will review and report its findings to the appropriate policy and fiscal committees of the legislature for the preceding state fiscal year.

~~((10))~~ (12) Payments under RCW 74.60.130 are exempt from this section.

~~((11))~~ (13) Subsections ~~((7))~~ (9) through ~~((9))~~ (11) of this section expire July 1, 2016.

Sec. 43. RCW 9.41.280 and 2009 c 453 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

- (a) Any firearm;
- (b) Any other dangerous weapon as defined in RCW 9.41.250;
- (c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- (d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect;
- (e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated mental health professional unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

The designated mental health professional may determine whether to refer the person to the county-designated chemical dependency specialist for examination and evaluation in accordance with chapter 70.96A RCW. The county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 70.96A RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated mental health professional or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated mental health professional and county-designated chemical dependency specialist shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated mental health professional determines it is appropriate, the designated mental health professional may refer the person to the local ~~((regional support network))~~ behavioral and recovery health organization for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by

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school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

Sec. 44. RCW 10.31.110 and 2011 c 305 s 7 and 2011 c 148 s 3 are each reenacted and amended to read as follows:

(1) When a police officer has reasonable cause to believe that the individual has committed acts constituting a nonfelony crime that is not a serious offense as identified in RCW 10.77.092 and the individual is known by history or consultation with the ((regional support network)) behavioral health and recovery organization to suffer from a mental disorder, the arresting officer may:

(a) Take the individual to a crisis stabilization unit as defined in RCW 71.05.020(6). Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours. The individual must be examined by a mental health professional within three hours of arrival;

(b) Take the individual to a triage facility as defined in RCW 71.05.020. An individual delivered to a triage facility which has elected to operate as an involuntary facility may be held up to a period of twelve hours. The individual must be examined by a mental health professional within three hours of arrival;

(c) Refer the individual to a mental health professional for evaluation for initial detention and proceeding under chapter 71.05 RCW; or

(d) Release the individual upon agreement to voluntary participation in outpatient treatment.

(2) If the individual is released to the community, the mental health provider shall inform the arresting officer of the release within a reasonable period of time after the release if the arresting officer has specifically requested notification and provided contact information to the provider.

(3) In deciding whether to refer the individual to treatment under this section, the police officer shall be guided by standards mutually agreed upon with the prosecuting authority, which address, at a minimum, the length, seriousness, and recency of the known

criminal history of the individual, the mental health history of the individual, where available, and the circumstances surrounding the commission of the alleged offense.

(4) Any agreement to participate in treatment shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in a mental health treatment alternative. The agreement is inadmissible in any criminal or civil proceeding. The agreement does not create immunity from prosecution for the alleged criminal activity.

(5) If an individual violates such agreement and the mental health treatment alternative is no longer appropriate:

(a) The mental health provider shall inform the referring law enforcement agency of the violation; and

(b) The original charges may be filed or referred to the prosecutor, as appropriate, and the matter may proceed accordingly.

(6) The police officer is immune from liability for any good faith conduct under this section.

Sec. 45. RCW 10.77.010 and 2011 c 89 s 4 are each amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(4) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(5) "Department" means the state department of social and health services.

(6) "Designated mental health professional" has the same meaning as provided in RCW 71.05.020.

(7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(9) "Developmental disability" means the condition as defined in RCW 71A.10.020(((3)))(4).

(10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety

presented by the person being assisted as manifested by prior charged criminal conduct.

(13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(14) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(15) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(16) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(17) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(18) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(19) "Registration records" include all the records of the department, ~~((regional support networks))~~ behavioral health and recovery organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(20) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(21) "Secretary" means the secretary of the department of social and health services or his or her designee.

(22) "Treatment" means any currently standardized medical or mental health procedure including medication.

(23) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by ~~((regional support networks))~~ behavioral health

and recovery organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, ~~((regional support networks))~~ behavioral health and recovery organizations, or a treatment facility if the notes or records are not available to others.

(24) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

Sec. 46. RCW 10.77.065 and 2013 c 214 s 1 are each amended to read as follows:

(1)(a)(i) The expert conducting the evaluation shall provide his or her report and recommendation to the court in which the criminal proceeding is pending. For a competency evaluation of a defendant who is released from custody, if the evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

(ii) A copy of the report and recommendation shall be provided to the designated mental health professional, the prosecuting attorney, the defense attorney, and the professional person at the local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(iv) of this subsection. Upon request, the evaluator shall also provide copies of any source documents relevant to the evaluation to the designated mental health professional.

(iii) Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report. Distribution of an evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant. If the defendant is discharged to the custody of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses to cooperate with medication.

(iv) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the ~~((regional support network))~~ behavioral health and recovery organization, a professional person at the ~~((regional support network))~~ behavioral health and recovery organization to receive the report and recommendation.

(v) Upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator of the name of the professional person, or person designated under (a)(iv) of this subsection, to receive the report and recommendation.

(b) If the evaluator concludes, under RCW 10.77.060(3)(f), the person should be evaluated by a designated mental health professional under chapter 71.05 RCW, the court shall order such evaluation be conducted prior to release from confinement when the person is acquitted or convicted and sentenced to confinement for twenty-four months or less, or when charges are dismissed pursuant to a finding of incompetent to stand trial.

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(2) The designated mental health professional shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW. The notification shall be provided to the persons identified in subsection (1)(a) of this section.

(3) The prosecuting attorney shall provide a copy of the results of any proceedings commenced by the designated mental health professional under subsection (2) of this section to the secretary.

(4) A facility conducting a civil commitment evaluation under RCW 10.77.086(4) or 10.77.088(1)(b)(ii) that makes a determination to release the person instead of filing a civil commitment petition must provide written notice to the prosecutor and defense attorney at least twenty-four hours prior to release. The notice may be given by electronic mail, facsimile, or other means reasonably likely to communicate the information immediately.

(5) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may also be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

Sec. 47. RCW 28A.310.202 and 2007 c 359 s 9 are each amended to read as follows:

Educational service district boards may partner with ~~((regional support networks))~~ behavioral health and recovery organizations to respond to a request for proposal for operation of a wraparound model site under chapter 359, Laws of 2007 and, if selected, may contract for the provision of services to coordinate care and facilitate the delivery of services and other supports under a wraparound model.

Sec. 48. RCW 43.185.060 and 1994 c 160 s 2 are each amended to read as follows:

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, ~~((regional support networks))~~ behavioral health and recovery organizations established under chapter 71.24 RCW, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or statewide nonprofit housing assistance organizations.

Eligibility for assistance from the department under this chapter also requires compliance with the revenue and taxation laws, as applicable to the recipient, at the time the grant is made.

Sec. 49. RCW 43.185.070 and 2013 c 145 s 3 are each amended to read as follows:

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department for the housing assistance program, the department must announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement must be made as often as the director deems appropriate for proper utilization of resources. The department must then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department as provided in RCW 43.185.050.

(2) In awarding funds under this chapter, the department must:

(a) Provide for a geographic distribution on a statewide basis; and

(b) Until June 30, 2013, consider the total cost and per-unit cost of each project for which an application is submitted for funding under RCW 43.185.050(2) (a) and (j), as compared to similar housing projects constructed or renovated within the same geographic area.

(3) The department, with advice and input from the affordable housing advisory board established in RCW 43.185B.020, or a

subcommittee of the affordable housing advisory board, must report recommendations for awarding funds in a cost-effective manner. The report must include an implementation plan, timeline, and any other items the department identifies as important to consider to the legislature by December 1, 2012.

(4) The department must give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities must be evaluated under subsection (5) of this section. Second priority must be given to activities and projects which utilize existing publicly owned housing stock. All projects and activities must be evaluated by some or all of the criteria under subsection (5) of this section, and similar projects and activities shall be evaluated under the same criteria.

(5) The department must give preference for applications based on some or all of the criteria under this subsection, and similar projects and activities must be evaluated under the same criteria:

(a) The degree of leveraging of other funds that will occur;

(b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;

(c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(d) Local government project contributions in the form of infrastructure improvements, and others;

(e) Projects that encourage ownership, management, and other project-related responsibility opportunities;

(f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least twenty-five years;

(g) The applicant has the demonstrated ability, stability and resources to implement the project;

(h) Projects which demonstrate serving the greatest need;

(i) Projects that provide housing for persons and families with the lowest incomes;

(j) Projects serving special needs populations which are under statutory mandate to develop community housing;

(k) Project location and access to employment centers in the region or area;

(l) Projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program as defined in RCW 50.72.020; and

(m) Project location and access to available public transportation services.

(6) The department may only approve applications for projects for persons with mental illness that are consistent with a ~~((regional support network))~~ behavioral health and recovery organization six-year capital and operating plan.

Sec. 50. RCW 43.185.110 and 1993 c 478 s 15 are each amended to read as follows:

The affordable housing advisory board established in RCW 43.185B.020 shall advise the director on housing needs in this state, including housing needs for persons ~~((who are mentally ill or developmentally disabled))~~ with mental illness or developmental disabilities or youth who are blind or deaf or otherwise disabled, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter. Such advice shall be consistent with policies and plans developed by ~~((regional support~~

~~networks~~)) behavioral health and recovery organizations according to chapter 71.24 RCW for ~~((the mentally ill))~~ individuals with mental illness and the developmental disabilities planning council for ~~((the developmentally disabled))~~ individuals with developmental disabilities.

Sec. 51. RCW 43.20A.895 and 2013 c 338 s 2 are each amended to read as follows:

(1) The systems responsible for financing, administration, and delivery of publicly funded mental health and chemical dependency services to adults must be designed and administered to achieve improved outcomes for adult clients served by those systems through increased use and development of evidence-based, research-based, and promising practices, as defined in RCW 71.24.025. For purposes of this section, client outcomes include: Improved health status; increased participation in employment and education; reduced involvement with the criminal justice system; enhanced safety and access to treatment for forensic patients; reduction in avoidable utilization of and costs associated with hospital, emergency room, and crisis services; increased housing stability; improved quality of life, including measures of recovery and resilience; and decreased population level disparities in access to treatment and treatment outcomes.

(2) The department and the health care authority must implement a strategy for the improvement of the adult behavioral health system.

(a) The department must establish a steering committee that includes at least the following members: Behavioral health service recipients and their families; local government; representatives of ~~((regional support networks))~~ behavioral health and recovery organizations; representatives of county coordinators; law enforcement; city and county jails; tribal representatives; behavioral health service providers, including at least one chemical dependency provider and at least one psychiatric advanced registered nurse practitioner; housing providers; medicaid managed care plan representatives; long-term care service providers; organizations representing health care professionals providing services in mental health settings; the Washington state hospital association; the Washington state medical association; individuals with expertise in evidence-based and research-based behavioral health service practices; and the health care authority.

(b) The adult behavioral health system improvement strategy must include:

(i) An assessment of the capacity of the current publicly funded behavioral health services system to provide evidence-based, research-based, and promising practices;

(ii) Identification, development, and increased use of evidence-based, research-based, and promising practices;

(iii) Design and implementation of a transparent quality management system, including analysis of current system capacity to implement outcomes reporting and development of baseline and improvement targets for each outcome measure provided in this section;

(iv) Identification and phased implementation of service delivery, financing, or other strategies that will promote improvement of the behavioral health system as described in this section and incentivize the medical care, behavioral health, and long-term care service delivery systems to achieve the improvements described in this section and collaborate across systems. The strategies must include phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance and levels of improvement between geographic regions of Washington; and

(v) Identification of effective methods for promoting workforce capacity, efficiency, stability, diversity, and safety.

(c) The department must seek private foundation and federal grant funding to support the adult behavioral health system improvement strategy.

(d) By May 15, 2014, the Washington state institute for public policy, in consultation with the department, the University of Washington evidence-based practice institute, the University of Washington alcohol and drug abuse institute, and the Washington institute for mental health research and training, shall prepare an inventory of evidence-based, research-based, and promising practices for prevention and intervention services pursuant to subsection (1) of this section. The department shall use the inventory in preparing the behavioral health improvement strategy. The department shall provide the institute with data necessary to complete the inventory.

(e) By August 1, 2014, the department must report to the governor and the relevant fiscal and policy committees of the legislature on the status of implementation of the behavioral health improvement strategy, including strategies developed or implemented to date, timelines, and costs to accomplish phased implementation of the adult behavioral health system improvement strategy.

(3) The department must contract for the services of an independent consultant to review the provision of forensic mental health services in Washington state and provide recommendations as to whether and how the state's forensic mental health system should be modified to provide an appropriate treatment environment for individuals with mental disorders who have been charged with a crime while enhancing the safety and security of the public and other patients and staff at forensic treatment facilities. By August 1, 2014, the department must submit a report regarding the recommendations of the independent consultant to the governor and the relevant fiscal and policy committees of the legislature.

Sec. 52. RCW 43.20A.897 and 2013 c 338 s 7 are each amended to read as follows:

(1) By November 30, 2013, the department and the health care authority must report to the governor and the relevant fiscal and policy committees of the legislature, consistent with RCW 43.01.036, a plan that establishes a tribal-centric behavioral health system incorporating both mental health and chemical dependency services. The plan must assure that child, adult, and older adult American Indians and Alaskan Natives eligible for medicaid have increased access to culturally appropriate mental health and chemical dependency services. The plan must:

(a) Include implementation dates, major milestones, and fiscal estimates as needed;

(b) Emphasize the use of culturally appropriate evidence-based and promising practices;

(c) Address equitable access to crisis services, outpatient care, voluntary and involuntary hospitalization, and behavioral health care coordination;

(d) Identify statutory changes necessary to implement the tribal-centric behavioral health system; and

(e) Be developed with the department's Indian policy advisory committee and the American Indian health commission, in consultation with Washington's federally recognized tribes.

(2) The department shall enter into agreements with the tribes and urban Indian health programs and modify ~~((regional support network))~~ behavioral health and recovery organization contracts as necessary to develop a tribal-centric behavioral health system that better serves the needs of the tribes.

Sec. 53. RCW 43.20C.020 and 2012 c 232 s 3 are each amended to read as follows:

The department of social and health services shall accomplish the following in consultation and collaboration with the Washington state institute for public policy, the evidence-based practice institute at the University of Washington, a university-based child welfare

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partnership and research entity, other national experts in the delivery of evidence-based services, and organizations representing Washington practitioners:

(1) By September 30, 2012, the Washington state institute for public policy, the University of Washington evidence-based practice institute, in consultation with the department shall publish descriptive definitions of evidence-based, research-based, and promising practices in the areas of child welfare, juvenile rehabilitation, and children's mental health services.

(a) In addition to descriptive definitions, the Washington state institute for public policy and the University of Washington evidence-based practice institute must prepare an inventory of evidence-based, research-based, and promising practices for prevention and intervention services that will be used for the purpose of completing the baseline assessment described in subsection (2) of this section. The inventory shall be periodically updated as more practices are identified.

(b) In identifying evidence-based and research-based services, the Washington state institute for public policy and the University of Washington evidence-based practice institute must:

(i) Consider any available systemic evidence-based assessment of a program's efficacy and cost-effectiveness; and

(ii) Attempt to identify assessments that use valid and reliable evidence.

(c) Using state, federal, or private funds, the department shall prioritize the assessment of promising practices identified in (a) of this subsection with the goal of increasing the number of such practices that meet the standards for evidence-based and research-based practices.

(2) By June 30, 2013, the department and the health care authority shall complete a baseline assessment of utilization of evidence-based and research-based practices in the areas of child welfare, juvenile rehabilitation, and children's mental health services. The assessment must include prevention and intervention services provided through medicaid fee-for-service and healthy options managed care contracts. The assessment shall include estimates of:

(a) The number of children receiving each service;

(b) For juvenile rehabilitation and child welfare services, the total amount of state and federal funds expended on the service;

(c) For children's mental health services, the number and percentage of encounters using these services that are provided to children served by ~~((regional support networks))~~ behavioral health and recovery organizations and children receiving mental health services through medicaid fee-for-service or healthy options;

(d) The relative availability of the service in the various regions of the state; and

(e) To the extent possible, the unmet need for each service.

(3)(a) By December 30, 2013, the department and the health care authority shall report to the governor and to the appropriate fiscal and policy committees of the legislature on recommended strategies, timelines, and costs for increasing the use of evidence-based and research-based practices. The report must distinguish between a reallocation of existing funding to support the recommended strategies and new funding needed to increase the use of the practices.

(b) The department shall provide updated recommendations to the governor and the legislature by December 30, 2014, and by December 30, 2015.

(4)(a) The report required under subsection (3) of this section must include recommendations for the reallocation of resources for evidence-based and research-based practices and substantial increases above the baseline assessment of the use of evidence-based and research-based practices for the 2015-2017 and

the 2017-2019 biennia. The recommendations for increases shall be consistent with subsection (2) of this section.

(b) If the department or health care authority anticipates that it will not meet its recommended levels for an upcoming biennium as set forth in its report, it must report to the legislature by November 1st of the year preceding the biennium. The report shall include:

(i) The identified impediments to meeting the recommended levels;

(ii) The current and anticipated performance level; and

(iii) Strategies that will be undertaken to improve performance.

(5) Recommendations made pursuant to subsections (3) and (4) of this section must include strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities, and community organizations that serve diverse communities.

Sec. 54. RCW 43.20C.030 and 2012 c 232 s 4 are each amended to read as follows:

The department of social and health services, in consultation with a university-based evidence-based practice institute entity in Washington, the Washington partnership council on juvenile justice, the child mental health systems of care planning committee, the children, youth, and family advisory committee, the Washington state racial disproportionality advisory committee, a university-based child welfare research entity in Washington state, ~~((regional support networks))~~ behavioral health and recovery organizations, the Washington association of juvenile court administrators, and the Washington state institute for public policy, shall:

(1) Develop strategies to use unified and coordinated case plans for children, youth, and their families who are or are likely to be involved in multiple systems within the department;

(2) Use monitoring and quality control procedures designed to measure fidelity with evidence-based and research-based prevention and treatment programs; and

(3) Utilize any existing data reporting and system of quality management processes at the state and local level for monitoring the quality control and fidelity of the implementation of evidence-based and research-based practices.

Sec. 55. RCW 44.28.800 and 1998 c 297 s 61 are each amended to read as follows:

The joint legislative audit and review committee shall conduct an evaluation of the efficiency and effectiveness of chapter 297, Laws of 1998 in meeting its stated goals. Such an evaluation shall include the operation of the state mental hospitals and the ~~((regional support networks))~~ behavioral health and recovery organizations, as well as any other appropriate entity. The joint legislative audit and review committee shall prepare an interim report of its findings which shall be delivered to the appropriate legislative committees of the house of representatives and the senate no later than September 1, 2000. In addition, the joint legislative audit and review committee shall prepare a final report of its findings which shall be delivered to the appropriate legislative committees of the house of representatives and the senate no later than January 1, 2001.

Sec. 56. RCW 48.01.220 and 1993 c 462 s 104 are each amended to read as follows:

The activities and operations of mental health ~~((regional support networks))~~ behavioral health and recovery organizations, to the extent they pertain to the operation of a medical assistance managed care system in accordance with chapters 71.24 and 74.09 RCW, are exempt from the requirements of this title.

Sec. 57. RCW 70.02.010 and 2013 c 200 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" has the same meaning as in RCW 71.05.020.

(2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;
 (b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(3) "Commitment" has the same meaning as in RCW 71.05.020.

(4) "Custody" has the same meaning as in RCW 71.05.020.

(5) "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

(6) "Department" means the department of social and health services.

(7) "Designated mental health professional" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(8) "Detention" or "detain" has the same meaning as in RCW 71.05.020.

(9) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(10) "Discharge" has the same meaning as in RCW 71.05.020.

(11) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(12) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(13) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(14) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(15) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(16) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

(17) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset for the benefit of the health care provider, health care facility, or third-party payor.

(18) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(19) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

(20) "Imminent" has the same meaning as in RCW 71.05.020.

(21) "Information and records related to mental health services" means a type of health care information that relates to all information and records, including mental health treatment records, compiled, obtained, or maintained in the course of providing services by a mental health service agency, as defined in this section. This may include documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated community mental health program as defined in RCW 71.24.025(6).

(22) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity of any person upon whom an HIV antibody test or other

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sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

(23) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(24) "Legal counsel" has the same meaning as in RCW 71.05.020.

(25) "Local public health officer" has the same meaning as in RCW 70.24.017.

(26) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(27) "Mental health professional" has the same meaning as in RCW 71.05.020.

(28) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community mental health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(29) "Mental health treatment records" include registration records, as defined in RCW 71.05.020, and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by ~~((regional support networks))~~ behavioral health and recovery organizations and their staffs, and by treatment facilities. "Mental health treatment records" include mental health information contained in a medical bill including, but not limited to, mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. "Mental health treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the department, ~~((regional support networks))~~ behavioral health and recovery organizations, or a treatment facility if the notes or records are not available to others.

(30) "Minor" has the same meaning as in RCW 71.34.020.

(31) "Parent" has the same meaning as in RCW 71.34.020.

(32) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(33) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

(34) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(35) "Professional person" has the same meaning as in RCW 71.05.020.

(36) "Psychiatric advanced registered nurse practitioner" has the same meaning as in RCW 71.05.020.

(37) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(38) "Release" has the same meaning as in RCW 71.05.020.

(39) "Resource management services" has the same meaning as in RCW 71.05.020.

(40) "Serious violent offense" has the same meaning as in RCW 71.05.020.

(41) "Sexually transmitted infection" or "sexually transmitted disease" has the same meaning as "sexually transmitted disease" in RCW 70.24.017.

(42) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

(43) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

(44) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

Sec. 58. RCW 70.02.230 and 2013 c 200 s 7 are each amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, 70.96A.150, 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental

health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

- (i) Employed by the facility;
- (ii) Who has medical responsibility for the patient's care;
- (iii) Who is a designated mental health professional;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(ii);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the

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patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court;

(p) To qualified staff members of the department, to the director of (~~regional support networks~~) behavioral health and recovery organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department;

(s) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information contained in the mental health treatment records could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(t) Consistent with the requirements of the federal health information portability and accountability act, to a licensed mental health professional or a health care professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is providing care to a person, or to whom a person has been referred for evaluation or treatment, to assure coordinated care and treatment of that person. Psychotherapy notes, as defined in 45 C.F.R. Sec. 164.501, may not be released without authorization of the person who is the subject of the request for release of information;

(u) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (t) of this subsection;

(v) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one treatment facility to another. The release of records under this subsection is limited to the mental health treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(w) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(x) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding

whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(y) To all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(e). The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department may not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(z)(i) To the secretary of social and health services for either program evaluation or research, or both so long as the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, , agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(3)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to

stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

- (i) One thousand dollars; or
- (ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 59. RCW 70.02.250 and 2013 c 200 s 9 are each amended to read as follows:

(1) Information and records related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW must be released, upon request, by a mental health service agency to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purpose of completing presentence investigations, supervision of an incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request must be in writing and may not require the consent of the subject of the records.

(2) The information to be released to the department of corrections must include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (1) of this section.

(3) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific (~~regional support networks~~) behavioral health and recovery organizations and mental health service agencies that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

(4) The department and the department of corrections, in consultation with (~~regional support networks~~) behavioral health and recovery organizations, mental health service agencies as defined in RCW 70.02.010, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules must:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and

releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(5) The information received by the department of corrections under this section must remain confidential and subject to the limitations on disclosure outlined in chapter 71.34 RCW, except as provided in RCW 72.09.585.

(6) No mental health service agency or individual employed by a mental health service agency may be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under this chapter.

Sec. 60. RCW 70.320.010 and 2013 c 320 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Department" means the department of social and health services.

(3) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well-established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in this section.

(4) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(5) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in this subsection but does not meet the full criteria for evidence-based.

(6) "Service coordination organization" or "service contracting entity" means the authority and department, or an entity that may contract with the state to provide, directly or through subcontracts, a comprehensive delivery system of medical, behavioral, long-term care, or social support services, including entities such as (~~regional support networks~~) behavioral health and recovery organizations as defined in RCW 71.24.025, managed care organizations that provide medical services to clients under chapter 74.09 RCW, counties providing chemical dependency services under chapters 74.50 and 70.96A RCW, and area agencies on aging providing case management services under chapter 74.39A RCW.

Sec. 61. RCW 70.96B.010 and 2011 c 89 s 10 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital, an evaluation and treatment facility, or other inpatient facility, or a decision by a professional person in charge or his or her designee that a person should be detained as a patient for evaluation and treatment in a secure detoxification facility or other certified chemical dependency provider.

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department as meeting standards adopted under chapter 70.96A RCW.

(4) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(5) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(6) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(7) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(8) "Conditional release" means a revocable modification of a commitment that may be revoked upon violation of any of its terms.

(9) "Custody" means involuntary detention under either chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(10) "Department" means the department of social and health services.

(11) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and this chapter, and qualified to do so by meeting standards adopted by the department.

(12) "Designated crisis responder" means a person designated by the county or (~~regional support network~~) behavioral health and recovery organization to perform the duties specified in this chapter.

(13) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(14) "Detention" or "detain" means the lawful confinement of a person under this chapter, or chapter 70.96A or 71.05 RCW.

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with individuals with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(16) "Developmental disability" means that condition defined in RCW 71A.10.020.

(17) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(18) "Evaluation and treatment facility" means any facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient

care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and that is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility that is part of, or operated by, the department or any federal agency does not require certification. No correctional institution or facility, or jail, may be an evaluation and treatment facility within the meaning of this chapter.

(19) "Facility" means either an evaluation and treatment facility or a secure detoxification facility.

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(21) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(22) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

(23) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(24) "Judicial commitment" means a commitment by a court under this chapter.

(25) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(26) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts.

(27) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive or volitional functions.

(28) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(30) "Person in charge" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

(31) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved treatment program, that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent.

(32) "Professional person" means a mental health professional or chemical dependency professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter.

(33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(34) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(35) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(36) "Registration records" means all the records of the department, ~~((regional support networks))~~ behavioral health and recovery organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(37) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW or this chapter.

(38) "Secretary" means the secretary of the department or the secretary's designee.

(39) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that serves the purpose of providing evaluation and assessment, and acute and/or subacute detoxification services for intoxicated persons and includes security measures sufficient to protect the patients, staff, and community.

(40) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(41) "Treatment records" means registration records and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by ~~((regional support networks))~~ behavioral health and recovery organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, ~~((regional support networks))~~ behavioral health and recovery organizations, or a treatment facility if the notes or records are not available to others.

(42) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 62. RCW 70.96B.020 and 2005 c 504 s 203 are each amended to read as follows:

(1) The secretary, after consulting with the Washington state association of counties, shall select and contract with ~~((regional support networks))~~ behavioral health and recovery organizations or counties to provide two integrated crisis response and involuntary treatment pilot programs for adults and shall allocate resources for

both integrated services and secure detoxification services in the pilot areas. In selecting the two ~~((regional support networks))~~ behavioral health and recovery organizations or counties, the secretary shall endeavor to site one in an urban and one in a rural ~~((regional support network))~~ behavioral health and recovery organization or county; and to site them in counties other than those selected pursuant to RCW 70.96A.800, to the extent necessary to facilitate evaluation of pilot project results.

(2) The ~~((regional support networks))~~ behavioral health and recovery organizations or counties shall implement the pilot programs by providing integrated crisis response and involuntary treatment to persons with a chemical dependency, a mental disorder, or both, consistent with this chapter. The pilot programs shall:

(a) Combine the crisis responder functions of a designated mental health professional under chapter 71.05 RCW and a designated chemical dependency specialist under chapter 70.96A RCW by establishing a new designated crisis responder who is authorized to conduct investigations and detain persons up to seventy-two hours to the proper facility;

(b) Provide training to the crisis responders as required by the department;

(c) Provide sufficient staff and resources to ensure availability of an adequate number of crisis responders twenty-four hours a day, seven days a week;

(d) Provide the administrative and court-related staff, resources, and processes necessary to facilitate the legal requirements of the initial detention and the commitment hearings for persons with a chemical dependency;

(e) Participate in the evaluation and report to assess the outcomes of the pilot programs including providing data and information as requested;

(f) Provide the other services necessary to the implementation of the pilot programs, consistent with this chapter as determined by the secretary in contract; and

(g) Collaborate with the department of corrections where persons detained or committed are also subject to supervision by the department of corrections.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

Sec. 63. RCW 70.96B.030 and 2005 c 504 s 204 are each amended to read as follows:

To qualify as a designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

(1) Psychiatrist, psychologist, psychiatric nurse, or social worker;

(2) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;

(3) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;

(4) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the ~~((regional support network))~~ behavioral health and recovery organization and granted by the department before July 1, 2001; or

(5) Person who has been granted a time-limited exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

Sec. 64. RCW 70.96C.010 and 2005 c 504 s 601 are each amended to read as follows:

(1) The department of social and health services, in consultation with the members of the team charged with developing the state plan for co-occurring mental and substance abuse disorders, shall

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adopt, not later than January 1, 2006, an integrated and comprehensive screening and assessment process for chemical dependency and mental disorders and co-occurring chemical dependency and mental disorders.

(a) The process adopted shall include, at a minimum:

(i) An initial screening tool that can be used by intake personnel system-wide and which will identify the most common types of co-occurring disorders;

(ii) An assessment process for those cases in which assessment is indicated that provides an appropriate degree of assessment for most situations, which can be expanded for complex situations;

(iii) Identification of triggers in the screening that indicate the need to begin an assessment;

(iv) Identification of triggers after or outside the screening that indicate a need to begin or resume an assessment;

(v) The components of an assessment process and a protocol for determining whether part or all of the assessment is necessary, and at what point; and

(vi) Emphasis that the process adopted under this section is to replace and not to duplicate existing intake, screening, and assessment tools and processes.

(b) The department shall consider existing models, including those already adopted by other states, and to the extent possible, adopt an established, proven model.

(c) The integrated, comprehensive screening and assessment process shall be implemented statewide by all chemical dependency and mental health treatment providers as well as all designated mental health professionals, designated chemical dependency specialists, and designated crisis responders not later than January 1, 2007.

(2) The department shall provide adequate training to effect statewide implementation by the dates designated in this section and shall report the rates of co-occurring disorders and the stage of screening or assessment at which the co-occurring disorder was identified to the appropriate committees of the legislature.

(3) The department shall establish contractual penalties to contracted treatment providers, the ~~((regional support networks))~~ behavioral health and recovery organizations, and their contracted providers for failure to implement the integrated screening and assessment process by July 1, 2007.

Sec. 65. RCW 70.97.010 and 2011 c 89 s 11 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(2) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(3) "Chemical dependency" means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires and as those terms are defined in chapter 70.96A RCW.

(4) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(5) "Commitment" means the determination by a court that an individual should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(6) "Conditional release" means a modification of a commitment that may be revoked upon violation of any of its terms.

(7) "Custody" means involuntary detention under chapter 71.05 or 70.96A RCW, uninterrupted by any period of unconditional

release from commitment from a facility providing involuntary care and treatment.

(8) "Department" means the department of social and health services.

(9) "Designated responder" means a designated mental health professional, a designated chemical dependency specialist, or a designated crisis responder as those terms are defined in chapter 70.96A, 71.05, or 70.96B RCW.

(10) "Detention" or "detain" means the lawful confinement of an individual under chapter 70.96A or 71.05 RCW.

(11) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "Enhanced services facility" means a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the department to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues.

(13) "Expanded community services program" means a nonsecure program of enhanced behavioral and residential support provided to long-term and residential care providers serving specifically eligible clients who would otherwise be at risk for hospitalization at state hospital geriatric units.

(14) "Facility" means an enhanced services facility.

(15) "Gravely disabled" means a condition in which an individual, as a result of a mental disorder, as a result of the use of alcohol or other psychoactive chemicals, or both:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(16) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(17) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(18) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts.

(19) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(20) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(21) "Professional person" means a mental health professional and also means a physician, registered nurse, and such others as may be defined in rules adopted by the secretary pursuant to the provisions of this chapter.

(22) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(23) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(24) "Registration records" include all the records of the department, (~~(regional support networks)~~) behavioral health and recovery organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

(25) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW.

(26) "Resident" means a person admitted to an enhanced services facility.

(27) "Secretary" means the secretary of the department or the secretary's designee.

(28) "Significant change" means:

(a) A deterioration in a resident's physical, mental, or psychosocial condition that has caused or is likely to cause clinical complications or life-threatening conditions; or

(b) An improvement in the resident's physical, mental, or psychosocial condition that may make the resident eligible for release or for treatment in a less intensive or less secure setting.

(29) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(30) "Treatment" means the broad range of emergency, detoxification, residential, inpatient, and outpatient services and care, including diagnostic evaluation, mental health or chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, which may be extended to persons with mental disorders, chemical dependency disorders, or both, and their families.

(31) "Treatment records" include registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, which are maintained by the department, by (~~(regional support networks)~~) behavioral health and recovery organizations and their staffs, and by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by an individual providing treatment services for the department, (~~(regional support networks)~~) behavioral health and recovery organizations, or a treatment facility if the notes or records are not available to others.

(32) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 66. RCW 71.05.020 and 2011 c 148 s 1 and 2011 c 89 s 14 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapters 70.96A and 70.96B RCW;

(10) "Designated crisis responder" means a mental health professional appointed by the county or the (~~(regional support network)~~) behavioral health and recovery organization to perform the duties specified in this chapter;

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(12) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(13) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(14) "Developmental disability" means that condition defined in RCW 71A.10.020(~~(3)~~)(4);

(15) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her

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actions and is not receiving such care as is essential for his or her health or safety;

(18) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(19) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(20) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(22) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(23) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(24) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health service providers under RCW 71.05.130;

(25) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(26) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(27) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health

professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(28) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community mental health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, and correctional facilities operated by state and local governments;

(29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(30) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

(31) "Professional person" means a mental health professional and shall also mean a physician, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(32) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(34) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(35) "Public agency" means any evaluation and treatment facility or institution, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(36) "Registration records" include all the records of the department, (~~(regional support networks)~~) behavioral health and recovery organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

(37) "Release" means legal termination of the commitment under the provisions of this chapter;

(38) "Resource management services" has the meaning given in chapter 71.24 RCW;

(39) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(40) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(41) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(42) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders,

including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(43) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(44) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by ~~((regional support networks))~~ behavioral health and recovery organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, ~~((regional support networks))~~ behavioral health and recovery organizations, or a treatment facility if the notes or records are not available to others;

(45) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 67. RCW 71.05.025 and 2000 c 94 s 2 are each amended to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure a continuum of care to persons ~~((who are mentally ill))~~ with mental illness or who have mental disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, ~~((regional support networks))~~ behavioral health and recovery organizations established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by ~~((county))~~ designated mental health professionals and evaluation and treatment facilities to assure that determinations to admit, detain, commit, treat, discharge, or release persons with mental disorders under this chapter are made only after appropriate information regarding such person's treatment history and current treatment plan has been sought from resource management services.

Sec. 68. RCW 71.05.026 and 2006 c 333 s 301 are each amended to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after March 29, 2006.

(2) Except as expressly provided in contracts entered into between the department and the ~~((regional support networks))~~ behavioral health and recovery organizations after March 29, 2006, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care.

(3) This section applies to counties, ~~((regional support networks))~~ behavioral health and recovery organizations, and entities which contract to provide ~~((regional support network))~~ behavioral health and recovery organization services and their subcontractors, agents, or employees.

Sec. 69. RCW 71.05.027 and 2005 c 504 s 103 are each amended to read as follows:

(1) Not later than January 1, 2007, all persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders adopted pursuant to RCW 70.96C.010 and shall document the numbers of clients with co-occurring mental and substance abuse disorders based on a quadrant system of low and high needs.

(2) Treatment providers and ~~((regional support networks))~~ behavioral health and recovery organizations who fail to implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders by July 1, 2007, shall be subject to contractual penalties established under RCW 70.96C.010.

Sec. 70. RCW 71.05.110 and 2011 c 343 s 5 are each amended to read as follows:

Attorneys appointed for persons pursuant to this chapter shall be compensated for their services as follows: (1) The person for whom an attorney is appointed shall, if he or she is financially able pursuant to standards as to financial capability and indigency set by the superior court of the county in which the proceeding is held, bear the costs of such legal services; (2) if such person is indigent pursuant to such standards, the ~~((regional support network))~~ behavioral health and recovery organization shall reimburse the county in which the proceeding is held for the direct costs of such legal services, as provided in RCW 71.05.730.

Sec. 71. RCW 71.05.300 and 2009 c 293 s 5 and 2009 c 217 s 4 are each reenacted and amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated mental health professional. The designated mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the ~~((regional support network))~~ behavioral health and recovery organization administrator, and provide a copy of the petition to such persons as soon as possible. The ~~((regional support network))~~ behavioral health and recovery organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychiatric advanced registered nurse practitioner, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(4), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

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Sec. 72. RCW 71.05.365 and 2013 c 338 s 4 are each amended to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of ninety or one hundred eighty days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the ~~((regional support network))~~ behavioral health and recovery organization responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan and arrange for a transition to the community in accordance with the person's individualized discharge plan within twenty-one days of the determination.

Sec. 73. RCW 71.05.445 and 2013 c 200 s 31 are each amended to read as follows:

(1)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health service provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132 and the offender has provided the mental health service provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132, the mental health service provider is not required to notify the department of corrections that the mental health service provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

(2) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties.

(3) The department and the department of corrections, in consultation with ~~((regional support network(s)))~~ behavioral health and recovery organizations, mental health service providers as defined in RCW 71.05.020, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(4) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.

(5) No mental health service provider or individual employed by a mental health service provider shall be held responsible for

information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(6) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(7) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(8) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific ~~((regional support network(s)))~~ behavioral health and recovery organizations and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

Sec. 74. RCW 71.05.730 and 2011 c 343 s 2 are each amended to read as follows:

(1) A county may apply to its ~~((regional support network))~~ behavioral health and recovery organization on a quarterly basis for reimbursement of its direct costs in providing judicial services for civil commitment cases under this chapter and chapter 71.34 RCW. The ~~((regional support network))~~ behavioral health and recovery organization shall in turn be entitled to reimbursement from the ~~((regional support network))~~ behavioral health and recovery organization that serves the county of residence of the individual who is the subject of the civil commitment case. Reimbursements under this section shall be paid out of the ~~((regional support network(s)))~~ behavioral health and recovery organization's nonmedicaid appropriation.

(2) Reimbursement for judicial services shall be provided per civil commitment case at a rate to be determined based on an independent assessment of the county's actual direct costs. This assessment must be based on an average of the expenditures for judicial services within the county over the past three years. In the event that a baseline cannot be established because there is no significant history of similar cases within the county, the reimbursement rate shall be equal to eighty percent of the median reimbursement rate of counties included in the independent assessment.

(3) For the purposes of this section:

(a) "Civil commitment case" includes all judicial hearings related to a single episode of hospitalization, or less restrictive alternative detention in lieu of hospitalization, except that the filing of a petition for a one hundred eighty-day commitment under this chapter or a petition for a successive one hundred eighty-day commitment under chapter 71.34 RCW shall be considered to be a new case regardless of whether there has been a break in detention. "Civil commitment case" does not include the filing of a petition for a one hundred eighty-day commitment under this chapter on behalf of a patient at a state psychiatric hospital.

(b) "Judicial services" means a county's reasonable direct costs in providing prosecutor services, assigned counsel and defense services, court services, and court clerk services for civil commitment cases under this chapter and chapter 71.34 RCW.

(4) To the extent that resources have shared purpose, the ~~((regional support network))~~ behavioral health and recovery organization may only reimburse counties to the extent such resources are necessary for and devoted to judicial services as described in this section.

(5) No filing fee may be charged or collected for any civil commitment case subject to reimbursement under this section.

Sec. 75. RCW 71.05.740 and 2013 c 216 s 2 are each amended to read as follows:

By August 1, 2013, all (~~(regional support networks)~~) behavioral health and recovery organizations in the state of Washington must forward historical mental health involuntary commitment information retained by the organization including identifying information and dates of commitment to the department. As soon as feasible, the (~~(regional support networks)~~) behavioral health and recovery organizations must arrange to report new commitment data to the department within twenty-four hours. Commitment information under this section does not need to be resent if it is already in the possession of the department. (~~(Regional support networks)~~) Behavioral health and recovery organizations and the department shall be immune from liability related to the sharing of commitment information under this section.

Sec. 76. RCW 71.34.330 and 2011 c 343 s 8 are each amended to read as follows:

Attorneys appointed for minors under this chapter shall be compensated for their services as follows:

(1) Responsible others shall bear the costs of such legal services if financially able according to standards set by the court of the county in which the proceeding is held.

(2) If all responsible others are indigent as determined by these standards, the (~~(regional support network)~~) behavioral health and recovery organization shall reimburse the county in which the proceeding is held for the direct costs of such legal services, as provided in RCW 71.05.730.

Sec. 77. RCW 71.34.415 and 2011 c 343 s 4 are each amended to read as follows:

A county may apply to its (~~(regional support network)~~) behavioral health and recovery organization for reimbursement of its direct costs in providing judicial services for civil commitment cases under this chapter, as provided in RCW 71.05.730.

Sec. 78. RCW 71.36.010 and 2007 c 359 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a state, tribal, or local governmental entity or a private not-for-profit organization.

(2) "Child" means a person under eighteen years of age, except as expressly provided otherwise in state or federal law.

(3) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(4) "County authority" means the board of county commissioners or county executive.

(5) "Department" means the department of social and health services.

(6) "Early periodic screening, diagnosis, and treatment" means the component of the federal medicaid program established pursuant to 42 U.S.C. Sec. 1396d(r), as amended.

(7) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(8) "Family" means a child's biological parents, adoptive parents, foster parents, guardian, legal custodian authorized pursuant to Title 26 RCW, a relative with whom a child has been placed by the department of social and health services, or a tribe.

(9) "Promising practice" or "emerging best practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(10) "~~(Regional support network)~~ Behavioral health and recovery organization" means a county authority or group of county

authorities or other nonprofit entity that has entered into contracts with the secretary pursuant to chapter 71.24 RCW.

(11) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(12) "Secretary" means the secretary of social and health services.

(13) "Wraparound process" means a family driven planning process designed to address the needs of children and youth by the formation of a team that empowers families to make key decisions regarding the care of the child or youth in partnership with professionals and the family's natural community supports. The team produces a community-based and culturally competent intervention plan which identifies the strengths and needs of the child or youth and family and defines goals that the team collaborates on achieving with respect for the unique cultural values of the family. The "wraparound process" shall emphasize principles of persistence and outcome-based measurements of success.

Sec. 79. RCW 71.36.025 and 2007 c 359 s 3 are each amended to read as follows:

(1) It is the goal of the legislature that, by 2012, the children's mental health system in Washington state include the following elements:

(a) A continuum of services from early identification, intervention, and prevention through crisis intervention and inpatient treatment, including peer support and parent mentoring services;

(b) Equity in access to services for similarly situated children, including children with co-occurring disorders;

(c) Developmentally appropriate, high quality, and culturally competent services available statewide;

(d) Treatment of each child in the context of his or her family and other persons that are a source of support and stability in his or her life;

(e) A sufficient supply of qualified and culturally competent children's mental health providers;

(f) Use of developmentally appropriate evidence-based and research-based practices;

(g) Integrated and flexible services to meet the needs of children who, due to mental illness or emotional or behavioral disturbance, are at risk of out-of-home placement or involved with multiple child-serving systems.

(2) The effectiveness of the children's mental health system shall be determined through the use of outcome-based performance measures. The department and the evidence-based practice institute established in RCW 71.24.061, in consultation with parents, caregivers, youth, (~~(regional support networks)~~) behavioral health and recovery organizations, mental health services providers, health plans, primary care providers, tribes, and others, shall develop outcome-based performance measures such as:

(a) Decreased emergency room utilization;

(b) Decreased psychiatric hospitalization;

(c) Lessening of symptoms, as measured by commonly used assessment tools;

(d) Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, when necessary;

(e) Decreased runaways from home or residential placements;

(f) Decreased rates of chemical dependency;

(g) Decreased involvement with the juvenile justice system;

(h) Improved school attendance and performance;

(i) Reductions in school or child care suspensions or expulsions;

(j) Reductions in use of prescribed medication where cognitive behavioral therapies are indicated;

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(k) Improved rates of high school graduation and employment; and

(l) Decreased use of mental health services upon reaching adulthood for mental disorders other than those that require ongoing treatment to maintain stability.

Performance measure reporting for children's mental health services should be integrated into existing performance measurement and reporting systems developed and implemented under chapter 71.24 RCW.

Sec. 80. RCW 71.36.040 and 2003 c 281 s 2 are each amended to read as follows:

(1) The legislature supports recommendations made in the August 2002 study of the public mental health system for children conducted by the joint legislative audit and review committee.

(2) The department shall, within available funds:

(a) Identify internal business operation issues that limit the agency's ability to meet legislative intent to coordinate existing categorical children's mental health programs and funding;

(b) Collect reliable mental health cost, service, and outcome data specific to children. This information must be used to identify best practices and methods of improving fiscal management;

(c) Revise the early periodic screening diagnosis and treatment plan to reflect the mental health system structure in place on July 27, 2003, and thereafter revise the plan as necessary to conform to subsequent changes in the structure.

(3) The department and the office of the superintendent of public instruction shall jointly identify school districts where mental health and education systems coordinate services and resources to provide public mental health care for children. The department and the office of the superintendent of public instruction shall work together to share information about these approaches with other school districts, ~~((regional support networks))~~ behavioral health and recovery organizations, and state agencies.

Sec. 81. RCW 72.09.350 and 1993 c 459 s 1 are each amended to read as follows:

(1) The department of corrections and the University of Washington may enter into a collaborative arrangement to provide improved services for ~~((mentally ill))~~ offenders with mental illness with a focus on prevention, treatment, and reintegration into society. The participants in the collaborative arrangement may develop a strategic plan within sixty days after May 17, 1993, to address the management of ~~((mentally ill))~~ offenders with mental illness within the correctional system, facilitating their reentry into the community and the mental health system, and preventing the inappropriate incarceration of ~~((mentally ill))~~ individuals with mental illness. The collaborative arrangement may also specify the establishment and maintenance of a corrections mental health center located at McNeil Island corrections center. The collaborative arrangement shall require that an advisory panel of key stakeholders be established and consulted throughout the development and implementation of the center. The stakeholders advisory panel shall include a broad array of interest groups drawn from representatives of mental health, criminal justice, and correctional systems. The stakeholders advisory panel shall include, but is not limited to, membership from: The department of corrections, the department of social and health services mental health division and division of juvenile rehabilitation, ~~((regional support networks))~~ behavioral health and recovery organizations, local and regional law enforcement agencies, the sentencing guidelines commission, county and city jails, mental health advocacy groups for ~~((the mentally ill, developmentally disabled))~~ individuals with mental illness or developmental disabilities, and the traumatically brain-injured, and the general public. The center established by the department of corrections and University of Washington, in

consultation with the stakeholder advisory groups, shall have the authority to:

(a) Develop new and innovative treatment approaches for corrections mental health clients;

(b) Improve the quality of mental health services within the department and throughout the corrections system;

(c) Facilitate mental health staff recruitment and training to meet departmental, county, and municipal needs;

(d) Expand research activities within the department in the area of treatment services, the design of delivery systems, the development of organizational models, and training for corrections mental health care professionals;

(e) Improve the work environment for correctional employees by developing the skills, knowledge, and understanding of how to work with offenders with special chronic mental health challenges;

(f) Establish a more positive rehabilitative environment for offenders;

(g) Strengthen multidisciplinary mental health collaboration between the University of Washington, other groups committed to the intent of this section, and the department of corrections;

(h) Strengthen department linkages between institutions of higher education, public sector mental health systems, and county and municipal corrections;

(i) Assist in the continued formulation of corrections mental health policies;

(j) Develop innovative and effective recruitment and training programs for correctional personnel working with ~~((mentally ill))~~ offenders with mental illness;

(k) Assist in the development of a coordinated continuum of mental health care capable of providing services from corrections entry to community return; and

(l) Evaluate all current and innovative approaches developed within this center in terms of their effective and efficient achievement of improved mental health of inmates, development and utilization of personnel, the impact of these approaches on the functioning of correctional institutions, and the relationship of the corrections system to mental health and criminal justice systems. Specific attention should be paid to evaluating the effects of programs on the reintegration of ~~((mentally ill))~~ offenders with mental illness into the community and the prevention of inappropriate incarceration of ~~((mentally ill))~~ persons with mental illness.

(2) The corrections mental health center may conduct research, training, and treatment activities for the ~~((mentally ill))~~ offender with mental illness within selected sites operated by the department. The department shall provide support services for the center such as food services, maintenance, perimeter security, classification, offender supervision, and living unit functions. The University of Washington may develop, implement, and evaluate the clinical, treatment, research, and evaluation components of the mentally ill offender center. The institute of ~~((for))~~ public policy and management may be consulted regarding the development of the center and in the recommendations regarding public policy. As resources permit, training within the center shall be available to state, county, and municipal agencies requiring the services. Other state colleges, state universities, and mental health providers may be involved in activities as required on a subcontract basis. Community mental health organizations, research groups, and community advocacy groups may be critical components of the center's operations and involved as appropriate to annual objectives. ~~((Mentally ill))~~ Clients with mental illness may be drawn from throughout the department's population and transferred to the center as clinical need, available services, and department jurisdiction permits.

(3) The department shall prepare a report of the center's progress toward the attainment of stated goals and provide the report to the legislature annually.

Sec. 82. RCW 72.09.370 and 2009 c 319 s 3 and 2009 c 28 s 36 are each reenacted and amended to read as follows:

(1) The offender reentry community safety program is established to provide intensive services to offenders identified under this subsection and to thereby promote public safety. The secretary shall identify offenders in confinement or partial confinement who: (a) Are reasonably believed to be dangerous to themselves or others; and (b) have a mental disorder. In determining an offender's dangerousness, the secretary shall consider behavior known to the department and factors, based on research, that are linked to an increased risk for dangerousness of offenders with mental illnesses and shall include consideration of an offender's chemical dependency or abuse.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the division of mental health, and, as necessary, the indeterminate sentence review board, other divisions or administrations within the department of social and health services, specifically including the division of alcohol and substance abuse and the division of developmental disabilities, the appropriate ~~((regional support network))~~ behavioral health and recovery organization, and the providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the offender upon release. In developing the plan, the offender shall be offered assistance in executing a mental health directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for offenders under the age of twenty-one. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by the designated mental health professional, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or chemical dependency or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a designated mental health professional is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated mental health professional. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated mental health professional is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated mental health professional shall occur on the day of release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated mental health professional determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a

consenting evaluation and treatment facility. The department shall arrange transportation of the offender to the hospital or facility.

(7) If the designated mental health professional believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified evaluation and treatment facility.

(8) The secretary shall adopt rules to implement this section.

Sec. 83. RCW 72.09.381 and 1999 c 214 s 11 are each amended to read as follows:

The secretary of the department of corrections and the secretary of the department of social and health services shall, in consultation with the ~~((regional support networks))~~ behavioral health and recovery organizations and provider representatives, each adopt rules as necessary to implement chapter 214, Laws of 1999.

Sec. 84. RCW 72.10.060 and 1998 c 297 s 48 are each amended to read as follows:

The secretary shall, for any person committed to a state correctional facility after July 1, 1998, inquire at the time of commitment whether the person had received outpatient mental health treatment within the two years preceding confinement and the name of the person providing the treatment.

The secretary shall inquire of the treatment provider if he or she wishes to be notified of the release of the person from confinement, for purposes of offering treatment upon the inmate's release. If the treatment provider wishes to be notified of the inmate's release, the secretary shall attempt to provide such notice at least seven days prior to release.

At the time of an inmate's release if the secretary is unable to locate the treatment provider, the secretary shall notify the ~~((regional support network))~~ behavioral health and recovery organization in the county the inmate will most likely reside following release.

If the secretary has, prior to the release from the facility, evaluated the inmate and determined he or she requires postrelease mental health treatment, a copy of relevant records and reports relating to the inmate's mental health treatment or status shall be promptly made available to the offender's present or future treatment provider. The secretary shall determine which records and reports are relevant and may provide a summary in lieu of copies of the records.

Sec. 85. RCW 72.23.025 and 2011 1st sp.s. c 21 s 1 are each amended to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. To this end, the legislature intends that funds appropriated for mental health programs, including funds for ~~((regional support networks))~~ behavioral health and recovery organizations and the state hospitals be used for persons with primary diagnosis of mental disorder. The legislature finds that establishment of institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to conduct training, research, and clinical program

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development activities that will directly benefit persons with mental illness who are receiving treatment in Washington state by performing the following activities:

(i) Promote recruitment and retention of highly qualified professionals at the state hospitals and community mental health programs;

(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;

(iii) Provide expanded training opportunities for existing staff at the state hospitals and community mental health programs;

(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals and community mental health programs;

(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;

(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;

(iv) Establish a student loan forgiveness and conditional scholarship program to retain qualified professionals at the state hospitals and community mental health providers when the secretary has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

Sec. 86. RCW 74.09.515 and 2011 1st sp.s. c 15 s 26 are each amended to read as follows:

(1) The authority shall adopt rules and policies providing that when youth who were enrolled in a medical assistance program immediately prior to confinement are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The authority, in collaboration with the department, county juvenile court administrators, and ~~((regional support networks))~~ behavioral health and recovery organizations, shall establish procedures for coordination between department field offices, juvenile rehabilitation administration institutions, and county juvenile courts that result in prompt reinstatement of eligibility and speedy eligibility determinations for youth who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services' applications on behalf of confined youth in anticipation of their release from confinement;

(b) Expedient review of applications filed by or on behalf of confined youth and, to the extent practicable, completion of the review before the youth is released; and

(c) Mechanisms for providing medical assistance services' identity cards to youth eligible for medical assistance services immediately upon their release from confinement.

(3) For purposes of this section, "confined" or "confinement" means detained in a facility operated by or under contract with the department of social and health services, juvenile rehabilitation administration, or detained in a juvenile detention facility operated under chapter 13.04 RCW.

(4) The authority shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined youth who is likely to be eligible for a medical assistance program.

Sec. 87. RCW 74.09.521 and 2011 1st sp.s. c 15 s 28 are each amended to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose the authority shall revise its medicaid healthy options managed care and fee-for-service program standards under medicaid, Title XIX of the federal social security act to improve access to mental health services for children who do not meet the ~~((regional support network))~~ behavioral health and recovery organization access to care standards. The program standards shall be revised to allow outpatient therapy services to be provided by licensed mental health professionals, as defined in RCW 71.34.020, or by a mental health professional regulated under Title 18 RCW who is under the direct supervision of a licensed mental health professional, and up to twenty outpatient therapy hours per calendar year, including family therapy visits integral to a child's treatment. This section shall be administered in a manner consistent with federal early and periodic screening, diagnosis, and treatment requirements related to the receipt of medically necessary services when a child's need for such services is identified through developmental screening.

(2) The authority and the children's mental health evidence-based practice institute established in RCW 71.24.061 shall collaborate to encourage and develop incentives for the use of prescribing practices and evidence-based and research-based treatment practices developed under RCW 74.09.490 by mental health professionals serving children under this section.

Sec. 88. RCW 74.09.555 and 2011 1st sp.s. c 36 s 32 and 2011 1st sp.s c 15 s 34 are each reenacted and amended to read as follows:

(1) The authority shall adopt rules and policies providing that when persons with a mental disorder, who were enrolled in medical assistance immediately prior to confinement, are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The authority, in collaboration with the Washington association of sheriffs and police chiefs, the department of corrections, and the ~~((regional support networks))~~ behavioral health and recovery organizations, shall establish procedures for coordination between the authority and department field offices, institutions for mental disease, and correctional institutions, as defined in RCW 9.94.049, that result in prompt reinstatement of eligibility and speedy eligibility determinations for persons who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services' applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expedient review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance services identity cards to persons eligible for medical assistance services immediately upon their release from confinement; and

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits, including federal acceptance of applications on behalf of confined persons.

(3) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution or institution for mental diseases shall provide the authority with that information for purposes of making medical assistance eligibility and enrollment determinations prior to the person's release from confinement. The authority shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional institution, as defined in RCW 9.94.049, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

(5) For purposes of this section, "likely to be eligible" means that a person:

(a) Was enrolled in medicaid or supplemental security income or the medical care services program immediately before he or she was confined and his or her enrollment was terminated during his or her confinement; or

(b) Was enrolled in medicaid or supplemental security income or the medical care services program at any time during the five years before his or her confinement, and medical or psychiatric examinations during the person's confinement indicate that the person continues to be disabled and the disability is likely to last at least twelve months following release.

(6) The economic services administration within the department shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined person who is likely to be eligible for medicaid.

Sec. 89. RCW 74.34.068 and 2001 c 233 s 2 are each amended to read as follows:

(1) After the investigation is complete, the department may provide a written report of the outcome of the investigation to an agency or program described in this subsection when the department determines from its investigation that an incident of abuse, abandonment, financial exploitation, or neglect occurred. Agencies or programs that may be provided this report are home health, hospice, or home care agencies, or after January 1, 2002, any in-home services agency licensed under chapter 70.127 RCW, a program authorized under chapter 71A.12 RCW, an adult day care or day health program, (~~regional support networks~~) behavioral health and recovery organizations authorized under chapter 71.24 RCW, or other agencies. The report may contain the name of the vulnerable adult and the alleged perpetrator. The report shall not disclose the identity of the person who made the report or any witness without the written permission of the reporter or witness. The department shall notify the alleged perpetrator regarding the outcome of the investigation. The name of the vulnerable adult must not be disclosed during this notification.

(2) The department may also refer a report or outcome of an investigation to appropriate state or local governmental authorities responsible for licensing or certification of the agencies or programs listed in subsection (1) of this section.

(3) The department shall adopt rules necessary to implement this section.

Sec. 90. RCW 82.04.4277 and 2011 1st sp.s. c 19 s 1 are each amended to read as follows:

(1) A health or social welfare organization may deduct from the measure of tax amounts received as compensation for providing mental health services under a government-funded program.

(2) A (~~regional support network~~) behavioral health and recovery organization may deduct from the measure of tax amounts received from the state of Washington for distribution to a health or social welfare organization that is eligible to deduct the distribution under subsection (1) of this section.

(3) A person claiming a deduction under this section must file a complete annual report with the department under RCW 82.32.534.

(4) The definitions in this subsection apply to this section.

(a) "Health or social welfare organization" has the meaning provided in RCW 82.04.431.

(b) "Mental health services" and "~~regional support network~~) behavioral health and recovery organization" have the meanings provided in RCW 71.24.025.

(5) This section expires August 1, 2016.

Sec. 91. RCW 70.38.111 and 2012 c 10 s 48 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization; if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

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(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements to the offering of inpatient tertiary health services to the extent that such offering is not exempt under the provisions of this section or RCW 70.38.105(7).

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed assisted living facility care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given, at a minimum, one year prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given a minimum of ninety days prior to the effective date of license modification reflecting the restored beds. Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements of this section.

The term "construction," as used in (b)(ii) of this subsection, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under this chapter.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2) (a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

(9)(a) The department shall not require a certificate of need for a hospice agency if:

(i) The hospice agency is designed to serve the unique religious or cultural needs of a religious group or an ethnic minority and commits to furnishing hospice services in a manner specifically aimed at meeting the unique religious or cultural needs of the religious group or ethnic minority;

(ii) The hospice agency is operated by an organization that:

(A) Operates a facility, or group of facilities, that offers a comprehensive continuum of long-term care services, including, at a minimum, a licensed, medicare-certified nursing home, assisted living, independent living, day health, and various community-based support services, designed to meet the unique social, cultural, and religious needs of a specific cultural and ethnic minority group;

(B) Has operated the facility or group of facilities for at least ten continuous years prior to the establishment of the hospice agency;

(iii) The hospice agency commits to coordinating with existing hospice programs in its community when appropriate;

(iv) The hospice agency has a census of no more than forty patients;

(v) The hospice agency commits to obtaining and maintaining medicare certification;

(vi) The hospice agency only serves patients located in the same county as the majority of the long-term care services offered by the organization that operates the agency; and

(vii) The hospice agency is not sold or transferred to another agency.

(b) The department shall include the patient census for an agency exempted under this subsection (9) in its calculations for future certificate of need applications.

(10) To alleviate the need to board psychiatric patients in emergency departments, for fiscal year 2015 the department shall

suspend the certificate of need requirement for a hospital licensed under chapter 70.41 RCW that changes the use of licensed beds to increase the number of beds to provide psychiatric services, including involuntary treatment services. A certificate of need exemption under this section shall be valid for two years.

Sec. 92. RCW 18.205.040 and 2008 c 135 s 17 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, nothing in this chapter shall be construed to authorize the use of the title "certified chemical dependency professional" or "certified chemical dependency professional trainee" when treating patients in settings other than programs approved under chapter 70.96A RCW.

(2) A person who holds a credential as a "certified chemical dependency professional" or a "certified chemical dependency professional trainee" may use such title when treating patients in settings other than programs approved under chapter 70.96A RCW if the person also holds a license as: An advanced registered nurse practitioner under chapter 18.79 RCW; a marriage and family therapist, mental health counselor, advanced social worker, or independent clinical social health worker under chapter 18.225 RCW; a psychologist under chapter 18.83 RCW; an osteopathic physician under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW; a physician under chapter 18.71 RCW; or a physician assistant under chapter 18.71A RCW.

Sec. 93. RCW 70.96A.350 and 2013 2nd sp.s. c 4 s 990 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program; (c) the administrative and overhead costs associated with the operation of a drug court; and (d) during the 2011-2013 biennium, the legislature may appropriate up to three million dollars from the account in order to offset reductions in the state general fund for treatment services provided by counties. This amount is not subject to the requirements of subsections (5) through (9) of this section. During the 2013-2015 fiscal biennium, the legislature may transfer from the criminal justice treatment account to the state general fund amounts as reflect the state savings associated with the implementation of the medicare expansion of the federal affordable care act. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance abuse treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance abuse treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal biennium beginning July 1, 2003, the state treasurer shall transfer eight million nine hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment

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account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the division of alcohol and substance abuse for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the division of alcohol and substance abuse from the criminal justice treatment account shall be distributed as specified in this subsection. The department shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection (4)(b) of this section in accordance with this subsection. Beginning in July 1, 2004, the department may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The division shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance abuse treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090, treatment support services, and for the administrative and overhead costs associated with the operation of a drug court.

(a) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent on the

administrative and overhead costs associated with the operation of a drug court.

(b) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.28.170(3)(b).

(10) The authority under this section to use funds from the criminal justice treatment account for the administrative and overhead costs associated with the operation of a drug court expires June 30, 2015.

(11) Expenditures from the criminal justice treatment account may only be used for the purposes set out in this section and does not include managed care purchasing for medicaid enrollees.

Sec. 94. RCW 70.320.020 and 2013 c 320 s 2 are each amended to read as follows:

(1) The authority and the department shall base contract performance measures developed under RCW 70.320.030 on the following outcomes when contracting with service contracting entities: Improvements in client health status and wellness; increases in client participation in meaningful activities; reductions in client involvement with criminal justice systems; reductions in avoidable costs in hospitals, emergency rooms, crisis services, and jails and prisons; increases in stable housing in the community; improvements in client satisfaction with quality of life; and reductions in population-level health disparities.

(2) The performance measures must demonstrate the manner in which the following principles are achieved within each of the outcomes under subsection (1) of this section:

(a) Maximization of the use of evidence-based practices will be given priority over the use of research-based and promising practices, and research-based practices will be given priority over the use of promising practices. The agencies will develop strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities and community organizations that serve diverse communities;

(b) The maximization of the client's independence, recovery, and employment;

(c) The maximization of the client's participation in treatment decisions; and

(d) The collaboration between consumer-based support programs in providing services to the client.

(3) In developing performance measures under RCW 70.320.030, the authority and the department shall consider expected outcomes relevant to the general populations that each agency serves. The authority and the department may adapt the outcomes to account for the unique needs and characteristics of discrete subcategories of populations receiving services, including ethnically diverse communities.

(4) The authority and the department shall coordinate the establishment of the expected outcomes and the performance measures between each agency as well as each program to identify expected outcomes and performance measures that are common to the clients enrolled in multiple programs and to eliminate conflicting standards among the agencies and programs.

(5)(a) The authority and the department shall establish timelines and mechanisms for service contracting entities to report data

related to performance measures and outcomes, including phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance measures and levels of improvement between geographic regions of Washington.

(b) The authority and the department may not release any public reports of client outcomes unless the data have been deidentified and aggregated in such a way that the identity of individual clients cannot be determined through directly identifiable data or the combination of multiple data elements.

NEW SECTION. Sec. 95. A new section is added to chapter 70.24 RCW to read as follows:

(1) The department and the health care authority shall develop a plan to provide integrated managed health and mental health care for foster children receiving care through the medical assistance program. The plan shall detail the steps necessary to implement and operate a fully integrated program for foster children, including development of a service delivery system, benefit design, reimbursement mechanisms, and standards for contracting with health plans. The plan must be designed so that all of the requirements for providing mental health services to children under the *T.R. v. Dreyfus and Porter* settlement are met. The plan shall include an implementation timeline and funding estimate. The department and the health care authority shall submit the plan to the legislature by December 1, 2014.

(2) This section expires July 1, 2015.

NEW SECTION. Sec. 96. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 97. Sections 6, 7, 9 through 71, and 73 through 93 of this act take effect April 1, 2016.

NEW SECTION. Sec. 98. Section 72 of this act takes effect July 1, 2018."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator O'Ban moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 6312 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator O'Ban that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 6312 and ask the House to recede therefrom.

The motion by Senator O'Ban carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 6312 and asked the House to recede therefrom by voice vote.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6283 with the following amendment(s): 6283-S AMH HCW H4391.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.360.050 and 2013 c 128 s 3 are each amended to read as follows:

(1) A medical assistant-certified may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

(i) Wrapping items for autoclaving;

(ii) Procedures for sterilizing equipment and instruments;

(iii) Disposing of biohazardous materials; and

(iv) Practicing standard precautions.

(b) Clinical procedures:

(i) Performing aseptic procedures in a setting other than a hospital licensed under chapter 70.41 RCW;

(ii) Preparing of and assisting in sterile procedures in a setting other than a hospital under chapter 70.41 RCW;

(iii) Taking vital signs;

(iv) Preparing patients for examination;

(v) Capillary blood withdrawal, venipuncture, and intradermal, subcutaneous, and intramuscular injections; and

(vi) Observing and reporting patients' signs or symptoms.

(c) Specimen collection:

(i) Capillary puncture and venipuncture;

(ii) Obtaining specimens for microbiological testing; and

(iii) Instructing patients in proper technique to collect urine and fecal specimens.

(d) Diagnostic testing:

(i) Electrocardiography;

(ii) Respiratory testing; and

(iii)(A) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under this subsection (1)(d) based on changes made by the federal clinical laboratory improvement amendments program; and

(B) Moderate complexity tests if the medical assistant-certified meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing.

(e) Patient care:

(i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;

(ii) Obtaining vital signs;

(iii) Obtaining and recording patient history;

(iv) Preparing and maintaining examination and treatment areas;

(v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries;

(vi) Maintaining medication and immunization records; and

(vii) Screening and following up on test results as directed by a health care practitioner.

(f)(i) Administering medications. A medical assistant-certified may only administer medications if the drugs are:

(A) Administered only by unit or single dosage, or by a dosage calculated and verified by a health care practitioner. For purposes of this section, a combination or multidose vaccine shall be considered a unit dose;

(B) Limited to legend drugs, vaccines, and Schedule III-V controlled substances as authorized by a health care practitioner under the scope of his or her license and consistent with rules adopted by the secretary under (f)(ii) of this subsection; and

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(C) Administered pursuant to a written order from a health care practitioner.

(ii) A medical assistant-certified may not administer experimental drugs or chemotherapy agents. The secretary may, by rule, further limit the drugs that may be administered under this subsection (1)(f). The rules adopted under this subsection must limit the drugs based on risk, class, or route.

(g) Intravenous injections. A medical assistant-certified may administer intravenous injections for diagnostic or therapeutic agents under the direct visual supervision of a health care practitioner if the medical assistant-certified meets minimum standards established by the secretary in rule. The minimum standards must be substantially similar to the qualifications for category D and F health care assistants as they exist on July 1, 2013.

(h) Urethral catheterization when appropriately trained.

(2) A medical assistant-hemodialysis technician may perform hemodialysis when delegated and supervised by a health care practitioner. A medical assistant-hemodialysis technician may also administer drugs and oxygen to a patient when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary.

(3) A medical assistant-phlebotomist may perform:

(a) Capillary, venous, or arterial invasive procedures for blood withdrawal when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary;

(b) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under this section based on changes made by the federal clinical laboratory improvement amendments program;

(c) Moderate and high complexity tests if the medical assistant-phlebotomist meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing and the facility in which the medical assistant-phlebotomist works meets state requirements for medical test sites in chapter 70.42 RCW and in applicable rules of the department; and

(d) Electrocardiograms.

(4) A medical assistant-registered may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

- (i) Wrapping items for autoclaving;
- (ii) Procedures for sterilizing equipment and instruments;
- (iii) Disposing of biohazardous materials; and
- (iv) Practicing standard precautions.

(b) Clinical procedures:

- (i) Preparing for sterile procedures;
- (ii) Taking vital signs;
- (iii) Preparing patients for examination; and
- (iv) Observing and reporting patients' signs or symptoms.

(c) Specimen collection:

- (i) Obtaining specimens for microbiological testing; and
- (ii) Instructing patients in proper technique to collect urine and fecal specimens.

(d) Patient care:

(i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;

(ii) Obtaining vital signs;

(iii) Obtaining and recording patient history;

(iv) Preparing and maintaining examination and treatment areas;

(v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries utilizing no more than local anesthetic. The department

may, by rule, prohibit duties authorized under this subsection (4)(d)(v) if performance of those duties by a medical assistant-registered would pose an unreasonable risk to patient safety;

(vi) Maintaining medication and immunization records; and

(vii) Screening and following up on test results as directed by a health care practitioner.

(e)(i) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under subsection (1)(d) of this section based on changes made by the federal clinical laboratory improvement amendments program.

(ii) Moderate complexity tests if the medical assistant-registered meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing.

(f) Administering eye drops, topical ointments, and vaccines, including combination or multidose vaccines.

(g) Urethral catheterization when appropriately trained."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6283 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6283 and ask the House to recede therefrom.

The motion by Senator Becker carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6283 and asked the House to recede therefrom by voice vote.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5887, by Senators Rivers, Tom and Litzow

Concerning the medical use of cannabis. Revised for 3rd Substitute: Merging the medical marijuana system with the recreational marijuana system.

MOTION

On motion of Senator Rivers, Third Substitute Senate Bill No. 5887 was substituted for Senate Bill No. 5887 and the third substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.08.012 and 2012 c 117 s 265 are each amended to read as follows:

There shall be a board, known as the "Washington state liquor ~~(control)~~ and cannabis board," consisting of three members, to be appointed by the governor, with the consent of the senate, who shall each be paid an annual salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The governor may, in his or her discretion, appoint one of the members as chair of the board, and a majority of the members shall constitute a quorum of the board.

Sec. 2. RCW 69.50.101 and 2013 c 276 s 2 and 2013 c 116 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated where used in this chapter:

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) (~~"Board"~~) "Commission" means the (~~state board of~~) pharmacy quality assurance commission.

(d) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or (~~board~~) commission rules.

(e)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(f) "Deliver" or "delivery," means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(m) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(n) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(o) "Immediate precursor" means a substance:

(1) that the (~~state board of~~) pharmacy quality assurance commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(p) "Isomer" means an optical isomer, but in subsection (y)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(q) "Lot" means a definite quantity of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(r) "Lot number" shall identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product.

(s) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(t) "Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt,

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derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(u) "Marijuana processor" means a person licensed by the state liquor ~~((control))~~ and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

(v) "Marijuana producer" means a person licensed by the state liquor ~~((control))~~ and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(w) "Marijuana-infused products" means products that ~~((contain))~~ are not more than twenty percent marijuana ~~((or marijuana extracts))~~ and are intended for human use. The term "marijuana-infused products" does not include useable marijuana or marijuana concentrates.

(x) "Marijuana retailer" means a person licensed by the state liquor ~~((control))~~ and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

(y) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

(z) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(aa) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(bb) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(cc) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(dd) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical quality assurance commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(ee) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(ff) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(gg) "Retail outlet" means a location licensed by the state liquor ~~((control))~~ and cannabis board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

(hh) "Secretary" means the secretary of health or the secretary's designee.

(ii) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(jj) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

(kk) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

(ll) "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products or marijuana concentrates.

(mm) "Authorization card" has the meaning provided in RCW 69.51A.010.

(nn) "Designated provider" has the meaning provided in RCW 69.51A.010.

(oo) "Health care professional" has the meaning provided in RCW 69.51A.010.

(pp) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(qq) "Marijuana concentrates" means the separated resin, whether crude or purified, obtained from marijuana. The term "marijuana concentrates" does not include useable marijuana or marijuana-infused products.

(rr) "CBD concentration" means the percent of cannabidiol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product.

Sec. 3. RCW 69.50.325 and 2013 c 3 s 4 (Initiative Measure No. 502) are each amended to read as follows:

(1) There shall be a marijuana producer's license to produce marijuana for sale at wholesale to marijuana processors and other marijuana producers, regulated by the state liquor ~~((control))~~ and cannabis board and subject to annual renewal. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of chapter 3, Laws of 2013 and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

(2) There shall be a marijuana processor's license to process, package, and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers, regulated by the state liquor ~~((control))~~ and cannabis board and subject to annual renewal. The processing, packaging, possession, delivery, distribution, and sale of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of chapter 3, Laws of 2013 and the rules adopted to implement and enforce it, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law. Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana processor's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana processor's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana processor intends to process marijuana.

(3) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the state liquor ~~((control))~~ and cannabis board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of chapter 3, Laws of 2013, chapter 69.51A RCW, and the rules adopted to implement and enforce ~~((#))~~ these chapters, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall

not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

Sec. 4. RCW 69.50.342 and 2013 c 3 s 9 (Initiative Measure No. 502) are each amended to read as follows:

For the purpose of carrying into effect the provisions of chapter 3, Laws of 2013 according to their true intent or of supplying any deficiency therein, the state liquor ~~((control))~~ and cannabis board may adopt rules not inconsistent with the spirit of chapter 3, Laws of 2013 as are deemed necessary or advisable. Without limiting the generality of the preceding sentence, the state liquor ~~((control))~~ and cannabis board is empowered to adopt rules regarding the following:

(1) The equipment and management of retail outlets and premises where marijuana is produced or processed, and inspection of the retail outlets and premises;

(2) The books and records to be created and maintained by licensees, the reports to be made thereon to the state liquor ~~((control))~~ and cannabis board, and inspection of the books and records;

(3) Methods of producing, processing, and packaging marijuana, useable marijuana, and marijuana-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of marijuana, useable marijuana, and marijuana-infused products produced, processed, packaged, or sold by licensees;

(4) Security requirements for retail outlets and premises where marijuana is produced or processed, and safety protocols for licensees and their employees;

(5) Screening, hiring, training, and supervising employees of licensees;

(6) Retail outlet locations and hours of operation;

(7) Labeling requirements and restrictions on advertisement of marijuana, useable marijuana, and marijuana-infused products;

(8) Forms to be used for purposes of chapter 3, Laws of 2013 or the rules adopted to implement and enforce it, the terms and conditions to be contained in licenses issued under chapter 3, Laws of 2013, and the qualifications for receiving a license issued under chapter 3, Laws of 2013, including a criminal history record information check. The state liquor ~~((control))~~ and cannabis board may submit any criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor ~~((control))~~ and cannabis board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation;

(9) Application, reinstatement, and renewal fees for licenses issued under chapter 3, Laws of 2013, and fees for anything done or permitted to be done under the rules adopted to implement and enforce chapter 3, Laws of 2013;

(10) The manner of giving and serving notices required by chapter 3, Laws of 2013 or rules adopted to implement or enforce it;

(11) Times and periods when, and the manner, methods, and means by which, licensees shall transport and deliver marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products within the state;

(12) Identification, seizure, confiscation, destruction, or donation to law enforcement for training purposes of all marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products produced, processed, sold, or offered for sale within this state which do not conform in all respects to the standards

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prescribed by chapter 3, Laws of 2013 or the rules adopted to implement and enforce it (~~PROVIDED, That nothing in chapter 3, Laws of 2013 shall be construed as authorizing the state liquor control board to seize, confiscate, destroy, or donate to law enforcement marijuana, useable marijuana, or marijuana-infused products produced, processed, sold, offered for sale, or possessed in compliance with the Washington state medical use of cannabis act,~~) or chapter 69.51A RCW.

Sec. 5. RCW 69.50.345 and 2013 c 3 s 10 (Initiative Measure No. 502) are each amended to read as follows:

The state liquor (~~control~~) and cannabis board, subject to the provisions of this chapter (~~(3, Laws of 2013)~~), must adopt rules (~~(by December 1, 2013)~~) that establish the procedures and criteria necessary to implement the following:

(1) Licensing of marijuana producers, marijuana processors, and marijuana retailers, including prescribing forms and establishing application, reinstatement, and renewal fees. Application forms for marijuana producers must request the applicant to state whether the applicant intends to produce marijuana for sale by marijuana retailers who hold medical marijuana endorsements and the amount of or percentage of canopy the applicant intends to commit to growing plants established to be of a THC concentration, CBD concentration, and THC to CBD ratio appropriate for marijuana concentrates, useable marijuana, or marijuana-infused products sold to qualifying patients;

(2) The state liquor and cannabis board must reconsider limits on the amount of square feet permitted to be in production on the effective date of this section and increase the percentage of production space for those marijuana producers who intend to grow plants for marijuana retailers who hold medical marijuana endorsements if the marijuana producer designates the increased production space to plants with a THC to CBD ratio appropriate for marijuana concentrates, useable marijuana, or marijuana-infused products to be sold to qualifying patients;

(3) Determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:

- (a) Population distribution;
- (b) Security and safety issues; (~~and~~)

(c) The provision of adequate access to licensed sources of marijuana concentrates, useable marijuana, and marijuana-infused products to discourage purchases from the illegal market;

(~~(3)~~) and

(d) The number of retail outlets holding medical marijuana endorsements necessary to meet the medical needs of qualifying patients and allowing for a number of such locations to be solely medical. The state liquor and cannabis board must reconsider the maximum number of retail outlets it established before the effective date of this section and allow for a new license application period and a greater number of retail outlets to be permitted in order to accommodate the medical needs of qualifying patients and designated providers;

(4) Establishing a preference for those marijuana retailers who are applying for a medical marijuana endorsement and who will be selling marijuana concentrates, useable marijuana, and marijuana-infused products to only qualifying patients and designated providers if the state liquor and cannabis board determines that the needs of qualifying patients are not being met by currently licensed marijuana retailers;

(5) Determining the maximum quantity of marijuana a marijuana producer may have on the premises of a licensed location at any time without violating Washington state law;

(~~(4)~~) (6) Determining the maximum quantities of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products a marijuana processor may have on the premises of a

licensed location at any time without violating Washington state law;

(~~(5)~~) (7) Determining the maximum quantities of marijuana concentrates, useable marijuana, and marijuana-infused products a marijuana retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(~~(6)~~) (8) In making the determinations required by subsections (~~(2)~~) (2) through (~~(7)~~) (7) of this section, the state liquor (~~control~~) and cannabis board shall take into consideration:

(a) Security and safety issues;

(b) The provision of adequate access to licensed sources of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products to discourage purchases from the illegal market; and

(c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

(~~(7)~~) (9) Determining the nature, form, and capacity of all containers to be used by licensees to contain marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products, and their labeling requirements, to include but not be limited to:

(a) The business or trade name and Washington state unified business identifier number of the licensees that grew, processed, and sold the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;

(b) Lot numbers of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;

(c) THC concentration of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;

(d) Medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(e) Language required by RCW 69.04.480;

(~~(8)~~) (10) In consultation with the department of agriculture, establishing classes of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products according to grade, condition, cannabinoid profile, THC concentration, or other qualitative measurements deemed appropriate by the state liquor (~~control~~) and cannabis board;

(~~(9)~~) (11) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products that are not inconsistent with the provisions of this chapter (~~(3, Laws of 2013)~~), taking into consideration:

(a) Federal laws relating to marijuana that are applicable within Washington state;

(b) Minimizing exposure of people under twenty-one years of age to the advertising; and

(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by marijuana use in the advertising;

(~~(10)~~) (12) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products within the state;

(~~(11)~~) (13) In consultation with the department and the department of agriculture, establishing accreditation requirements for testing laboratories used by licensees to demonstrate compliance with standards adopted by the state liquor (~~control~~) and cannabis board, and prescribing methods of producing, processing, and packaging marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products produced, processed, packaged, or sold by licensees;

~~((12))~~ (14) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter ((3, Laws of 2013)) or the rules of the state liquor ~~((control))~~ and cannabis board.

Sec. 6. RCW 69.50.354 and 2013 c 3 s 13 (Initiative Measure No. 502) are each amended to read as follows:

There may be licensed, in no greater number in each of the counties of the state than as the state liquor ~~((control))~~ and cannabis board shall deem advisable, retail outlets established for the purpose of making marijuana concentrates, useable marijuana, and marijuana-infused products available for sale to adults aged twenty-one and over and to qualifying patients who hold valid authorization cards and are aged eighteen and older. Retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter ((3, Laws of 2013)) and chapter 69.51A RCW and the rules adopted to implement and enforce ~~((#))~~ this chapter, by a validly licensed marijuana retailer or retail outlet employee, shall not be a criminal or civil offense under Washington state law.

NEW SECTION. Sec. 7. A new section is added to chapter 69.50 RCW to read as follows:

(1) A medical marijuana endorsement to a marijuana retail license is hereby established to permit a marijuana retailer to sell marijuana concentrates, useable marijuana, and marijuana-infused products to:

(a) Both the recreational market in compliance with this chapter and the medical market in compliance with chapter 69.51A RCW; or

(b) Only the medical market in compliance with chapter 69.51A RCW.

(2) An applicant may apply for a medical marijuana endorsement concurrently with an application for a marijuana retail license.

(3) To be issued an endorsement, a marijuana retailer must:

(a) Indicate on its application whether the retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products to: (i) Both the recreational markets in compliance with this chapter and the medical market in compliance with chapter 69.51A RCW; or (ii) only the medical market in compliance with chapter 69.51A RCW;

(b) Not authorize the medical use of marijuana for qualifying patients at the retail outlet or permit health care professionals to authorize the medical use of marijuana for qualifying patients at the retail outlet;

(c) Carry marijuana concentrates, useable marijuana, and marijuana-infused products with a CBD concentration and THC to CBD ratio identified by the state liquor and cannabis board under subsection (5) of this section;

(d) Not use labels or market marijuana concentrates, useable marijuana, or marijuana-infused products in a way that make them intentionally attractive to minors or recreational users;

(e) Keep copies of the qualifying patient's or designated provider's authorization card, or keep equivalent records as required by rule of the state liquor and cannabis board or the department of revenue to document the validity of tax exempt sales under RCW 69.50.535; and

(f) Meet other requirements as adopted by rule of the department or the state liquor and cannabis board.

(4) A marijuana retailer holding a medical marijuana endorsement may sell or donate products with a THC concentration of less than .3 percent to qualifying patients or designated providers who possess valid authorization cards.

(5)(a) The state liquor and cannabis board must adopt rules on requirements for marijuana concentrates, useable marijuana, and marijuana-infused products that may be sold to qualifying patients under a medical marijuana endorsement. These rules must include:

(i) THC concentration, CBD concentration, and THC to CBD ratios appropriate for marijuana concentrates, useable marijuana, or marijuana-infused products sold to qualifying patients;

(ii) Labeling requirements including that the labels attached to marijuana concentrates, useable marijuana, or marijuana-infused products contain THC concentration, CBD concentration, and THC to CBD ratios;

(iii) The number and type of such products that must be offered at medical marijuana endorsed stores; and

(iv) Other product requirements the state liquor and cannabis board determines necessary to address the medical needs of qualifying patients.

(b) The state liquor and cannabis board must adopt rules on additional requirements for those retail outlets that intend to sell only to qualifying patients and designated providers under a medical marijuana endorsement.

(6) A marijuana retailer holding an endorsement to sell marijuana concentrates, useable marijuana, and marijuana-infused products to qualifying patients may consult the medical marijuana registry established in section 20 of this act for the sole purpose of confirming the validity of qualifying patient or designated provider authorization cards.

Sec. 8. RCW 69.50.357 and 2013 c 3 s 14 (Initiative Measure No. 502) are each amended to read as follows:

(1) Retail outlets shall sell no products or services other than marijuana concentrates, useable marijuana, marijuana-infused products, or paraphernalia intended for the storage or use of marijuana concentrates, useable marijuana, or marijuana-infused products.

(2) Except as provided in (a) and (b) of this subsection, licensed marijuana retailers shall not employ persons under twenty-one years of age or allow persons under twenty-one years of age to enter or remain on the premises of a retail outlet.

(a) Beginning July 1, 2015, marijuana retailers that hold a medical marijuana endorsement and are licensed to only sell medical marijuana may allow qualifying patients who hold valid authorization cards and are eighteen to twenty-one years of age to enter or remain on the premises and may allow qualifying patients with valid authorization cards under the age of eighteen to enter or remain on the premises if those minor patients are with their parent or guardian who also holds a valid authorization card; and

(b) Beginning July 1, 2015, marijuana retailers that hold a medical marijuana endorsement and are licensed to sell marijuana for both medical and recreational use, may allow qualifying patients aged eighteen years of age or older to enter or remain on the premises of a retail outlet if they possess a valid authorization card.

(3) Licensed marijuana retailers shall not display any signage in a window, on a door, or on the outside of the premises of a retail outlet that is visible to the general public from a public right-of-way, other than a single sign no larger than one thousand six hundred square inches identifying the retail outlet by the licensee's business or trade name. The state liquor and cannabis board shall adopt rules establishing a symbol that marijuana retailers who hold a medical marijuana endorsement may use on their sign to indicate they possess a medical marijuana endorsement.

(4) Licensed marijuana retailers shall not display marijuana concentrates, useable marijuana, or marijuana-infused products in a manner that is visible to the general public from a public right-of-way.

(5) No licensed marijuana retailer or employee of a retail outlet shall open or consume, or allow to be opened or consumed, any

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marijuana concentrates, useable marijuana, or marijuana-infused product on the outlet premises.

(6) The state liquor (~~(control)~~) and cannabis board shall fine a licensee one thousand dollars for each violation of any subsection of this section. Fines collected under this section must be deposited into the dedicated marijuana fund created under RCW 69.50.530.

Sec. 9. RCW 69.50.360 and 2013 c 3 s 15 (Initiative Measure No. 502) are each amended to read as follows:

The following acts, when performed by a validly licensed marijuana retailer or employee of a validly licensed retail outlet in compliance with rules adopted by the state liquor (~~(control)~~) and cannabis board to implement and enforce this chapter (~~(3, Laws of 2013)~~), shall not constitute criminal or civil offenses under Washington state law:

(1) Purchase and receipt of marijuana concentrates, useable marijuana, or marijuana-infused products that have been properly packaged and labeled from a marijuana processor validly licensed under this chapter (~~(3, Laws of 2013)~~);

(2) Possession of quantities of marijuana concentrates, useable marijuana, or marijuana-infused products that do not exceed the maximum amounts established by the state liquor (~~(control)~~) and cannabis board under RCW 69.50.345(~~(5)~~) (7); (~~and~~)

(3) Except as provided in subsection (4) of this section, delivery, distribution, and sale, on the premises of the retail outlet, of any combination of the following amounts of marijuana concentrates, useable marijuana, or marijuana-infused product to any person twenty-one years of age or older:

- (a) One ounce of useable marijuana;
- (b) Sixteen ounces of marijuana-infused product in solid form; (~~or~~)

(c) Seventy-two ounces of marijuana-infused product in liquid form; or

(d) Seven grams of marijuana concentrates; and

(4) Beginning July 1, 2015, delivery, distribution, and sale, on the premises of the retail outlet holding a medical marijuana endorsement, of any combination of the following amounts of marijuana concentrates, useable marijuana, or marijuana-infused product to a qualifying patient holding a valid authorization card who is eighteen years of age or older or a designated provider holding a valid authorization card:

(a) Three ounces of useable marijuana or as much useable marijuana as is indicated on the authorization card of the patient or provider;

(b) Forty-eight ounces of marijuana-infused product in solid form;

(c) Two hundred sixteen ounces of marijuana-infused product in liquid form; or

(d) Twenty-one grams of marijuana concentrates.

Sec. 10. RCW 69.50.4013 and 2013 c 3 s 20 (Initiative Measure No. 502) are each amended to read as follows:

(1) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3)(a) The possession, by a person twenty-one years of age or older, of marijuana concentrates, useable marijuana, or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana,

marijuana-infused products, or plants, as that term is defined in RCW 69.51A.010, in accordance with section 17 or 24 of this act is not a violation of this section, this chapter, or any other provision of Washington state law.

NEW SECTION. Sec. 11. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to:

(a) Beginning July 1, 2015, sales of marijuana concentrates, useable marijuana, or marijuana-infused products by marijuana retailers who hold medical marijuana endorsements under section 7 of this act to qualifying patients or designated providers who hold valid authorization cards; or

(b) Until September 1, 2015, sales of marijuana concentrates, useable marijuana, or marijuana-infused products by collective gardens under RCW 69.51A.085.

(2) Each seller making exempt sales under subsection (1) of this section must maintain information establishing the purchaser's eligibility for the exemption in the form and manner required by the department.

(3) For the purposes of this section, the terms "marijuana concentrates," "useable marijuana," "marijuana-infused products," and "marijuana retailers" have the meaning provided in RCW 69.50.101 and the terms "qualifying patients," "designated providers," and "authorization card" have the meaning provided in RCW 69.51A.010.

NEW SECTION. Sec. 12. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply to the use of marijuana concentrates, useable marijuana, or marijuana-infused products in compliance with chapters 69.50 and 69.51A RCW by:

(a) Until September 1, 2015, collective gardens under RCW 69.51A.085 and the qualifying patients participating in the collective gardens;

(b) Beginning July 1, 2015, qualifying patients or designated providers who hold valid authorization cards; or

(c) Beginning July 1, 2015, marijuana retailers who hold a medical marijuana endorsement under chapter 69.50 RCW with respect to marijuana concentrates, useable marijuana, or marijuana-infused products if such marijuana or product is provided at no charge to a qualifying patient or designated provider who holds a valid authorization card. Each such retailer providing such marijuana or product at no charge must maintain information establishing eligibility for this exemption in the form and manner required by the department.

(2) For the purposes of this section, the terms "marijuana concentrates," "useable marijuana," "marijuana-infused products," and "marijuana retailers" have the meaning provided in RCW 69.50.101 and the terms "qualifying patients," "designated providers," and "authorization card" have the meaning provided in RCW 69.51A.010.

Sec. 13. RCW 28B.20.502 and 2011 c 181 s 1002 are each amended to read as follows:

The University of Washington and Washington State University may conduct scientific research on the efficacy and safety of administering (~~(cannabis)~~) marijuana as part of medical treatment. As part of this research, the University of Washington and Washington State University may develop and conduct studies to ascertain the general medical safety and efficacy of (~~(cannabis)~~) marijuana and may develop medical guidelines for the appropriate administration and use of (~~(cannabis)~~) marijuana.

Sec. 14. RCW 69.51A.005 and 2011 c 181 s 102 are each amended to read as follows:

(1) The legislature finds that:

(a) There is medical evidence that some patients with terminal or debilitating medical conditions may, under their health care

professional's care, benefit from the medical use of ~~((cannabis))~~ marijuana. Some of the conditions for which ~~((cannabis))~~ marijuana appears to be beneficial include, but are not limited to:

(i) Nausea, vomiting, and cachexia associated with cancer, HIV-positive status, AIDS, hepatitis C, anorexia, and their treatments;

(ii) Severe muscle spasms associated with multiple sclerosis, epilepsy, and other seizure and spasticity disorders;

(iii) Acute or chronic glaucoma;

(iv) Crohn's disease; and

(v) Some forms of intractable pain.

(b) Humanitarian compassion necessitates that the decision to use ~~((cannabis))~~ marijuana by patients with terminal or debilitating medical conditions is a personal, individual decision, based upon their health care professional's professional medical judgment and discretion.

(2) Therefore, the legislature intends that, so long as such activities are in compliance with this chapter:

(a) Qualifying patients with terminal or debilitating medical conditions who, in the judgment of their health care professionals, may benefit from the medical use of ~~((cannabis))~~ marijuana, shall not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law based solely on their medical use of ~~((cannabis))~~ marijuana, notwithstanding any other provision of law;

(b) Persons who act as designated providers to such patients shall also not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law, notwithstanding any other provision of law, based solely on their assisting with the medical use of ~~((cannabis))~~ marijuana; and

(c) Health care professionals shall also not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law for the proper authorization of medical use of ~~((cannabis))~~ marijuana by qualifying patients for whom, in the health care professional's professional judgment, the medical use of ~~((cannabis))~~ marijuana may prove beneficial.

(3) Nothing in this chapter establishes the medical necessity or medical appropriateness of ~~((cannabis))~~ marijuana for treating terminal or debilitating medical conditions as defined in RCW 69.51A.010.

(4) Nothing in this chapter diminishes the authority of correctional agencies and departments, including local governments or jails, to establish a procedure for determining when the use of ~~((cannabis))~~ marijuana would impact community safety or the effective supervision of those on active supervision for a criminal conviction, nor does it create the right to any accommodation of any medical use of ~~((cannabis))~~ marijuana in any correctional facility or jail.

Sec. 15. RCW 69.51A.010 and 2010 c 284 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Designated provider" means a person who ~~((is~~ is ~~((eighteen))~~ twenty-one years of age or older ~~((; and~~ and:

(a)(i) Is the parent or guardian of a qualifying patient who is under the age of eighteen; or

(ii) Has been designated in writing by a qualifying patient to serve as a designated provider ~~((under this chapter))~~ for that patient;

~~((; and~~ (b) Has been entered into the medical marijuana registry as being the designated provider to a qualifying patient and may only provide medical marijuana to that qualifying patient;

(c) Is prohibited from consuming marijuana obtained for the personal, medical use of the qualifying patient for whom the individual is acting as designated provider; ~~((and~~)

~~((d) Is in compliance with this chapter; and~~

(e) Is the designated provider to only one patient at any one time.

(2) "Health care professional," for purposes of this chapter only, means a physician licensed under chapter 18.71 RCW, a physician assistant licensed under chapter 18.71A RCW, an osteopathic physician licensed under chapter 18.57 RCW, an osteopathic physicians' assistant licensed under chapter 18.57A RCW, a naturopath licensed under chapter 18.36A RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(3) "Medical use of marijuana" means the manufacture, production, possession, transportation, delivery, ingestion, application, or administration of marijuana ~~((as defined in RCW 69.50.101(q))~~) for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating ~~((illness))~~ medical condition.

(4) "Qualifying patient" means a person who:

~~((a)(i) Is a patient of a health care professional;~~

~~((b))~~ (ii) Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;

~~((c))~~ (iii) Is a resident of the state of Washington at the time of such diagnosis;

~~((d))~~ (iv) Has been advised by that health care professional about the risks and benefits of the medical use of marijuana; ~~((and~~

~~((e))~~ (v) Has been advised by that health care professional that ~~((they))~~ he or she may benefit from the medical use of marijuana;

(vi) Has been entered into the medical marijuana registry; and

(vii) Is otherwise in compliance with the terms and conditions established in this chapter.

(b) "Qualifying patient" does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of this chapter are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.

(5) Until September 1, 2015, "tamper-resistant paper" means paper that meets one or more of the following industry-recognized features:

(a) One or more features designed to prevent copying of the paper;

(b) One or more features designed to prevent the erasure or modification of information on the paper; or

(c) One or more features designed to prevent the use of counterfeit valid documentation.

(6) "Terminal or debilitating medical condition" means a condition severe enough to significantly interfere with the patient's activities of daily living and ability to function, which can be objectively assessed and evaluated and limited to the following:

(a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; ~~((or))~~

(b) Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; ~~((or))~~

(c) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; ~~((or))~~

(d) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; ~~((or))~~

(e) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; ~~((or))~~

(f) Diseases, including anorexia, which result in nausea, vomiting, wasting, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or

(g) Any other medical condition duly approved by the Washington state medical quality assurance commission in

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consultation with the board of osteopathic medicine and surgery as directed in this chapter.

(7) Until September 1, 2015, "valid documentation" means:

(a) A statement signed and dated by a qualifying patient's health care professional written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of marijuana; and

(b) Proof of identity such as a Washington state driver's license or identicaid, as defined in RCW 46.20.035.

(8) "Authorization card" means a card issued by the department to qualifying patients whose health care professionals have entered them into the department's medical marijuana registry.

(9) "Department" means the department of health.

(10) "Marijuana" has the meaning provided in RCW 69.50.101.

(11) "Marijuana processor" has the meaning provided in RCW 69.50.101.

(12) "Marijuana producer" has the meaning provided in RCW 69.50.101.

(13) "Marijuana retailer" has the meaning provided in RCW 69.50.101.

(14) "Marijuana-infused products" has the meaning provided in RCW 69.50.101.

(15) "Medical marijuana registry" means the secure and confidential registry of qualifying patients and designated providers established in section 24 of this act.

(16) "Plant" means a marijuana plant having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system is considered part of the same single plant.

(17) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages, and filling stations that are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and that are generally used by the public.

(18) "THC concentration" has the meaning provided in RCW 69.50.101.

(19) "Useable marijuana" has the meaning provided in RCW 69.50.101.

(20) "Marijuana concentrates" has the meaning provided in RCW 69.50.101.

(21) "Principle care provider" means the health care professional who is designated by a qualifying patient as being the principle care provider for that patient.

Sec. 16. RCW 69.51A.030 and 2011 c 181 s 301 are each amended to read as follows:

(1) The following acts do not constitute crimes under state law or unprofessional conduct under chapter 18.130 RCW, and a health care professional may not be arrested, searched, prosecuted, disciplined, or subject to other criminal sanctions or civil consequences or liability under state law, or have real or personal property searched, seized, or forfeited pursuant to state law,

notwithstanding any other provision of law as long as the health care professional complies with subsection (2) of this section:

(a) Advising a patient about the risks and benefits of medical use of ~~((cannabis))~~ marijuana or that the patient may benefit from the medical use of ~~((cannabis))~~ marijuana; or

(b) ~~((Providing))~~ Registering a patient meeting the criteria established under RCW 69.51A.010~~((26) with valid documentation))~~ (4) with the medical marijuana registry, based upon the health care professional's assessment of the patient's medical history and current medical condition, ~~((where such use is))~~ if the health care professional has complied with this chapter and he or she determines within a professional standard of care or in the individual health care professional's medical judgment the qualifying patient may benefit from medical use of marijuana.

(2)(a) A health care professional may only ~~((provide a patient with valid documentation authorizing the medical use of cannabis or))~~ register the patient with the medical marijuana registry established in section ~~((904))~~ 20 of this act if he or she has a ~~((newly initiated or existing))~~ documented relationship with the patient, as a ~~((primary))~~ principle care provider or a specialist, relating to the diagnosis and ongoing treatment or monitoring of the patient's terminal or debilitating medical condition, and only after:

(i) Completing ~~((a))~~ an in-person physical examination of the patient ~~((as appropriate, based on the patient's condition and age));~~

(ii) Documenting the terminal or debilitating medical condition of the patient in the patient's medical record and that the patient may benefit from treatment of this condition or its symptoms with medical use of ~~((cannabis))~~ marijuana;

(iii) Informing the patient of other options for treating the terminal or debilitating medical condition and documenting in the patient's medical record that the patient has received this information; and

(iv) Documenting in the patient's medical record other measures attempted to treat the terminal or debilitating medical condition that do not involve the medical use of ~~((cannabis))~~ marijuana.

(b) A health care professional shall not:

(i) Accept, solicit, or offer any form of pecuniary remuneration from or to a ~~((licensed dispenser, licensed producer, or licensed processor of cannabis products))~~ marijuana retailer, marijuana processor, or marijuana producer;

(ii) Offer a discount or any other thing of value to a qualifying patient who is a customer of, or agrees to be a customer of, a particular ~~((licensed dispenser, licensed producer, or licensed processor of cannabis products))~~ marijuana retailer;

(iii) Examine or offer to examine a patient for purposes of diagnosing a terminal or debilitating medical condition at a location where ~~((cannabis))~~ marijuana is produced, processed, or ~~((dispensed))~~ sold;

(iv) Have a business or practice which consists ~~((solely))~~ primarily of authorizing the medical use of ~~((cannabis))~~ marijuana. However, the health care professional's business or practice must have a permanent physical location;

(v) Include any statement or reference, visual or otherwise, on the medical use of ~~((cannabis))~~ marijuana in any advertisement for his or her business or practice; or

(vi) Hold an economic interest in an enterprise that produces, processes, or ~~((dispenses cannabis))~~ sells marijuana if the health care professional authorizes the medical use of ~~((cannabis))~~ marijuana.

(3) A violation of any provision of subsection (2) of this section constitutes unprofessional conduct under chapter 18.130 RCW.

NEW SECTION. Sec. 17. A new section is added to chapter 69.51A RCW to read as follows:

(1) As part of registering a qualifying patient or designated provider in the medical marijuana registry, the health care professional may include recommendations on the amount of

marijuana that is likely needed by the qualifying patient for his or her medical needs and in accordance with subsection (2) of this section. If no recommendations are included at point of registration, the qualifying patient or designated provider may purchase at a marijuana retailer that holds a medical marijuana endorsement a combination of the following: Three ounces of useable marijuana; forty-eight ounces of marijuana-infused product in solid form; two hundred sixteen ounces of marijuana-infused product in liquid form; or twenty-one grams of marijuana concentrates. The qualifying patient or designated provider may also grow, in his or her domicile, up to six plants for the personal medical use of the qualifying patient. If plants are grown for the qualifying patient, the patient or designated provider may possess as much useable marijuana as can be produced by three plants or by the number of plants for which the patient or provider is authorized under subsection (2) of this section.

(2) If a health care professional determines that the medical needs of a patient exceed the amounts provided for in subsection (1) of this section, the health care professional may recommend a greater amount of useable marijuana or plants for the personal medical use of the patient but not to exceed eight ounces of useable marijuana or fifteen plants. This amount must be entered into the registry at point of registration of the qualifying patient or designated provider.

NEW SECTION. Sec. 18. A new section is added to chapter 69.51A RCW to read as follows:

(1) The department shall convene a work group of representatives of the medical quality assurance commission, board of osteopathic medicine and surgery, the nursing care quality assurance commission, the board of naturopathy, and representatives of the medical marijuana community including patients, attorneys, and health care professionals, to develop practice guidelines for health care professionals to consider when authorizing the medical use of marijuana for patients and consider appropriate training and practice standards for employees of a licensed marijuana retailer that holds a medical marijuana endorsement. The representatives of the medical marijuana community must be appointed by the governor. The practice guidelines shall address:

- (a) Conditions that may benefit from the medical use of marijuana;
- (b) Assessing a patient to determine if he or she has a debilitating condition or intractable pain;
- (c) Conducting an adequate examination of a patient for the need for marijuana for medical use;
- (d) Dosing criteria related to the medical use of marijuana;
- (e) Developing a treatment plan for patients who may benefit from the medical use of marijuana;
- (f) Communicating with a patient about the medical use of marijuana and other options for treating his or her terminal or debilitating medical condition;
- (g) Maintaining records for patients who have been authorized to use marijuana for medical purposes; and
- (h) Other issues identified by the work group as necessary to provide appropriate care to patients who have been authorized to use marijuana for medical purposes.

(2) In developing standards for employees of a licensed marijuana retailer that holds a medical marijuana endorsement, the work group shall identify appropriate practices for advising qualifying patients or designated providers in selecting types of marijuana for their condition, instructing qualifying patients and designated providers on product use, fulfilling orders, and safe handling of products. The work group shall adopt a definition of "medical grade marijuana" to guide licensed marijuana retailers that hold a medical marijuana endorsement in making decisions in selecting types of marijuana for patients. The recommendations of

the work group under this subsection are advisory and do not establish regulatory standards, unless adopted by the state liquor and cannabis board or the department pursuant to existing authority.

(3) The department shall make the practice guidelines and training and practice standards broadly available to health care professionals and employees of licensed marijuana retailers that hold a medical marijuana endorsement.

NEW SECTION. Sec. 19. A new section is added to chapter 69.51A RCW to read as follows:

(1) Health care professionals may authorize the medical use of marijuana for qualifying patients who are under the age of eighteen if:

- (a) The minor's parent or guardian participates in the minor's treatment and agrees to the medical use of marijuana by the minor;
- (b) The parent or guardian acts as the designated provider for the minor and has sole control over the minor's marijuana. However, the minor may possess up to the amount of marijuana that is necessary for his or her next dose; and
- (c) The minor may not grow plants or purchase marijuana from a marijuana retailer.

(2) A health care professional who authorizes the medical use of marijuana by a minor must do so as part of the course of treatment of the minor's terminal or debilitating medical condition. If authorizing a minor for the medical use of marijuana, the health care professional must:

- (a) Consult with other health care providers involved in the child's treatment, as medically indicated, before authorization or reauthorization of the medical use of marijuana;
- (b) Reexamine the minor at least once a year or more frequently as medically indicated. The reexamination must:
 - (i) Determine that the minor continues to have a terminal or debilitating medical condition and that the condition benefits from the medical use of marijuana; and
 - (ii) Include a follow-up discussion with the minor's parent or guardian to ensure the parent or guardian continues to participate in the treatment of the minor;
- (c) Enter both the minor and the minor's parent or guardian who is acting as the designated provider in the medical marijuana registry.

NEW SECTION. Sec. 20. A new section is added to chapter 69.51A RCW to read as follows:

(1) By July 1, 2015, the department must adopt rules for the creation, implementation, maintenance, and timely upgrading of a secure and confidential medical marijuana registry that allows:

- (a) A health care professional to register a qualifying patient or designated provider and include the amount of marijuana concentrates, useable marijuana, marijuana-infused products, or plants for which the qualifying patient is authorized under section 17 of this act;
- (b) Persons authorized to prescribe or dispense controlled substances to access information on their patients for the purpose of providing medical or pharmaceutical care for their patients;
- (c) A qualifying patient or designated provider to request and receive his or her own information;
- (d) Appropriate local, state, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation to confirm the validity of the authorization card of a qualifying patient or designated provider;
- (e) A marijuana retailer holding a medical marijuana endorsement to confirm the validity of the authorization card of a qualifying patient or designated provider;
- (f) The department of revenue to verify tax exemptions under chapters 82.08 and 82.12 RCW;
- (g) The department and the health care professional's disciplining authorities to monitor registrations and ensure compliance with this chapter by their licensees; and

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- (h) Registrations to expire one year after entry into the registry.
- (2) A qualifying patient and his or her designated provider, if any, must be placed in the medical marijuana registry by the qualifying patient's health care professional. After a qualifying patient or designated provider is placed in the medical marijuana registry, he or she must be provided with:
 - (a) A receipt of registration, generated by the registry and available immediately at point of registration; and
 - (b) An authorization card provided by the department, to be mailed to the qualifying patient or designated provider.
- (3) The receipt of registration is valid for sixty days or until the qualifying patient or designated provider receives an authorization card from the department, whichever comes first. The receipt of registration is to be considered an authorization card for purposes of this chapter.
- (4) The receipt of registration and authorization card must be developed by the department and include:
 - (a) The qualifying patient or designated provider's name;
 - (b) For designated providers, the name of the qualifying patient whom the provider is assisting;
 - (c) The amount of marijuana concentrates, useable marijuana, marijuana-infused products, or plants for which the qualifying patient is authorized under section 17 or 24 of this act;
 - (d) The effective date and expiration date of the receipt of registration and the authorization card;
 - (e) The name of the health care professional who registered the qualifying patient or designated provider; and
 - (f) For the authorization card, additional security features as necessary to ensure its validity.
- (5) Authorization cards are valid for one year from the date the health care professional registers the qualifying patient or designated provider in the medical marijuana registry. Qualifying patients may not be reentered into the medical marijuana registry until they have been reexamined by a health care professional and determined to meet the definition of qualifying patient. After reexamination, the health care professional must reenter the qualifying patient or designated provider into the medical marijuana registry and a new authorization card will then be issued by the department in accordance with department rules. The department must adopt rules on replacing lost or stolen authorization cards.
- (6) The department must adopt rules for removing qualifying patients and designated providers from the medical marijuana registry upon expiration of the authorization card as well as a method for permitting qualifying patients and designated providers to remove their names from the medical marijuana registry before expiration and for health care professionals to remove qualifying patients and designated providers from the medical marijuana registry before expiration if the patient or provider no longer qualifies for the medical use of marijuana. The department must retain registry records for at least five calendar years to permit the state liquor and cannabis board and the department of revenue to verify eligibility for tax exemptions.
- (7) During development of the medical marijuana registry, the department of health shall consult with stakeholders and persons with relevant expertise to include, but not be limited to, qualifying patients, designated providers, health care professionals, state and local law enforcement agencies, and the University of Washington computer science and engineering security and privacy research lab.
- (8) The medical marijuana registry must meet the following requirements:
 - (a) Any personally identifiable information included in the registry must be nonreversible, pursuant to definitions and standards set forth by the national institute of standards and technology;

- (b) Any personally identifiable information included in the registry must not be susceptible to linkage by use of data external to the registry;
- (c) The registry must incorporate current best differential privacy practices, allowing for maximum accuracy of registry queries while minimizing the chances of identifying the personally identifiable information included therein; and
- (d) The registry must be upgradable and updated in a timely fashion to keep current with state of the art privacy and security standards and practices.
- (9)(a) Personally identifiable information of qualifying patients and designated providers included in the medical marijuana registry is confidential and exempt from public disclosure, inspection, or copying under chapter 42.56 RCW.
- (b) Information contained in the medical marijuana registry may be released in aggregate form, with all personally identifying information redacted, for the purpose of statistical analysis and oversight of agency performance and actions.

NEW SECTION. Sec. 21. A new section is added to chapter 42.56 RCW to read as follows:

Records in the medical marijuana registry established in section 20 of this act containing names and other personally identifiable information of qualifying patients and designated providers are exempt from disclosure under this chapter.

Sec. 22. RCW 42.56.270 and 2013 c 305 s 14 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

- (1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;
- (2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;
- (3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;
- (4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;
- (5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;
- (6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;
- (7) Financial and valuable trade information under RCW 51.36.120;
- (8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;
- (9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, marijuana license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Financial, commercial, operations, and technical and research information and data submitted to or obtained by innovate Washington in applications for, or delivery of, grants and loans under chapter 43.333 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information; and

(22) Market share data submitted by a manufacturer under RCW 70.95N.190(4).

Sec. 23. RCW 69.51A.040 and 2011 c 181 s 401 are each amended to read as follows:

The medical use of ~~((cannabis))~~ marijuana in accordance with the terms and conditions of this chapter does not constitute a crime and a qualifying patient or designated provider in compliance with the terms and conditions of this chapter may not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences, for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, ~~((cannabis))~~ marijuana under state law, or have real or personal property seized or forfeited for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, ~~((cannabis))~~ marijuana under state law, and investigating ~~((peace))~~ law enforcement officers and ~~((law enforcement))~~ agencies may not be held civilly liable for failure to seize ~~((cannabis))~~ marijuana in this circumstance, if:

(1)(a) The qualifying patient or designated provider holds a valid authorization card and possesses no more than ~~((fifteen))~~ cannabis plants and:

(i) No more than twenty-four ounces of useable cannabis;

(ii) No more cannabis product than what could reasonably be produced with no more than twenty-four ounces of useable cannabis; or

(iii) A combination of useable cannabis and cannabis product that does not exceed a combined total representing possession and processing of no more than twenty-four ounces of useable ~~((cannabis))~~ the amount of marijuana concentrates, useable marijuana, plants, or marijuana-infused products authorized under section 17 or 24 of this act.

(b) If a person is both a qualifying patient and a designated provider for another qualifying patient, the person may possess no more than twice the amounts described in ~~((a) of this subsection))~~ section 17 of this act, whether the plants, ~~((useable cannabis, and cannabis product))~~ marijuana concentrates, useable marijuana, or marijuana-infused products are possessed individually or in combination between the qualifying patient and his or her designated provider;

(2) The qualifying patient or designated provider presents his or her ~~((proof of registration with the department of health,))~~ authorization card to any ~~((peace))~~ law enforcement officer who questions the patient or provider regarding his or her medical use of ~~((cannabis))~~ marijuana;

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(3) The qualifying patient or designated provider keeps a copy of his or her ~~(proof of registration with the registry established in section 901 of this act)~~ authorization card and the qualifying patient or designated provider's contact information posted prominently next to any ~~((cannabis))~~ plants, ~~((cannabis))~~ marijuana concentrates, marijuana-infused products, or useable ~~((cannabis))~~ marijuana located at his or her residence;

(4) The investigating ~~((peace))~~ law enforcement officer does not possess evidence that:

(a) The designated provider has converted ~~((cannabis))~~ marijuana produced or obtained for the qualifying patient for his or her own personal use or benefit; or

(b) The qualifying patient ~~((has converted cannabis produced or obtained for his or her own medical use to the qualifying patient's personal, nonmedical use or benefit))~~ sold, donated, or otherwise supplied marijuana to another person;

~~((The investigating peace officer does not possess evidence that))~~ (5) The designated provider has served as a designated provider to more than one qualifying patient within a fifteen-day period; and

~~((investigating peace officer has not observed evidence of any of the circumstances identified in section 901(4) of this act))~~ (6) qualifying patient or designated provider participates in a cooperative as provided in section 24 of this act.

NEW SECTION. Sec. 24. A new section is added to chapter 69.51A RCW to read as follows:

(1) Qualifying patients or designated providers may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of members of the cooperative. No more than four people may become members of the cooperative under this section and all members must hold valid authorization cards.

(2) The location of the cooperative must be registered with the state liquor and cannabis board and this is the only location where cooperative members may grow or process marijuana. This registration must include the names of all participating members and copies of each participant's authorization card. Only qualifying patients or designated providers registered with the state liquor and cannabis board in association with the location may participate in growing or receive useable marijuana or marijuana-infused products grown at that location.

(3) If a qualifying patient or designated provider no longer participates in growing at the location, he or she must notify the state liquor and cannabis board within fifteen days of the date the qualifying patient or designated provider ceases participation. The state liquor and cannabis board must remove his or her name from connection to the cooperative. Additional qualifying patients or designated providers may not join the cooperative until fifteen days have passed since the date on which the last qualifying patient or designated provider notifies the state liquor and cannabis board that he or she no longer participates in that cooperative.

(4) Qualifying patients or designated providers who grow plants under this section:

(a) May grow up to the total amount of plants for which each participating member is authorized on their authorization cards. At the location, the qualifying patients or designated providers may possess no more useable marijuana than what can be produced with the number of plants permitted under this subsection;

(b) Must provide assistance in growing plants. A monetary contribution or donation is not to be considered assistance under this section. Participants must provide labor in order to participate; and

(c) May not sell, donate, or otherwise provide marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products to a person who is not participating under this section.

(5) The location of the cooperative must be the domicile of one of the participants. A copy of each participant's authorization card must be kept at the location at all times.

(6) The state liquor and cannabis board may adopt rules to implement this section, including any security requirements necessary to ensure the safety of the cooperative and to reduce the risk of diversion from the cooperative.

(7) The state liquor and cannabis board may inspect a cooperative registered under this section to ensure members are in compliance with this section. The state liquor and cannabis board must adopt rules on reasonable inspection hours and reasons for inspections.

Sec. 25. RCW 69.51A.045 and 2011 c 181 s 405 are each amended to read as follows:

(1) A qualifying patient or designated provider in possession of ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~ marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the limits set forth in ~~((RCW 69.51A.040(4)))~~ section 17 or 24 of this act but otherwise in compliance with all other terms and conditions of this chapter may establish an affirmative defense to charges of violations of state law relating to ~~((cannabis))~~ marijuana through proof at trial, by a preponderance of the evidence, that the qualifying patient's necessary medical use exceeds the amounts set forth in RCW 69.51A.040~~((4))~~.

(2) An investigating ~~((peace))~~ law enforcement officer may seize ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~ marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the amounts set forth in ~~((RCW 69.51A.040(1); PROVIDED, That))~~ section 17 or 24 of this act. In the case of ~~((cannabis))~~ plants, the qualifying patient or designated provider shall be allowed to select the plants that will remain at the location. The officer and his or her law enforcement agency may not be held civilly liable for failure to seize ~~((cannabis))~~ marijuana in this circumstance.

Sec. 26. RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to read as follows:

(1)(a) The arrest and prosecution protections established in RCW 69.51A.040 may not be asserted in a supervision revocation or violation hearing by a person who is supervised by a corrections agency or department, including local governments or jails, that has determined that the terms of this section are inconsistent with and contrary to his or her supervision.

(b) The affirmative defenses established in RCW ~~((69.51A.043,))~~ 69.51A.045~~((, 69.51A.047, and section 407 of this act))~~ may not be asserted in a supervision revocation or violation hearing by a person who is supervised by a corrections agency or department, including local governments or jails, that has determined that the terms of this section are inconsistent with and contrary to his or her supervision.

(2) ~~((The provisions of))~~ RCW 69.51A.040~~((, 69.51A.085, and 69.51A.025 do))~~ does not apply to a person who is supervised for a criminal conviction by a corrections agency or department, including local governments or jails, that has determined that the terms of this chapter are inconsistent with and contrary to his or her supervision.

~~((3))~~ (3) A person may not be licensed as a licensed producer, licensed processor of cannabis products, or a licensed dispenser under section 601, 602, or 701 of this act if he or she is supervised for a criminal conviction by a corrections agency or department, including local governments or jails, that has determined that licensure is inconsistent with and contrary to his or her supervision.)

Sec. 27. RCW 69.51A.060 and 2011 c 181 s 501 are each amended to read as follows:

(1) It shall be a class 3 civil infraction to use or display medical ~~((cannabis))~~ marijuana in a manner or place which is open to the view of the general public.

(2) Nothing in this chapter establishes a right of care as a covered benefit or requires any state purchased health care as defined in RCW 41.05.011 or other health carrier or health plan as defined in Title 48 RCW to be liable for any claim for reimbursement for the medical use of ~~((cannabis))~~ marijuana. Such entities may enact coverage or noncoverage criteria or related policies for payment or nonpayment of medical ~~((cannabis))~~ marijuana in their sole discretion.

(3) Nothing in this chapter requires any health care professional to authorize the medical use of ~~((cannabis))~~ marijuana for a patient.

(4) Nothing in this chapter requires any accommodation of any on-site medical use of ~~((cannabis))~~ marijuana in any place of employment, in any school bus or on any school grounds, in any youth center, in any correctional facility, or smoking ~~((cannabis))~~ marijuana in any public place or hotel or motel. However, a school may permit a minor who meets the requirements of section 19 of this act to consume medical marijuana on school grounds. Such use must be in accordance with school policy relating to medication use on school grounds.

(5) Nothing in this chapter authorizes the possession or use of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products on federal property.

(6) Nothing in this chapter authorizes the use of medical ~~((cannabis))~~ marijuana by any person who is subject to the Washington code of military justice in chapter 38.38 RCW.

~~((6))~~ (7) Employers may establish drug-free work policies. Nothing in this chapter requires an accommodation for the medical use of ~~((cannabis))~~ marijuana if an employer has a drug-free workplace.

~~((7))~~ (8) Until September 1, 2015, it is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010(~~((32))~~(a)) (7), or to backdate such documentation to a time earlier than its actual date of execution.

~~((8))~~ (9) No person shall be entitled to claim the protection from arrest and prosecution under RCW 69.51A.040 ~~((or the affirmative defense under RCW 69.51A.043))~~ for engaging in the medical use of ~~((cannabis))~~ marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or 46.61.504, or equivalent local ordinances.

NEW SECTION. Sec. 28. A new section is added to chapter 69.51A RCW to read as follows:

(1) It is unlawful for a person knowingly or intentionally:

(a) To produce an authorization card or to tamper with an authorization card for the purpose of having it accepted by a marijuana retailer in order to purchase marijuana as a qualifying patient or designated provider or to grow marijuana plants in accordance with section 17 or 24 of this act;

(b) If a person is a designated provider to a qualifying patient, to sell, donate, or otherwise use the marijuana produced or obtained for the qualifying patient for the designated provider's own personal use or benefit; or

(c) If the person is a qualifying patient, to sell, donate, or otherwise supply marijuana produced or obtained by the qualifying patient to another person.

(2) A person who violates this section is guilty of a class C felony and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both.

Sec. 29. RCW 69.51A.070 and 2007 c 371 s 7 are each amended to read as follows:

The Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery, or other appropriate agency as designated by the governor, shall accept for consideration petitions submitted to add terminal or debilitating conditions to those included in this chapter. In considering such petitions, the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery may make a preliminary finding of good cause before the public hearing and shall, after hearing, approve or deny such petitions within ~~((one))~~ two hundred ~~((eighty))~~ ten days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review.

Sec. 30. RCW 69.51A.100 and 2011 c 181 s 404 are each amended to read as follows:

(1) A qualifying patient may revoke his or her designation of a specific designated provider and designate a different designated provider at any time. A revocation of designation must be in writing, signed and dated, and provided to the department and designated provider. The protections of this chapter cease to apply to a person who has served as a designated provider to a qualifying patient seventy-two hours after receipt of that patient's revocation of his or her designation.

(2) A person may stop serving as a designated provider to a given qualifying patient at any time by revoking that designation in writing, signed and dated, and provided to the department and the qualifying patient. However, that person may not begin serving as a designated provider to a different qualifying patient until fifteen days have elapsed from the date the last qualifying patient designated him or her to serve as a provider.

(3) The department may adopt rules to implement this section, including a procedure to remove the name of the designated provider from the medical marijuana registry upon receipt of a revocation under this section.

Sec. 31. RCW 69.51A.110 and 2011 c 181 s 408 are each amended to read as follows:

A qualifying patient's medical use of ~~((cannabis))~~ marijuana as authorized by a health care professional may not be a sole disqualifying factor in determining the patient's suitability for an organ transplant, unless it is shown that this use poses a significant risk of rejection or organ failure. This section does not preclude a health care professional from requiring that a patient abstain from the medical use of ~~((cannabis))~~ marijuana, for a period of time determined by the health care professional, while waiting for a transplant organ or before the patient undergoes an organ transplant.

Sec. 32. RCW 69.51A.120 and 2011 c 181 s 409 are each amended to read as follows:

A qualifying patient or designated provider may not have his or her parental rights or residential time with a child restricted solely due to his or her medical use of ~~((cannabis))~~ marijuana in compliance with the terms of this chapter absent written findings supported by evidence that such use has resulted in a long-term impairment that interferes with the performance of parenting functions as defined under RCW 26.09.004.

NEW SECTION. Sec. 33. A new section is added to chapter 69.51A RCW to read as follows:

Neither this chapter nor chapter 69.50 RCW prohibits a health care professional from selling or donating topical, noningestible products that have a THC concentration of less than .3 percent to qualifying patients.

NEW SECTION. Sec. 34. A new section is added to chapter 69.51A RCW to read as follows:

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Valid documentation may not be issued by a health care professional after September 1, 2015. All valid documentation expires September 1, 2015. Until September 1, 2015, qualifying patients and designated providers in possession of valid documentation may establish an affirmative defense to charges of violations of state law relating to marijuana through proof at trial, by a preponderance of evidence, that the qualifying patient has been authorized by a health care professional for the medical use of marijuana, that the qualifying patient meets the requirements of RCW 69.51A.010(4), and that the qualifying patient's necessary medical use exceeds the amounts set forth in RCW 69.50.360.

NEW SECTION. Sec. 35. A new section is added to chapter 69.51A RCW to read as follows:

A medical marijuana advisory group must be appointed by the governor to advise and assist the state liquor and cannabis board in adopting rules relating to the medical use of marijuana. The advisory group will meet at the call of the state liquor and cannabis board. Membership of the advisory group includes, but is not limited to the following:

- (1) Three health care professionals who authorize the medical use of marijuana;
- (2) Two pharmacists, one with compounding experience;
- (3) One licensed marijuana producer with medical marijuana experience;
- (4) One licensed marijuana processor with medical marijuana experience;
- (5) One licensed marijuana retailer with medical marijuana experience; and
- (6) One qualifying patient.

NEW SECTION. Sec. 36. (1) The legislature finds marijuana use for qualifying patients is a valid and necessary option health care professionals may recommend for their patients. The legislature further finds that although there is a distinction between recreational and medical use of marijuana, the changing environment for recreational marijuana use in Washington will also affect qualifying patients. The legislature further finds that while recognizing the difference between recreational and medical use of marijuana, it is imperative to develop a single, comprehensive regulatory scheme for marijuana use in the state. Acknowledging that the implementation of this act may result in changes to how qualifying patients access medical marijuana, the legislature intends to ease the transition towards a regulated market and provide a statutory means for a safe, consistent, and secure source of marijuana for qualifying patients. Therefore, the legislature intends to provide qualifying patients a retail sales and use tax exemption on purchases of marijuana for medical use when authorized by a health care professional. Because marijuana is neither a prescription medicine nor an over-the-counter medication, this policy should in no way be construed as precedence for changes in the treatment of prescription medications or over-the-counter medications.

(2)(a) This section is the tax preference performance statement for the retail sales and use tax exemptions for marijuana concentrates, useable marijuana, and marijuana-infused products purchased by qualifying patients provided in sections 11 and 12 of this act. The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(b) The legislature categorizes the tax preference as one intended to accomplish the general purposes indicated in RCW 82.32.808(2)(e).

(c) It is the legislature's specific public policy objective to provide qualifying patients a retail sales and use tax exemption on purchases of marijuana concentrates, useable marijuana, and marijuana-infused products for medical use when authorized by a

health care professional and registered with the medical marijuana registry.

(d) To measure the effectiveness of the exemption provided in this act in achieving the specific public policy objectives described in (c) of this subsection, the joint legislative audit and review committee must evaluate the actual fiscal impact of the sales and use tax exemption in this act compared to the estimated impact in the fiscal note for this act.

NEW SECTION. Sec. 37. All references to the Washington state liquor control board must be construed as referring to the Washington state liquor and cannabis board. The code reviser must prepare legislation for the 2015 legislative session changing all references in the Revised Code of Washington from the Washington state liquor control board to the Washington state liquor and cannabis board.

NEW SECTION. Sec. 38. The following acts or parts of acts are each repealed:

- (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103 & 1999 c 2 s 3;
- (2) RCW 69.51A.025 (Construction of chapter--Compliance with RCW 69.51A.040) and 2011 c 181 s 413;
- (3) RCW 69.51A.047 (Failure to register or present valid documentation--Affirmative defense) and 2011 c 181 s 406;
- (4) RCW 69.51A.090 (Applicability of valid documentation definition) and 2010 c 284 s 5;
- (5) RCW 69.51A.140 (Counties, cities, towns--Authority to adopt and enforce requirements) and 2011 c 181 s 1102; and
- (6) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001.

NEW SECTION. Sec. 39. RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403, as now existing or hereafter amended, are each repealed, effective September 1, 2015.

NEW SECTION. Sec. 40. RCW 69.51A.043 (Failure to register--Affirmative defense) and 2011 c 181 s 402, as now existing or hereafter amended, are each repealed, effective September 1, 2015.

NEW SECTION. Sec. 41. Sections 6, 7, 10, 16, 17, 19, 23 through 25, 27, 28, 30, and 38 of this act take effect July 1, 2015."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

MOTION

Senator Rivers moved that the following amendment by Senator Rivers to the striking amendment be adopted:

On page 5, beginning on line 6 of the amendment, after "products" strike all material through "concentrates" on line 9 and insert "means products that meet all of the following criteria: (i) Contain marijuana; (ii) are less than fifty percent marijuana; (iii) have a THC concentration greater than 0.3 percent and no greater than twenty percent; and (iv) are intended for human use. The term "marijuana-infused products" does not include useable marijuana or marijuana concentrates"

On page 8, line 9 of the amendment after "means" insert "products consisting of fifty percent or more of"

On page 16, line 14 of the amendment, after "sell or" strike "donate" and insert "provide at no charge"

On page 16, line 14 of the amendment, after "concentration of" strike "less than .3 percent" and insert "0.3 percent or less"

On page 20, line 3 of the amendment, after "useable marijuana," strike "or" and after "products" insert ", or products containing THC with a THC concentration of 0.3 percent or less"

On page 20, line 8 of the amendment, after "useable marijuana," strike "or" and after "products" insert ", or products containing THC with a THC concentration of 0.3 percent or less"

On page 20, line 14 of the amendment, after "terms" insert ""THC concentration,""

On page 20, line 22 of the amendment, after "useable marijuana," strike "or"

On page 20, line 23 of the amendment, after "products" insert ", or products containing THC with a THC concentration of 0.3 percent or less"

On page 20, line 31 of the amendment, after "useable marijuana," strike "or" and after "products" insert ", or products containing THC with a THC concentration of 0.3 percent or less"

On page 21, line 1 of the amendment, after "terms" insert ""THC concentration,""

On page 26, line 10 of the amendment, after "(21)" strike "Principle" and insert "Principal"

On page 26, line 11 of the amendment, after "being the" strike "principle" and insert "principal"

On page 27, at the beginning of line 3 of the amendment, strike "principle" and insert "principal"

Senator Rivers spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rivers on page 5, line 6 to the striking amendment to Third Substitute Senate Bill No. 5887.

The motion by Senator Rivers carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles to the striking amendment be adopted:

On page 12, line 14 of the amendment, after "patients" insert ". If current marijuana producers do not use all the increased production space, the liquor and cannabis board may reopen the license period for new marijuana producer license applicants but only to those mariuan producers who agree to grow products for medical marijuana endorsed retail outlets. Priority in licensing must be given to marijuana producer license applicants who have an application pending on the effective date of this section but who are not yet licensed and then to new marijuana producer license applicants."

Senators Kohl-Welles and Rivers spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 12, line 14 to the striking amendment to Third Substitute Senate Bill No. 5887.

The motion by Senator Kohl-Welles carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles to the striking amendment be adopted:

On page 15, after line 14 of the amendment, insert the following: "NEW SECTION. Sec. 7. A new section is added to chapter 69.50 RCW to read as follows:

A marijuana retailer and employees of the marijuana retailer may identify the strains, varieties, THC concentration, CBD concentration, and THC to CBD ratios of marijuana concentrates, useable marijuana, and marijuana-infused products, available for sale when assisting qualifying patients and designated providers at the retail outlet."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 16, line 13 of the amendment, after "(4)" insert "A marijuana retailer holding a medical marijuana endorsement and employees of the retailer may identify the strains, varieties, THC concentration, CBD concentration, and THC to CBD ratios of marijuana concentrates, useable marijuana, and marijuana-infused products, available for sale when assisting qualifying patients and designated providers at the retail outlet."

Senators Kohl-Welles and Rivers spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 15, after line 14 to the striking amendment to Third Substitute Senate Bill No. 5887.

The motion by Senator Kohl-Welles carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and others to the striking amendment be adopted:

On page 24, line 6 of the amendment, after "Until" strike "September 1, 2015" and insert "April 1, 2016"

On page 24, line 36 of the amendment, after "Until" strike "September 1, 2015," and insert "April 1, 2016"

On page 26, line 25, after "marijuana" insert "or until April 1, 2016, providing a patient with valid documentation"

On page 45, line 12 of the amendment, after "after" strike "September 1, 2015" and insert "April 1, 2016"

On page 45, beginning on line 12 of the amendment, after "expires" strike "September 1, 2015" and insert "April 1, 2016"

On page 45, line 13, after "Until" strike "September 1, 2015" and insert "April 1, 2016"

Senators Kohl-Welles and Rivers spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles and others on page 24, line 6 to the striking amendment to Third Substitute Senate Bill No. 5887.

The motion by Senator Kohl-Welles carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles to the striking amendment be adopted:

On page 31, line 15 of the amendment, after "investigation" insert "of suspected marijuana-related activity that is illegal under Washington state law"

On page 32, line 5 of the amendment, after "(a)" strike all material through "name" and insert "A randomly generated and unique identifying number"

On page 32, line 6 of the amendment, after "providers, the" strike "name" and insert "unique identifying number"

On page 32, line 8 of the amendment, after "(c)" insert "A photograph of the qualifying patient or designated provider's face taken by the registering health care professional in accordance with rules adopted by the department"

(d)"

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Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 32, line 17, after "(5)" insert "The department may adopt rules developing an alternative method to having the photograph required by subsection (4)(c) of this section submitted by the health care professional.

(6) The department must adopt rules regarding the department's destruction of the photographs of qualifying patients and designated providers immediately upon issuance of the authorization cards.

(7)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 32, beginning on line 31, after "remove" strike "their names" and insert "themselves"

Senators Kohl-Welles and Rivers spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 31, line 15 to the striking amendment to Third Substitute Senate Bill No. 5887.

The motion by Senator Kohl-Welles carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Brown moved that the following amendment by Senators Brown and Rivers to the striking amendment be adopted:

On page 39, line 8 of the amendment, after "only for" strike "the" and insert ": (a) The"

On page 39, line 9 of the amendment, after "cooperative" insert "; or (b) medical research"

Senators Brown and Rivers spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brown and Rivers on page 39, line 8 to the striking amendment to Third Substitute Senate Bill No. 5887.

The motion by Senator Brown carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Pedersen to the striking amendment be adopted:

On page 39, line 9 of the amendment, after "more than" strike "four" and insert "six"

On page 33, line 34 of the amendment, after "cards" insert ", but no more than 45 plants"

On page 40, line 8 of the amendment, after "participants." insert "Only one cooperative may be located per property tax parcel."

Senator Kohl-Welles spoke in favor of adoption of the amendment to the striking amendment.

Senator Rivers spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Pedersen on page 39, line 9 to the striking amendment to Third Substitute Senate Bill No. 5887.

The motion by Senator Kohl-Welles failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles to the striking amendment be adopted:

On page 40, line 8 of the amendment, after "participants." insert "Only one cooperative may be located per property tax parcel."

Senators Kohl-Welles and Rivers spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 40, line 8 to the striking amendment to Third Substitute Senate Bill No. 5887.

The motion by Senator Kohl-Welles carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted:

On page 43, line 1 of the amendment, after "(a)" insert "To access the medical marijuana registry for any reason not authorized under section 20 of this act;

(b) To disclose any information received from the medical marijuana registry in violation of section 20 of this act including, but not limited to, qualifying patient or designated provider names, addresses, or amount of marijuana for which they are authorized;

(c)"

Reletter the remaining subsection consecutively and correct any internal references accordingly.

Senators Benton and Rivers spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 43, line 1 to the striking amendment to Third Substitute Senate Bill No. 5887.

The motion by Senator Benton carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles and others as amended to Third Substitute Senate Bill No. 5887.

The motion by Senator Kohl-Welles carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 66.08.012, 69.50.325, 69.50.342, 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013, 28B.20.502, 69.51A.005, 69.51A.010, 69.51A.030, 42.56.270, 69.51A.040, 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.070, 69.51A.100, 69.51A.110, and 69.51A.120; reenacting and amending RCW 69.50.101; adding a new section to chapter 69.50 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 69.51A RCW; adding a new section to chapter 42.56 RCW; creating new sections; repealing

RCW 69.51A.020, 69.51A.025, 69.51A.047, 69.51A.090, 69.51A.140, 69.51A.200, 69.51A.085, and 69.51A.043; prescribing penalties; and providing effective dates."

POINT OF ORDER

Senator Padden: "Mr. President, could you tell me how many votes it will take on final passage for Engrossed Third Substitute Senate Bill No. 5887?"

REPLY BY THE PRESIDENT

President Owen: "Senator Padden Engrossed Third Substitute Senate Bill No. 5887 is in fact amending Initiative 502 within a two year period. Therefore it will take two-thirds vote which equal thirty three votes of this body to pass."

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Third Substitute Senate Bill No. 5887 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Kohl-Welles spoke in favor of passage of the bill.

Senators Dandel and Mullet spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Third Substitute Senate Bill No. 5887.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute Senate Bill No. 5887 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, O'Ban, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler and Tom

Voting nay: Senators Benton, Billig, Dandel, Erickson, Frockt, Hargrove, Hasegawa, Holmquist Newbry, Honeyford, Liias, Mullet, Nelson, Padden, Pearson and Sheldon

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5887, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5360,
SENATE BILL NO. 5956,
ENGROSSED SENATE BILL NO. 5964,
SUBSTITUTE SENATE BILL NO. 5969,
SUBSTITUTE SENATE BILL NO. 6046,
SUBSTITUTE SENATE BILL NO. 6074,
SENATE BILL NO. 6115,
SENATE BILL NO. 6219,
SENATE BILL NO. 6284,
SENATE BILL NO. 6321,
SENATE BILL NO. 6328.

SECOND READING

SENATE BILL NO. 6542, by Senator Kohl-Welles

Establishing the state cannabis industry coordinating committee.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6542 was substituted for Senate Bill No. 6542 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

On page 2, after line 31, insert the following:

"(b) Recommend a state financial system that best implements the state's marijuana marketplace while maximizing public safety, accurate tax accounting, and compliance with the United States attorney general's guidance regarding marijuana enforcement and guidance regarding marijuana related financial crimes on implementation of Initiative Measure No.502;"

Reletter the subparagraphs accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hasegawa, the amendment by Senator Hasegawa on page 2, line 31 to Substitute Senate Bill No. 6542 was withdrawn.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that voter approval of Initiative Measure No. 502 established a system for licensing and regulating cannabis production, processing, and sale. The legislature further finds that this new industry is projected to create new jobs and generate revenues to the state estimated as high as \$1,943,936,000 over five fiscal years. The legislature also finds that qualifying patients have additional protections under chapter 69.51A RCW. The legislature further finds there is potential interest to expand into other areas, such as industrial hemp, food processing, farmers' markets, and banking. As such, given a potentially evolving demand and market in new areas, it is the intent of the legislature to create a state cannabis industry coordinating committee to promote and further develop the industry while remaining in compliance with federal guidelines. It is the intention of the legislature that the committee will coordinate and monitor new developments and their impact on Washington state, and to make recommendations to the legislature on establishment of a state comprehensive plan.

The legislature also finds that, while the state liquor control board is working to implement the regulatory structure enacted by Initiative Measure No. 502, additional issues need to be addressed. The use of medical marijuana outside of this regulatory structure, the process for medical authorizations, the establishment of medical dispensaries, and other related issues should be addressed by a statewide committee that would submit its policy recommendations for consideration by the 2015 legislature.

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NEW SECTION. Sec. 2. (1) A state cannabis industry coordinating committee is established, with members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The governor shall appoint members representing the following state agencies:

- (i) The liquor control board;
- (ii) The department of health;
- (iii) The department of commerce;
- (iv) The department of revenue;
- (v) The office of the treasurer;
- (vi) The department of agriculture; and
- (vii) The department of financial institutions.

(d) The governor shall appoint seven members representing medical marijuana patients as follows:

- (i) A health care professional with experience authorizing qualifying patients for the medical use of marijuana;
- (ii) Two qualifying patients or their designated providers;
- (iii) A medical marijuana advocate;
- (iv) A medical marijuana producer;
- (v) A medical marijuana processor; and
- (vi) A medical marijuana retailer or a person with experience providing marijuana to or consulting with qualifying patients.

(e) One representative each from the association of Washington cities and the Washington state association of counties.

(f) The governor shall appoint up to nine industry stakeholders representing established and emerging markets for the use of cannabis including, but not limited to, the various commercial uses of industrial hemp, food processing, farmers' markets, tourism, banking, and other uses that may be relevant.

(2) The committee must appoint its cochair, one of which shall be from among its legislative membership. The committee shall make rules for orderly procedure and, in addition to the subcommittee required in subsection (3) of this section, the committee may form subcommittees to accomplish its work.

(3) The committee shall appoint a medical marijuana subcommittee for the purpose of reviewing and making recommendations on the following issues:

(a) Whether RCW 69.50.331(8) prevents the siting of marijuana retailers who hold medical marijuana endorsements and what may be done to assist the state and local governments in siting these retail outlets;

(b) Whether there is a need for retail outlets that are licensed to only sell medical marijuana to qualifying patients or designated providers;

(c) Whether the use of valid documentation should be permitted as an alternative to registering with the medical marijuana registry;

(d) Whether a marijuana producer or marijuana processor endorsement should be established to permit a producer or processor to sell directly to qualifying patients and designated providers and whether these licensees are producing marijuana concentrates, useable marijuana, and marijuana-infused products that are meeting the needs of medical marijuana patients;

(e) Whether posttraumatic stress disorder should be added to terminal or debilitating medical conditions that qualify a person for the medical use of marijuana;

(f) Whether a different method of taxation should be established for those products designated by the liquor control board as being beneficial for qualifying patients and designated providers. This includes whether these products should be taxed at a different rate

than products intended for nonmedical use or whether they should be provided with tax exemptions;

(g) Options for funding the medical marijuana registry; and

(h) Any other matters pertinent to promoting access to safe and affordable marijuana for medical use by qualifying patients.

(4) The committee has the following powers and duties:

(a) Developing a state comprehensive plan that identifies and coordinates the various business opportunities within the cannabis industry, including potential opportunities;

(b) Recommending a state financial system that best implements the state's marijuana marketplace while maximizing public safety, accurate tax accounting, and compliance with the United States attorney general's guidance regarding marijuana enforcement and guidance regarding marijuana-related financial crimes on implementation of Initiative Measure No. 502;

(c) Developing a method for monitoring and assessing the economic returns the cannabis industry delivers to the state;

(d) Examining and reporting on any changes in federal law that may impact the legal operations of the cannabis industry in the state;

(e) Making recommendations for a statewide cannabis industry coordinator;

(f) Recommending options for the distribution of tax revenue from the sale of marijuana; and

(g) Making recommendations specific to the medical use of marijuana as described in subsection (3) of this section.

(5) The committee shall provide specific preliminary recommendations to the appropriate committees of the legislature by December 15, 2014, and a final report by January 10, 2016.

(6) Staff support for the committee must be provided by senate committee services, the house of representatives office of program research, and the represented state agencies.

(7) Legislative members of the committee must serve without additional compensation, but must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(8) The expenses of the committee must be paid jointly by the senate and the house of representatives. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(9) Meetings of the committee are subject to the open public meetings act, chapter 42.30 RCW.

(10) This section expires January 31, 2016."

Senators Kohl-Welles, Rivers and Frockt spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Rivers to Substitute Senate Bill No. 6542.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "committee;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6542.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6542 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Sheldon and Tom

Voting nay: Senators Benton, Dammeier, Dansel, Ericksen, Holmquist Newbry, Honeyford, Padden and Schoesler

Absent: Senator Baumgartner

ENGROSSED SUBSTITUTE SENATE BILL NO. 6542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:37 p.m., on motion of Senator Fain, the Senate adjourned until 1:00 p.m. Monday, March 10, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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AT
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2014 Regular Session Convened January 13, 2014
Adjourned Sine Die March 13, 2014

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Pursuant to Article II, Section 11 of the Constitution of the State of
Washington, by Hunter G. Goodman, Secretary of the Senate

Volume 2



Linda Jansson,
Minute and Journal Clerk

Lieutenant Governor Brad Owen, *President of the Senate*
Senator Tim Sheldon, *President Pro Tempore*
Senator Sharon Brown, *Vice President Pro Tempore*

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2014

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Majority Coalition Leader.....Rodney Tom
Republican Leader.....Mark Schoesler
Majority Caucus Chair.....Linda Evans Parlette
Majority Floor Leader.....Joe Fain
Majority Whip.....Ann Rivers
Majority Caucus Deputy Leader.....Don Benton
Majority Caucus Vice Chair.....Bruce Dammeier
Majority Assistant Floor Leader.....Jim Honeyford
Majority Assistant Whip.....John Braun

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Democratic Deputy Leader.....David Frockt
Democratic Caucus Chair.....Karen Fraser
Democratic Vice Caucus Chair.....Mark Mullet
Democratic Floor Leader.....Christine Rolfes
Democratic WhipAndy Billig
Democratic Assistant Floor LeaderAnnette Cleveland

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Secretary of the Senate Hunter G. Goodman
Deputy Secretary Brad Hendrickson
Minute and Journal Clerk Linda Jansson
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FIFTY SEVENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Monday, March 10, 2014

The Senate was called to order at 1:00 p.m. by the President Pro Tempore. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hargrove and Mullet.

The Sergeant at Arms Color Guard consisting of U. S. Navy sailors assigned to Navy Region Northwest, Hospital Corpsman 3rd Class Stephen Frost; Hospitalman Nicholas Lotito; Hospitalman Jacob Ward; Logistics Specialist Seaman Royrekus Roberts and Hospitalman Domenic Nasuta presented the Colors.

The National Anthem was performed by Musician 3rd Class Sarah Reasner, vocalist with Navy Band Northwest, Silverdale.

Captain John Swenson, U. S. Navy, Chaplain, Navy Northwest, offered the prayer.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Bailey moved adoption of the following resolution:

SENATE RESOLUTION
8702

By Senators Bailey, Angel, O'Ban, Pearson, Padden, Hewitt, Hill, Eide, Kohl-Welles, Frockt, Rolfes, Dammeier, Braun, Fain, Benton, Tom, Parlette, Schoesler, Litzow, Roach, Billig, Brown, Holmquist Newbry, Fraser, Ranker, Hobbs, Hasegawa, Conway, Darneille, Keiser, Becker, Kline, Hargrove, Baumgartner, King, Dansel, Cleveland, McCoy, Pedersen, Ericksen, Mullet, Lias, Sheldon, and Rivers

WHEREAS, Washington State has both a strong maritime heritage and a contemporary reliance on the sea; and

WHEREAS, The United States Navy is the military service that secures sea lanes, allowing free flow of commerce to and from our state, and the service whose power projection promotes stability for our friends and deters aggression from our foes; and

WHEREAS, The Navy has been a presence in Puget Sound since before Washington Statehood; and

WHEREAS, United States Navy installations provide careers and economic stability to tens of thousands of Washington State citizens; and

WHEREAS, Washington Navy bases support two aircraft carriers, more than 10 surface ships, 13 submarines, and 115 aircraft; and

WHEREAS, Washington State and the Pacific Northwest are home to 21,000 active duty Navy service members, 16,000 Navy civilian employees, 6,000 drilling Naval reservists, 40,000 Navy family members, and 35,000 Navy retirees; and

WHEREAS, Washington State based Navy personnel and assets regularly deploy around the world to deter aggression, relieve the distressed, and aid America's friends and allies; and

WHEREAS, Washington State Navy bases are consistently recognized for their leadership and innovation in environmental stewardship, community engagement, and quality of life; and

WHEREAS, Navy personnel routinely provide homeland security, disaster assistance, and rescue services to the citizens of Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Navy and bring warm greetings and many thanks to each and every person related to the Navy's work and mission in our state.

Senators Bailey and Ranker spoke in favor of adoption of the resolution.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced U. S. Rear Admiral Babette Bolivar, Commander, Navy Region Northwest and Rear Admiral Michael Smith, Commander, Carrier Strike Group Three USS Johns Stennis Strike Group, Bangor, who were present at the rostrum.

With permission of the Senate, business was suspended to allow Rear Admiral Babette Bolivar, Commander, Navy Region Northwest, to address the Senate.

REMARKS BY REAR ADMIRAL BABETTE BOLIVAR

Rear Admiral Babette Boliva: "Thank you. Appreciate the time that you've taken out of your schedule to honor us here. I can tell you here that on behalf of the entire Navy and Region Northwest we are absolutely honored to be in your presence. Being able to tie into this process and come out here at least once a year so that your able to see what we do and meet the true professionals of our Navy We're certainly honored to be here to do that. I know our time is short but I just wanted to thank each and every one of you for your support to the Navy and our Region. We have a lot of, we have sixteen thousand civilian employees in this region and as we said in the proclamation we have twenty one thousand active duty members. I can tell you that being the third largest fleet concentration area in the world that and we can truly feel your support. Thank you very much for it. Thank you so much for having us today."

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced U. S. Navy Officers and sailors assigned to Commander, Navy Region Northwest based in Silverdale who were present in the gallery and recognized by the Senate.

Senators Dammeier, Angel and Rolfes spoke in favor of adoption of the resolution

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8702.

The motion by Senator Bailey carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Miss Janae Calaway. Miss Tri-Cities 2013 and Miss Reagan Rebstock Miss Tri-Cities Outstanding Teen 2013, who were present in the gallery and recognized by the Senate.

MOTION

Senator Dammeier moved adoption of the following resolution:

SENATE RESOLUTION 8703

By Senators Dammeier, Angel, Conway, Darneille, Roach, O'Ban, and Becker

WHEREAS, The annual Daffodil Festival is a favored tradition for the people of Pierce County and the Northwest; and

WHEREAS, 2014 marks the 81st anniversary of the Daffodil Festival, and the theme of this year's festival is "Ready, Set, Grow!"; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a great place to live and visit, to give the citizens of Pierce County a civic endeavor and to foster civic pride, to give young people and organizations in the local area an opportunity to display their abilities and talents, and to give voice to the citizens' enthusiasm in parades, pageantry, and events; and

WHEREAS, The Daffodil Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934, when the daffodil flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Daffodil Festival will be celebrating its 81st year during the 2014 festival season with the Daffodil Parade being the highlight of the Festival week. The parade travels through the four cities of Tacoma, Puyallup, Sumner, and Orting and consists of over 150 entries, including floats, bands, marching, and mounted units. Floats are decorated with thousands of fresh-cut daffodils, and the parade is a bridge that links one generation to another; and

WHEREAS, When the Daffodil Parade is over, the Royalty and their float will travel to over two dozen out-of-town parades to represent and celebrate Pierce County; and

WHEREAS, This year's Daffodil Festival Royalty includes Petrice Bokako, Clover Park; Kaetlynn Brown, Sumner; Sydney Brown, Rogers; Megan Chabot, Bethel; Emily Cook, Orting; Caiti Driscoll, Curtis; Delaney Fry, Stadium; Stephanie Jackson-Buena, Chief Leschi; Ji Larson, Lincoln; Lydia Mangan, Henry Foss; Kayla McElligott, Fife; John Milhans, Lakes; Marissa Modestowicz, Emerald Ridge; Casey Park, Graham-Kapowsin; Sidney Riess, White River; Emily Saito, Eatonville; Sarah Schroeder, Wilson; Andrea Seaton, Cascade Christian; Kiasa Sims, Emerald Ridge; Connie Smith, Spanaway Lake; Kasey Temple, Franklin Pierce; Nina Thach, Mt. Tahoma; Haley Theriault, Bonney Lake; Kim White, Puyallup; and KayLee Wiest, Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the many contributions made to our state by the Daffodil Festival and its organizers for the past eighty-one years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2014 Daffodil Festival Officers and to the members of the Festival Royalty.

Senators Dammeier, Conway and Baumgartner spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8703.

The motion by Senator Dammeier carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Miss Marissa Modestowicz Daffodil Festival Queen 2014 of Emerald Ridge High School who was seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Daffodil Festival Royal Court, Petrice Bokako, Clover Park High School; Sydney Brown, Rogers High School; Kaetlynn Brown, Sumner High School; Megan Chabot, Bethel High School; Emily Cook, Orting High School; Caiti Driscoll, Curtis High School; Delaney Fry, Stadium High School; Stephanie Jackson-Buena, Chief Leschi School; Ji Larson, Lincoln High School; Lydia Mangan, Henry Foss High School; Kayla McElligott, Fife High School; John-El Milhans, Lakes High School; Casey Park, (not present); Sidney Riess, White River High School; Emily Saito, Eatonville High School; Sarah Schroeder, Wilson High School; Andrea Seaton, Cascade Christian School; Kiasa Sims, Emerald Ridge High School; Connie Smith, Spanaway Lake High School; Kasey Temple, Franklin Pierce High School; Nina Thach, Mt. Tahoma High School; Haley Theriault, Bonney Lake High School and Kim White, Puyallup High School who were seated in the gallery.

With permission of the Senate, business was suspended to allow Queen Marissa Modestowicz to address the Senate.

REMARKS BY QUEEN MARISSA MODESTOWICZ

Miss Marissa Modestowicz: "Thank you so much for having us here. It's an honor to be here and see all that you do. As Ambassadors of Pierce County, we have over two hundred fifty appearances over the course of one year. On Thursday we will be at the Boys & Girls Club interacting with the kids. On Saturday, we'll be reading at all twenty six libraries of Pierce County - to the little kids of course! And on April 5 we have the Grand Floral Parade. So if you are in Tacoma, Puyallup, Sumner or Orting, we would love to see you there. Thank you again."

MOTION

At 1:42 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:39 p.m. by the President Pro Tempore, Senator Sheldon presiding.

MOTION

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On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2014

MESSAGE FROM THE HOUSE

March 10, 2014

MR. PRESIDENT:

The House concurred in the Senate amendment to :
HOUSE BILL NO. 2555 and passed the bill as amended by the Senate.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Angel moved that Stephen L Warner, Gubernatorial Appointment No. 9329, be confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.
Senator Angel spoke in favor of the motion.

APPOINTMENT OF STEPHEN L WARNER

The President Pro Tempore declared the question before the Senate to be the confirmation of Stephen L Warner, Gubernatorial Appointment No. 9329, as a member of the Board of Trustees, Olympic Community College District No. 3.

The Secretary called the roll on the confirmation of Stephen L Warner, Gubernatorial Appointment No. 9329, as a member of the Board of Trustees, Olympic Community College District No. 3 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senators Hargrove and Mullet

Stephen L Warner, Gubernatorial Appointment No. 9329, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

MOTION

On motion of Senator Billig, Senators Hargrove, Mullet and Rolfes were excused.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6041 with the following amendment(s): 6041-S.E AMH ENGR H4433.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.08.010 and 2012 c 176 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Anadromous game fish buyer" means a person who purchases or sells steelhead trout and other anadromous game fish harvested by Indian fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director.

(2) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(3) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (4), (34), (49), (53), ~~((74))~~ (73), and ~~((74))~~ (74) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(4) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(5) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(6) "Building" means a private domicile, garage, barn, or public or commercial building.

(7) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(8) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(9) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(10) "Commercial" means related to or connected with buying, selling, or bartering.

(11) "Commission" means the state fish and wildlife commission.

(12) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(13) "Contraband" means any property that is unlawful to produce or possess.

(14) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(15) "Department" means the department of fish and wildlife.

(16) "Director" means the director of fish and wildlife.

(17) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(18) "Ex officio fish and wildlife officer" means:

(a) A commissioned officer of a municipal, county, or state agency having as its primary function the enforcement of criminal laws in general, while the officer is acting in the respective jurisdiction of that agency;

(b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;

(c) A commissioned fish and wildlife peace officer from another state who meets the training standards set by the Washington state criminal justice training commission pursuant to RCW 10.93.090, 43.101.080, and 43.101.200, and who is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency; or

(d) A Washington state tribal police officer who successfully completes the requirements set forth under RCW 43.101.157, is employed by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b), and is acting under a mutual law enforcement assistance agreement between the department and the tribal government.

(19) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(20) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(21) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

(22) "Fish buyer" means ~~((a person engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisher))~~;

(a) A wholesale fish dealer or a retail seller who directly receives fish or shellfish from a commercial fisher or receives fish or shellfish in interstate or foreign commerce; or

(b) A person engaged by a wholesale fish dealer who receives fish or shellfish from a commercial fisher.

(23) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(24) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

(25) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(26) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(27) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.

(28) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(29) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(30) "Game farm" means property on which wildlife is held, confined, propagated, hatched, fed, or otherwise raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(31) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(32) "Illegal items" means those items unlawful to be possessed.

(33)(a) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building.

(b) "Intentionally feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

(34) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(35) "Large wild carnivore" includes wild bear, cougar, and wolf.

(36) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(37) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(38) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(39) "Natural person" means a human being.

(40)(a) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the likelihood that the food, food waste, or other substance could attract large wild carnivores to the land or building.

(b) "Negligently feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

(41) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(42) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(43) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, ~~((harvest))~~ or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(44) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

(45) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a

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common purpose whether acting in an individual, representative, or official capacity.

(46) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

(47) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(48) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(49) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(50) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(51) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(52) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(53) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(54) "Resident" has the same meaning as defined in RCW 77.08.075.

(55) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(56) "Saltwater" means those marine waters seaward of river mouths.

(57) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(58) "Senior" means a person seventy years old or older.

(59) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

(60)(a) "Shark fin derivative product" means any product intended for use by humans or animals that is derived in whole or in part from shark fins or shark fin cartilage.

(b) "Shark fin derivative product" does not include a drug approved by the United States food and drug administration and available by prescription only or medical device or vaccine approved by the United States food and drug administration.

(61) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken or possessed except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(62) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(63) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

(64) "To fish((s))" (~~"to harvest," and "to take,")~~) and ~~((their))~~ its derivatives means an effort to kill, injure, harass, harvest, or ~~((catch))~~ capture a fish or shellfish.

(65) "To hunt" and its derivatives means an effort to kill, injure, harass, harvest, or capture~~((or harass))~~ a wild animal or wild bird.

(66) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(67) "To take" and its derivatives means to kill, injure, harvest, or capture a fish, shellfish, wild animal, bird, or seaweed.

(68) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

~~((68))~~ (69) "To waste" or "to be wasted" means to allow any edible portion of any game bird, food fish, game fish, shellfish, or big game animal other than cougar to be rendered unfit for human consumption, or to fail to retrieve edible portions of such a game bird, food fish, game fish, shellfish, or big game animal other than cougar from the field. For purposes of this chapter, edible portions of game birds must include, at a minimum, the breast meat of those birds. Entrails, including the heart and liver, of any wildlife species are not considered edible.

(70) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~((69))~~ (71) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

~~((70))~~ (72) "Unclassified wildlife" means wildlife existing in Washington in a wild state that have not been classified as big game, game animals, game birds, predatory birds, protected wildlife, endangered wildlife, or deleterious exotic wildlife.

(73) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

~~((71))~~ (74) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

~~((72))~~ (75) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

~~((73))~~ (76) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state. The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

~~((74))~~ (77) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

~~((75))~~ (78) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

~~((76))~~ (79) "Wildlife meat cutter" means a person who packs, cuts, processes, or stores wildlife for consumption for another for commercial purposes.

~~((77))~~ (80) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

Sec. 2. RCW 77.08.075 and 2012 c 176 s 5 are each amended to read as follows:

For the purposes of this title or rules adopted under this title, "resident" means:

(1) A natural person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an

intent to continue residing within the state, is not licensed to hunt or fish as a resident in another state or country, and is not receiving resident benefits of another state or country.

(a) For purposes of this section, "permanent place of abode" means a residence in this state that a person maintains for personal use.

(b) A natural person can demonstrate that the person has maintained a permanent place of abode in Washington by showing that the person:

(i) Uses a Washington state address for federal income tax or state tax purposes;

(ii) Designates this state as the person's residence for obtaining eligibility to hold a public office or for judicial actions;

(iii) Is a registered voter in the state of Washington; or

(iv) Is a custodial parent with a child attending prekindergarten, kindergarten, elementary school, middle school, or high school in this state.

(c) A natural person can demonstrate the intent to continue residing within the state by showing that he or she:

(i) Has a valid Washington state driver's license; or

(ii) Has a valid Washington state identification card, if the person is not eligible for a Washington state driver's license; and

(iii) Has registered the person's vehicle or vehicles in Washington state;

(2) The spouse of a member of the United States armed forces if the member qualifies as a resident under subsection (1), (3), or (4) of this section, or a natural person age eighteen or younger who does not qualify as a resident under subsection (1) of this section, but who has a parent or legal guardian who qualifies as a resident under subsection (1), (3), or (4) of this section;

(3) A member of the United States armed forces temporarily stationed in Washington state on predeployment orders. A copy of the person's military orders is required to meet this condition;

(4) ~~((A))~~ An active duty, nonretired member of the United States armed forces who is permanently stationed in Washington ~~((state))~~ or who designates Washington ~~((state))~~ on ~~((their))~~ his or her military "state of legal residence certificate" or enlistment or re-enlistment documents. A copy of the person's "state of legal residence certificate" or enlistment or re-enlistment documents is required to meet the conditions of this subsection.

Sec. 3. RCW 77.15.080 and 2012 c 176 s 9 are each amended to read as follows:

(1) Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title. Fish and wildlife officers and ex officio fish and wildlife officers also may request that the person write his or her signature for comparison with the signature on his or her fishing, harvesting, or hunting license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license. Fish and wildlife officers and ex officio fish and wildlife officers may require the person, if age sixteen or older, to exhibit a driver's license or other photo identification.

(2) Based upon articulable facts that a person is transporting a prohibited aquatic animal species or any aquatic plant, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and inspect the watercraft to ensure that the watercraft and associated equipment are not transporting prohibited aquatic animal species or aquatic plants.

Sec. 4. RCW 77.15.100 and 2012 c 176 s 10 are each amended to read as follows:

(1) Fish, shellfish, and wildlife are property of the state under RCW 77.04.012. Fish and wildlife officers may sell seized, commercially ~~((harvested))~~ taken or possessed fish and shellfish to a wholesale buyer and deposit the proceeds into the fish and wildlife enforcement reward account under RCW 77.15.425. Seized, recreationally ~~((harvested))~~ taken or possessed fish, shellfish, and wildlife may be donated to nonprofit charitable organizations. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.

(2) Unless otherwise provided in this title, fish, shellfish, or wildlife taken~~((;))~~ or possessed~~((; or harvested))~~ in violation of this title or department rule shall be forfeited to the state upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions. For criminal cases resulting in other types of dispositions, the fish, shellfish, or wildlife may be returned, or its equivalent value paid, if the fish, shellfish, or wildlife have already been donated or sold.

Sec. 5. RCW 77.15.120 and 2000 c 107 s 236 are each amended to read as follows:

(1) A person is guilty of unlawful taking of endangered fish or wildlife in the second degree if:

(a) The person hunts for, fishes for, possesses, maliciously harasses, or kills fish or wildlife, or ~~((maliciously))~~ possesses or intentionally destroys the nests or eggs of fish or wildlife ~~((and))~~;

(b) The fish or wildlife is designated by the commission as endangered~~((;))~~; and

(c) The taking of the fish or wildlife or the destruction of the nests or eggs has not been authorized by rule of the commission, a permit issued by the department, or a permit issued pursuant to the federal endangered species act.

(2) A person is guilty of unlawful taking of endangered fish or wildlife in the first degree if the person has been:

(a) Convicted under subsection (1) of this section or convicted of any crime under this title involving the ~~((killing, possessing, harassing, or harming))~~ taking, possessing, or malicious harassment of endangered fish or wildlife; and

(b) Within five years of the date of the prior conviction the person commits the act described by subsection (1) of this section.

(3)(a) Unlawful taking of endangered fish or wildlife in the second degree is a gross misdemeanor.

(b) Unlawful taking of endangered fish or wildlife in the first degree is a class C felony. The department shall revoke any licenses or tags used in connection with the crime and order the person's privileges to hunt, fish, trap, or obtain licenses under this title to be suspended for two years.

Sec. 6. RCW 77.15.130 and 2012 c 176 s 14 are each amended to read as follows:

(1) A person is guilty of unlawful taking of protected fish or wildlife if:

(a) The person hunts for, fishes for, maliciously takes, harasses, or possesses~~((; or maliciously kills protected))~~ fish or wildlife, or the person possesses or maliciously destroys the eggs or nests of ~~((protected))~~ fish or wildlife designated by the commission as protected, other than species designated as threatened or sensitive, and the taking has not been authorized by rule of the commission or by a permit issued by the department; ~~((or))~~

(b) The person violates any rule of the commission regarding the taking, ~~((harming, harassment))~~ harassing, possession, or transport of protected fish or wildlife; or

(c)(i) The person hunts for, fishes for, intentionally takes, harasses, or possesses fish or wildlife, or the person possesses or intentionally destroys the nests or eggs of fish or wildlife designated by the commission as threatened or sensitive; and

(ii) The taking of the fish or wildlife, or the destruction of the

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nets or eggs, has not been authorized by rule of the commission, a permit issued by the department, or a permit issued pursuant to the federal endangered species act.

(2) Unlawful taking of protected fish or wildlife is a misdemeanor.

(3) In addition to the penalties set forth in subsection (2) of this section, if a person is convicted of violating this section and the violation results in the death of protected wildlife listed in this subsection, the court shall require payment of the following amounts for each animal (~~killed~~) taken or possessed. This is a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425:

- (a) Ferruginous hawk, two thousand dollars;
- (b) Common loon, two thousand dollars;
- (c) Bald eagle, two thousand dollars;
- (d) Golden eagle, two thousand dollars; and
- (e) Peregrine falcon, two thousand dollars.

(4) If two or more persons are convicted under subsection (1) of this section, and subsection (3) of this section is applicable, the criminal wildlife penalty assessment must be imposed against the persons jointly and (~~separately~~) severally.

(5)(a) The criminal wildlife penalty assessment under subsection (3) of this section must be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect.

(b) This subsection may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(6) A defaulted criminal wildlife penalty assessment authorized under subsection (3) of this section may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

(7) The department shall revoke the hunting license and suspend the hunting privileges of a person assessed a criminal wildlife penalty assessment under this section until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

(8) The criminal wildlife penalty assessments provided in subsection (3) of this section must be doubled in the following instances:

(a) When a person commits a violation that requires payment of a criminal wildlife penalty assessment within five years of a prior gross misdemeanor or felony conviction under this title; or

(b) When the trier of fact determines that the person (~~killed~~) took or possessed the protected wildlife in question with the intent of bartering, selling, or otherwise deriving economic profit from the wildlife or wildlife parts.

Sec. 7. RCW 77.15.160 and 2013 c 307 s 2 are each amended to read as follows:

The following acts are infractions and must be cited and punished as provided under chapter 7.84 RCW:

(1) Fishing and shellfishing infractions:

(a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.

(b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by RCW 77.32.430 or department rule.

(c) Catch reporting: Failing to return a catch record card to the department for other than Puget Sound Dungeness crab, as required by department rule.

(d) Recreational fishing: Fishing for fish or shellfish (~~and~~), without yet possessing fish or shellfish, the person:

(i) Owns, but fails to have in the person's possession, the license or the catch record card required by chapter 77.32 RCW for such an activity; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish. This subsection does not apply to use of a net to take fish under RCW 77.15.580 or the unlawful use of shellfish gear for personal use under RCW 77.15.382.

(e) Seaweed: Taking(~~(:)~~) or possessing(~~(-or harvesting)~~) less than two times the daily possession limit of seaweed:

(i) While owning, but not having in the person's possession, the license required by chapter 77.32 RCW; or

(ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking(~~(:)~~) or possessing(~~(-or harvesting of)~~) seaweed.

(f) Unclassified fish or shellfish: Fishing for or taking unclassified fish or shellfish in violation of ((any department rule by killing, fishing, taking, holding, possessing, or maliciously injuring or harming fish or shellfish that is not classified as game fish, food fish, shellfish, protected fish, or endangered fish)) this title or department rule.

(g) Wasting fish or shellfish: ((~~Killing~~)) Taking(~~(:)~~) or possessing food fish, game fish, or shellfish having a value of less than two hundred fifty dollars and recklessly allowing the fish or shellfish to be wasted.

(2) Hunting infractions:

(a) Eggs or nests: Maliciously, and without permit authorization, destroying, taking, or harming the eggs or active nests of a wild bird or wild animal not classified as endangered or protected. For purposes of this subsection, "active nests" means nests that are attended by an adult or contain eggs or (~~nestlings~~) young.

(b) Unclassified wildlife: Hunting for, harassing, or taking unclassified wildlife in violation of ((any department rule by killing, hunting, taking, holding, possessing, or maliciously injuring or harming wildlife that is not classified as big game, game animals, game birds, protected wildlife, or endangered wildlife)) this title or department rule.

(c) Wasting wildlife: ((~~Killing~~)) Taking(~~(:)~~) or possessing wildlife (~~that is not~~) classified as ((big)) game birds and (~~has~~) having a value of less than two hundred fifty dollars, and recklessly allowing the ((wildlife)) game birds to be wasted.

(d) Wild animals: Hunting for wild animals not classified as big game or threatened or endangered and, without yet possessing the wild animals, the person owns, but fails to have in the person's possession, all licenses, tags, or permits required by this title.

(e) Wild birds: Hunting for and, without yet possessing a wild bird or birds, the person:

(i) Owns, but fails to have in the person's possession, all licenses, tags, stamps, and permits required under this title; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of hunting wild birds.

(3) Trapping, taxidermy, fur dealing, (~~and~~) wildlife meat cutting, and wildlife rehabilitator infractions:

(a) Recordkeeping and reporting: If a person is a taxidermist, fur dealer, or wildlife meat cutter who is processing, holding, or storing wildlife for commercial purposes, failing to:

(i) Maintain records as required by department rule; or
 (ii) Report information from these records as required by department rule.

(b) Trapper's report: Failing to report trapping activity as required by department rule.

(c) Wildlife rehabilitator's recordkeeping and reporting: If a person is a primary permittee or a subpermittee on a wildlife rehabilitation permit issued by the department, failing to:

(i) Maintain records as required by department rule; or

(ii) Report information from these records as required by department rule.

(4) Aquatic invasive species infraction: Entering Washington by road and transporting a recreational or commercial watercraft that has been used outside of Washington without meeting documentation requirements as provided under RCW 77.12.879.

(5) Other infractions:

(a) Contests: Unlawfully conducting, holding, or sponsoring a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife.

(b) Other rules: Violating any other department rule that is designated by rule as an infraction.

(c) Posting signs: Posting signs preventing hunting or fishing on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.

(d) Scientific permits: Using a scientific permit issued by the director for fish, shellfish, or wildlife, but not including big game or big game parts, and the person:

(i) Violates any terms or conditions of the scientific permit; or

(ii) Violates any department rule applicable to the issuance or use of scientific permits.

(e) Transporting aquatic plants: Unlawfully transporting aquatic plants on any state or public road, including forest roads. However:

(i) This subsection does not apply to plants that are:

(A) Being transported to the department or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(B) Legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;

(D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(E) Being transported in such a way as the commission may otherwise prescribe; and

(ii) This subsection does not apply to a person who:

(A) Is stopped at an aquatic invasive species check station and possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive plant species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or

(B) Has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.

Sec. 8. RCW 77.15.170 and 2012 c 176 s 16 are each amended to read as follows:

(1) A person is guilty of waste of fish and wildlife if the person:

(a) ~~((The person kills,))~~ Takes(;) or possesses wildlife classified as food fish, game fish, shellfish, or ~~((wildlife))~~ game birds having a value of two hundred fifty dollars or more, or wildlife classified as big game; and

(b) ~~((The person))~~ Recklessly allows such fish, shellfish, or wildlife to be wasted.

(2) Waste of fish and wildlife is a gross misdemeanor. Upon conviction, the department shall revoke any license or tag used in the crime and shall order suspension of the person's privileges to engage in the activity in which the person committed waste of fish and wildlife for a period of one year.

(3) It is prima facie evidence of waste if:

(a) A processor purchases or engages a quantity of food fish, shellfish, or game fish that cannot be processed within sixty hours after the food fish, game fish, or shellfish are taken from the water, unless the food fish, game fish, or shellfish are preserved in good marketable condition; or

(b) A person brings a big game animal to a wildlife meat cutter and then abandons the animal. For purposes of this subsection (3)(b), a big game animal is deemed to be abandoned when its carcass is placed in the custody of a wildlife meat cutter for butchering and processing and:

(i) Having been placed in such custody for an unspecified period of time, the meat is not removed within thirty days after the wildlife meat cutter gives notice to the person who brought in the carcass or, having been so notified, the person who brought in the carcass refuses or fails to pay the agreed upon or reasonable charges for the butchering or processing of the carcass; or

(ii) Having been placed in such custody for a specified period of time, the meat is not removed at the end of the specified period or the person who brought in the carcass refuses to pay the agreed upon or reasonable charges for the butchering or processing of the carcass.

Sec. 9. RCW 77.15.180 and 2001 c 253 s 29 are each amended to read as follows:

(1) A person is guilty of unlawful interference with fishing or hunting gear in the second degree if the person:

(a) ~~((Takes))~~ Removes or releases a wild animal from another person's trap without permission;

(b) Springs, pulls up, damages, possesses, or destroys another person's trap without the owner's permission; or

(c) Interferes with recreational gear used to take fish or shellfish.

(2) Unlawful interference with fishing or hunting gear in the second degree is a misdemeanor.

(3) A person is guilty of unlawful interference with fishing or hunting gear in the first degree if the person:

(a) ~~((Takes))~~ Removes or releases fish or shellfish from commercial fishing gear without the owner's permission; or

(b) Intentionally destroys or interferes with commercial fishing gear.

(4) Unlawful interference with fishing or hunting gear in the first degree is a gross misdemeanor.

(5) A person is not in violation of unlawful interference with fishing or hunting gear if the person removes a trap placed on property owned, leased, or rented by the person.

Sec. 10. RCW 77.15.190 and 2012 c 176 s 17 are each amended to read as follows:

(1) A person is guilty of unlawful trapping if the person:

(a) Sets out traps that are capable of taking wild animals, wild birds, game animals, or furbearing mammals and does not possess ~~((all))~~ the licenses, tags, or permits required under this title;

(b) Violates any department rule regarding seasons, bag, or possession limits, closed areas including game reserves, closed times, or any other rule governing the trapping of wild animals or wild birds, with the exception of reporting rules; or

(c) Fails to identify the owner of the traps or devices by neither (i) attaching a metal tag with the owner's department-assigned identification number or the name and address of the trapper legibly written in numbers or letters not less than one-eighth inch in height

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nor (ii) inscribing into the metal of the trap such number or name and address.

(2) Unlawful trapping is a misdemeanor.

Sec. 11. RCW 77.15.240 and 2012 c 176 s 18 are each amended to read as follows:

(1)(a) A person is guilty of unlawful use of dogs if the person:

~~((a))~~ (i) Negligently fails to prevent a dog under the person's control from pursuing, harassing, attacking, or killing deer, elk, moose, caribou, mountain sheep, or animals classified as endangered under this title; or

~~((b))~~ (ii) Uses the dog to hunt deer or elk.

~~((2))~~ (b) For the purposes of this subsection, a dog is "under a person's control" if the dog is owned or possessed by, or in the custody of, a person.

~~((3))~~ (2) Unlawful use of dogs is a misdemeanor.

~~((4))~~ (3)(a) Based on a reasonable belief that a dog is pursuing, harassing, attacking, or killing a ~~(snow-bound)~~ deer, elk, moose, caribou, mountain sheep, or animals classified as protected or endangered under this title, fish and wildlife officers and ex officio fish and wildlife officers may:

(i) Lawfully take a dog into custody; or

(ii) If necessary to avoid repeated harassment, injury, or death of wildlife under this section, destroy the dog.

(b) Fish and wildlife officers and ex officio fish and wildlife officers who destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

(4)(a) This section does not apply to a person using a dog to conduct a department-approved and controlled hazing activity, as long as the person prevents or minimizes physical contact between the dog and the wildlife, and the hazing is being done only for the purposes of wildlife control and the prevention of damage to commercial crops.

(b) For the purposes of this subsection, "hazing" means the act of chasing or herding wildlife in an effort to move them from one location to another.

Sec. 12. RCW 77.15.250 and 2001 c 253 s 32 are each amended to read as follows:

(1)(a) A person is guilty of unlawfully releasing, planting, possessing, or placing fish, shellfish, or wildlife if the person knowingly releases, plants, possesses, or places live fish, shellfish, wildlife, or aquatic plants within the state in violation of this title or rule of the department, and the fish, shellfish, or wildlife have not been classified as deleterious wildlife. This subsection does not apply to a release of game fish into private waters for which a game fish stocking permit has been obtained, or the planting of fish or shellfish by permit of the commission.

(b) A violation of this subsection is a gross misdemeanor. In addition, the department shall order the person to pay all costs the department incurred in capturing, killing, or controlling the fish, shellfish, aquatic plants, ~~((or wildlife released or its progeny))~~ wildlife, or progeny unlawfully released, planted, possessed, or placed. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, or controlling the fish, shellfish, aquatic plants, ~~((or))~~ wildlife ((released or their progeny, or restoration of habitat necessitated by the unlawful release), or progeny unlawfully released, planted, possessed, or placed, or the costs of habitat restoration necessitated by the unlawful release, planting, possession, or placing.

(2)(a) A person is guilty of ~~((unlawful release of))~~ unlawfully releasing, planting, possessing, or placing deleterious exotic wildlife if the person knowingly releases, plants, possesses, or places live fish, shellfish, or wildlife within the state in violation of this title or rule of the department, and ~~((such))~~ the fish, shellfish, or wildlife

~~((has))~~ have been classified as deleterious exotic wildlife by rule of the commission.

(b) A violation of this subsection is a class C felony. In addition, the department shall ~~((also))~~ order the person to pay all costs the department incurred in capturing, killing, or controlling the fish, shellfish, ~~((or))~~ wildlife ((released or its progeny), or progeny unlawfully released, planted, possessed, or placed. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, or controlling the fish, shellfish, ~~((or wildlife released or their progeny, or restoration of habitat necessitated by the unlawful release))~~ wildlife, or progeny unlawfully released, planted, possessed, or placed, or the costs of habitat restoration necessitated by the unlawful release, planting, possession, or placing.

Sec. 13. RCW 77.15.370 and 2012 c 176 s 22 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the first degree if:

(a) The person takes~~((s))~~ or possesses~~((s or retains))~~ two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the director or commission setting the amount of food fish, game fish, or shellfish that can be taken~~((s))~~ or possessed~~((s or retained))~~ for noncommercial use;

(b) The person fishes in a fishway;

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stoves fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless such means are authorized by express department rule;

(d) The person fishes for or possesses a fish listed as threatened or endangered in 50 C.F.R. Sec. 223.102 (2006) or Sec. 224.101 (2010), unless fishing for or ~~((possession of))~~ possessing such fish is specifically allowed under federal or state law;

(e) The person possesses a white sturgeon measuring in excess of the maximum size limit as established by rules adopted by the department; ~~((or))~~

(f) ~~((The person possesses a salmon or steelhead during a season closed for that species))~~ The person possesses a green sturgeon of any size; or

(g)(i) The person possesses a wild salmon or wild steelhead during a season closed for wild salmon or wild steelhead.

(ii) For the purposes of this subsection:

(A) "Wild salmon" means a salmon with an unclipped adipose fin, regardless of whether the salmon's ventral fin is clipped.

(B) "Wild steelhead" means a steelhead with no fins clipped.

(2) Unlawful recreational fishing in the first degree is a gross misdemeanor.

(3) In addition to the penalties set forth in subsection (2) of this section, if a person is convicted of violating this section and the violation results in the death of fish listed in this subsection, the court shall require payment of the following amounts for each fish taken or possessed. This is a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425:

(a) White sturgeon longer than fifty-five inches in fork length, two thousand dollars;

(b) Green sturgeon, two thousand dollars; and

(c) Wild salmon or wild steelhead, five hundred dollars.

(4) If two or more persons are convicted under subsection (1) of this section, and subsection (3) of this section is applicable, the criminal wildlife penalty assessment must be imposed against the persons jointly and severally.

(5)(a) The criminal wildlife penalty assessment under subsection (3) of this section must be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for

violating any provision of this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect.

(b) This subsection may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(6) A defaulted criminal wildlife penalty assessment authorized under subsection (3) of this section may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

(7) The department shall revoke the fishing license and suspend the fishing privileges of a person assessed a criminal wildlife penalty assessment under this section until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

(8) The criminal wildlife penalty assessments provided in subsection (3) of this section must be doubled in the following instances:

(a) When a person commits a violation that requires payment of a criminal wildlife penalty assessment within five years of a prior gross misdemeanor or felony conviction under this title; or

(b) When the trier of fact determines that the person took or possessed the fish in question with the intent of bartering, selling, or otherwise deriving economic profit from the fish or fish parts.

Sec. 14. RCW 77.15.380 and 2012 c 176 s 23 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for fish or shellfish and, whether or not the person possesses fish or shellfish, the person has not purchased the appropriate fishing or shellfishing license and catch record card issued to Washington residents or nonresidents under chapter 77.32 RCW.

(2) A person is guilty of unlawful recreational fishing in the second degree if the person takes~~(s)~~ or possesses~~(, or harvests)~~ fish or shellfish and:

(a) The person owns, but does not have in the person's possession, the license or the catch record card required by chapter 77.32 RCW for such activity; or

(b) The action violates any department rule regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing for, taking, or ~~(possession of)~~ possessing fish or shellfish. This section does not apply to use of a net to take fish under RCW 77.15.580 or the unlawful use of shellfish gear for personal use under RCW 77.15.382.

(3) Unlawful recreational fishing in the second degree is a misdemeanor.

Sec. 15. RCW 77.15.390 and 2012 c 176 s 24 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes~~(s)~~ or possesses~~(, or harvests)~~ seaweed and:

(a) The person has not purchased a personal use shellfish and seaweed license issued to Washington residents or nonresidents under chapter 77.32 RCW; or

(b) The person takes~~(s)~~ or possesses~~(, or harvests)~~ seaweed in an amount that is two times or more of the daily possession limit of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

Sec. 16. RCW 77.15.420 and 2005 c 406 s 5 are each amended to read as follows:

(1) If a person is convicted of violating RCW 77.15.410 and that violation results in the death of wildlife listed in this section, the court shall require payment of the following amounts for each animal ~~((killed))~~ taken or possessed. This shall be a criminal wildlife penalty assessment that shall be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425.

(a)	Moose, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the commission, except for mountain caribou and grizzly bear as listed under (d) of this subsection.....	\$4,000
(b)	Elk, deer, black bear, and cougar	\$2,000
(c)	Trophy animal elk and deer.....	\$6,000
(d)	Mountain caribou, grizzly bear, and trophy animal mountain sheep.....	\$12,000

(2) ((No forfeiture of bail may be less than the amount of the bail established for hunting during closed season plus the amount of the criminal wildlife penalty assessment in subsection (1) of this section.

(3)) (a) For the purpose of this section a "trophy animal" is:

~~((a))~~ (i) A buck deer with four or more antler points on both sides, not including eyeguards;

~~((b))~~ (ii) A bull elk with five or more antler points on both sides, not including eyeguards; or

~~((c))~~ (iii) A mountain sheep with a horn curl of three-quarter curl or greater.

(b) For purposes of this subsection, "eyeguard" means an antler protrusion on the main beam of the antler closest to the eye of the animal.

~~((4))~~ (3) If two or more persons are convicted of illegally possessing wildlife in subsection (1) of this section, the criminal wildlife penalty assessment shall be imposed on them jointly and ~~((separately))~~ severally.

~~((5))~~ (4) The criminal wildlife penalty assessment shall be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this title. The criminal wildlife penalty assessment shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. This section may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

~~((6))~~ (5) A defaulted criminal wildlife penalty assessment may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

~~((7))~~ (6) A person assessed a criminal wildlife penalty assessment under this section shall have his or her hunting license revoked and all hunting privileges suspended until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

~~((8))~~ (7) The criminal wildlife penalty assessments provided in subsection (1) of this section shall be doubled in the following instances:

(a) When a person is convicted of spotlighting big game under RCW 77.15.450;

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(b) When a person commits a violation that requires payment of a wildlife penalty assessment within five years of a prior gross misdemeanor or felony conviction under this title;

(c) When the trier of fact determines that the person ((killed)) took or possessed the animal in question with the intent of bartering, selling, or otherwise deriving economic profit from the animal or the animal's parts; or

(d) When ~~((a))~~ the trier of fact determines that the person ((kills)) took the animal under the supervision of a licensed guide.

Sec. 17. RCW 77.15.425 and 2009 c 333 s 18 are each amended to read as follows:

The fish and wildlife enforcement reward account is created in the custody of the state treasurer. Deposits to the account include: Receipts from fish and shellfish overages as a result of a department enforcement action; fees for hunter education deferral applications; fees for master hunter applications and master hunter certification renewals; all receipts from criminal wildlife penalty assessments under RCW 77.15.370, 77.15.400, and 77.15.420; all receipts of court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action; and proceeds from forfeitures and evidence pursuant to RCW 77.15.070 and 77.15.100. The department may accept money or personal property from persons under conditions requiring the property or money to be used consistent with the intent of expenditures from the fish and wildlife enforcement reward account. Expenditures from the account may be used only for investigation and prosecution of fish and wildlife offenses, to provide rewards to persons informing the department about violations of this title and rules adopted under this title, to offset department-approved costs incurred to administer the hunter education deferral program and the master hunter ~~((permit))~~ permit program, and for other valid enforcement uses as determined by the commission. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 18. RCW 77.15.460 and 2012 c 176 s 28 are each amended to read as follows:

(1) A person is guilty of unlawful possession of a loaded rifle or shotgun in a motor vehicle, as defined in RCW 46.04.320, or upon an off-road vehicle, as defined in RCW 46.04.365, if:

(a) The person carries, transports, conveys, possesses, or controls a rifle or shotgun in a motor vehicle, or upon an off-road vehicle, except as allowed by department rule; and

(b) The rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed.

(2) A person is guilty of unlawful use of a loaded firearm if:

(a) The person negligently discharges a firearm from, across, or along the maintained portion of a public highway; or

(b) The person discharges a firearm from within a moving motor vehicle or from upon a moving off-road vehicle.

(3) Unlawful possession of a loaded rifle or shotgun in a motor vehicle or upon an off-road vehicle, and unlawful use of a loaded firearm are misdemeanors.

(4) This section does not apply if the person:

(a) Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;

(b) Possesses a disabled hunter's permit as provided by RCW 77.32.237 and complies with all rules of the department concerning hunting by persons with disabilities; or

(c) Discharges the rifle or shotgun from upon a nonmoving motor vehicle ~~((or a nonmoving off-road vehicle)),~~ as long as the engine is turned off and the motor vehicle ~~((or off-road vehicle))~~ is not parked on or beside the maintained portion of a public road, except as authorized by the commission by rule. This subsection

(4)(c) does not apply to off-road vehicles, which are unlawful to use for hunting under RCW 46.09.480, unless the person has a department permit issued under RCW 77.32.237.

(5) For purposes of subsection (1) of this section, a rifle or shotgun shall not be considered loaded if the detachable clip or magazine is not inserted in or attached to the rifle or shotgun.

Sec. 19. RCW 77.15.470 and 2000 c 107 s 246 are each amended to read as follows:

(1) A person is guilty of unlawfully avoiding wildlife check stations or field inspections if the person fails to:

(a) Obey check station signs;

(b) Stop and report at a check station if directed to do so by a uniformed fish and wildlife officer or if directed by an ex officio fish and wildlife officer participating in a department-authorized check station; or

(c) Produce for inspection upon request by a fish and wildlife officer or ex officio fish and wildlife officer: (i) Hunting or fishing equipment; (ii) seaweed, fish, shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or catch record cards required by this title.

(2) Unlawfully avoiding wildlife check stations or field inspections is a gross misdemeanor.

(3) Wildlife check stations may not be established upon interstate highways or state routes.

Sec. 20. RCW 77.15.480 and 2001 c 253 s 42 are each amended to read as follows:

Articles or devices unlawfully used, possessed, or maintained for ~~((catching,))~~ taking, ~~((killing,))~~ harassing, attracting, or decoying wildlife, fish, and shellfish are public nuisances. If necessary, fish and wildlife officers and ex officio fish and wildlife officers may seize, abate, or destroy these public nuisances without warrant or process.

Sec. 21. RCW 77.15.630 and 2012 c 176 s 31 are each amended to read as follows:

(1) A person ~~((who acts in the capacity of a wholesale fish dealer, anadromous game fish buyer, or a fish buyer is guilty of unlawful fish and shellfish catch accounting in the second degree if the person:~~

(a) Possesses or receives fish or shellfish for commercial purposes worth less than two hundred fifty dollars; and

(b)) licensed as a commercial fisher, wholesale fish dealer, direct retail seller, anadromous game fish buyer, or a fish buyer, or a person not so licensed but acting in such a capacity, is guilty of unlawful fish and shellfish catch accounting in the second degree if he or she receives or delivers for commercial purposes fish or shellfish worth less than two hundred fifty dollars; and

~~((a) Fails to document such fish or shellfish with a fish-receiving ticket or other documentation required by statute or department rule; ((or~~

~~((c))) (b) Fails to sign the fish receiving ticket or other required documentation, fails to provide all of the information required by statute or department rule on the fish receiving ticket or other documentation, or both; or~~

(c) Fails to submit the fish receiving ticket to the department as required by statute or department rule.

(2) A person is guilty of unlawful fish and shellfish catch accounting in the first degree if the person commits ~~((the))~~ an act described by subsection (1) of this section and:

(a) The violation involves fish or shellfish worth two hundred fifty dollars or more;

(b) The person acted with knowledge that the fish or shellfish were taken from a closed area, at a closed time, or by a person not licensed to take such fish or shellfish for commercial purposes; or

(c) The person acted with knowledge that the fish or shellfish were taken in violation of any tribal law.

(3)(a) Unlawful fish and shellfish catch accounting in the second degree is a gross misdemeanor.

(b) Unlawful fish and shellfish catch accounting in the first degree is a class C felony. Upon conviction, the department shall suspend all privileges to engage in fish buying or dealing for two years.

(4) For the purposes of this section:

(a) A person "receives" fish or shellfish when title or control of the fish or shellfish is transferred or conveyed to the person.

(b) A person "delivers" fish or shellfish when title or control of the fish or shellfish is transferred or conveyed from the person.

Sec. 22. RCW 77.15.740 and 2012 c 176 s 37 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is unlawful to:

(a) Cause a vessel or other object to approach, in any manner, within two hundred yards of a southern resident orca whale;

(b) Position a vessel to be in the path of a southern resident orca whale at any point located within four hundred yards of the whale. This includes intercepting a southern resident orca whale by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale at any point located within four hundred yards of the whale;

(c) Fail to disengage the transmission of a vessel that is within two hundred yards of a southern resident orca whale; or

(d) Feed a southern resident orca whale.

(2) A person is exempt from subsection (1) of this section if that person is:

(a) Operating a federal government vessel in the course of his or her official duties, or operating a state, tribal, or local government vessel when engaged in official duties involving law enforcement, search and rescue, or public safety;

(b) Operating a vessel in conjunction with a vessel traffic service established under 33 C.F.R. and following a traffic separation scheme, or complying with a vessel traffic service measure of direction. This also includes support vessels escorting ships in the traffic lanes, such as tug boats;

(c) Engaging in an activity, including scientific research, pursuant to a permit or other authorization from the national marine fisheries service and the department;

(d) Lawfully engaging in a treaty Indian or commercial fishery that is actively setting, retrieving, or closely tending fishing gear;

(e) Conducting vessel operations necessary to avoid an imminent and serious threat to a person, vessel, or the environment, including when necessary for overall safety of navigation and to comply with state and federal navigation requirements; or

(f) Engaging in rescue or clean-up efforts of a beached southern resident orca whale overseen, coordinated, or authorized by a volunteer stranding network.

(3) For the purpose of this section, "vessel" includes aircraft((, canoes, fishing vessels, kayaks, personal watercraft, rafts, recreational vessels, tour boats, whale watching boats, vessels engaged in whale watching activities, or other small craft including power boats and sailboats)) while on the surface of the water, and every description of watercraft on the water that is used or capable of being used as a means of transportation on the water. However, "vessel" does not include inner tubes, air mattresses, sailboards, and small rafts, or flotation devices or toys customarily used by swimmers.

(4)(a) A violation of this section is a natural resource infraction punishable under chapter 7.84 RCW and carries a fine of five hundred dollars, not including statutory assessments added pursuant to RCW 3.62.090.

(b) A person who qualifies for an exemption under subsection (2) of this section may offer that exemption as an affirmative

defense, which that person must prove by a preponderance of the evidence.

Sec. 23. RCW 77.15.770 and 2011 c 324 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this section, a person is guilty of unlawful trade in shark fins in the second degree if:

(a) The person sells, offers for sale, purchases, offers to purchase, or otherwise exchanges a shark fin or shark fin derivative product for commercial purposes; or

(b) The person prepares or processes a shark fin or shark fin derivative product for human or animal consumption for commercial purposes.

(2) Except as otherwise provided in this section, a person is guilty of unlawful trade in shark fins in the first degree if:

(a) The person commits the act described by subsection (1) of this section and the violation involves shark fins or a shark fin derivative product with a total market value of two hundred fifty dollars or more;

(b) The person commits the act described by subsection (1) of this section and acted with knowledge that the shark fin or shark fin derivative product originated from a shark that was harvested in an area or at a time where or when the harvest was not legally allowed or by a person not licensed to harvest the shark; or

(c) The person commits the act described by subsection (1) of this section and the violation occurs within five years of entry of a prior conviction under this section or a prior conviction for any other gross misdemeanor or felony under this title involving fish, other than a recreational fishing violation.

(3)(a) Unlawful trade in shark fins in the second degree is a gross misdemeanor. Upon conviction, the department shall suspend any commercial fishing privileges for the person that requires a license under this title for a period of one year.

(b) Unlawful trade in shark fins in the first degree is a class C felony. Upon conviction, the department shall suspend any commercial fishing privileges for the person that requires a license under this title for a period of one year.

(4) Any person who obtains a license or permit issued by the department to take or possess sharks or shark parts for bona fide research or educational purposes, and who sells, offers for sale, purchases, offers to purchase, or otherwise trades a shark fin or shark fin derivative product, exclusively for bona fide research or educational purposes, may not be held liable under or subject to the penalties of this section.

((5) Nothing in this section prohibits the sale, offer for sale, purchase, offer to purchase, or other exchange of shark fins or shark fin derivative products for commercial purposes, or preparation or processing of shark fins or shark fin derivative products for purposes of human or animal consumption for commercial purposes, if the shark fins or shark fin derivative products were lawfully harvested or lawfully acquired prior to July 22, 2011.))

NEW SECTION. Sec. 24. A new section is added to chapter 77.15 RCW to read as follows:

(1) It is unlawful for any person to possess in Washington any fish, shellfish, or wildlife that the person knows was taken in another state or country in violation of that state's or country's laws or regulations relating to licenses or tags, seasons, areas, methods, or bag or possession limits.

(2) As used in this section, the terms "fish," "shellfish," and "wildlife" have the meaning ascribed to those terms in the applicable law or regulation of the state or country of the fish's, shellfish's, or wildlife's origin.

(3) Unlawful possession of fish, shellfish, or wildlife taken or possessed in violation of another state's or country's laws or regulations is a gross misdemeanor.

NEW SECTION. Sec. 25. A new section is added to chapter 77.15 RCW to read as follows:

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(1)(a) A person is guilty of engaging in wildlife rehabilitation without a permit if the person captures, transports, treats, feeds, houses, conditions, or trains injured, diseased, oiled, or abandoned wildlife without department authority for temporary actions or a wildlife rehabilitation permit issued by the department.

(b) The department must adopt rules for permissible temporary actions that include, at a minimum, the conditions under which a person may capture or transport wildlife to a primary permittee, subpermittee, or a rehabilitation facility.

(2) A person who is a primary permittee or subpermittee on a wildlife rehabilitation permit issued by the department is guilty of unlawful use of a wildlife rehabilitation permit if the person violates any permit provisions or department rules pertaining to wildlife rehabilitation other than those addressing recordkeeping and reporting requirements.

(3) A violation of this section is a misdemeanor.

Sec. 26. RCW 77.32.010 and 2011 c 320 s 19 are each amended to read as follows:

(1) Except as otherwise provided in this chapter or department rule, a recreational license issued by the director is required to hunt ~~((for or take wild animals or wild birds, fish for, take, or harvest fish, shellfish, and)), fish, or take wildlife or seaweed.~~ A recreational fishing or shellfish license is not required for carp, smelt, and crawfish, and a hunting license is not required for bullfrogs.

(2) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or 79A.80.040 is required to park or operate a motor vehicle on a recreation site or lands, as defined in RCW 79A.80.010.

(3) ~~((During the 2009-2011 fiscal biennium to enable the implementation of the pilot project established in section 307, chapter 329, Laws of 2008.))~~ The commission may, by rule, indicate that a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and that a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods.

Sec. 27. RCW 77.65.280 and 2013 c 23 s 244 are each amended to read as follows:

(1) A wholesale fish dealer's license is required for:

~~((+))~~ (a) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

~~((=))~~ (b) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

~~((3))~~ (c) Fishers who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state, unless the fisher has a direct retail endorsement.

~~((4))~~ (d) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other by-products from food fish or shellfish.

~~((5))~~ (e) A business ~~((employing))~~ engaging a fish buyer as defined under RCW 77.65.340.

(2) The annual license fee for a wholesale dealer is two hundred fifty dollars. The application fee is one hundred five dollars. A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 28. RCW 77.65.340 and 2013 c 23 s 245 are each amended to read as follows:

(1) A fish buyer's license is required of and shall be carried by each individual engaged by a wholesale fish dealer to purchase food fish or shellfish from a ~~((licensed))~~ commercial fisher. A fish buyer may represent only one wholesale fish dealer.

(2) The annual fee for a fish buyer's license is ninety-five dollars. The application fee is one hundred five dollars.

NEW SECTION. **Sec. 29.** RCW 77.15.560 (Commercial fish, shellfish harvest or delivery--Failure to report--Penalty) and 1998 c 190 s 41 are each repealed.

NEW SECTION. **Sec. 30.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6041.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6041.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6041 by voice vote.

Senators Pearson and Lias spoke in favor of final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6041, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6041, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Dansel

Excused: Senator Hargrove

ENGROSSED SUBSTITUTE SENATE BILL NO. 6041, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed SENATE BILL NO. 5775 with the following amendment(s): 5775 AMH TR H4411.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.161 and 2012 c 80 s 8 are each amended to read as follows:

(1) The department, upon receipt of a fee of forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless the driver's license is issued for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, in which case the fee shall be nine dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, ~~((and))~~ either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license, and, if applicable, the person's status as a veteran as provided in subsection (2) of this section. No license is valid until it has been so signed by the licensee.

(2) A person may apply to the department to obtain a veteran designation on a driver's license issued under this section by providing the United States department of defense discharge document, DD Form 214, as it exists on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States.

Sec. 2. RCW 46.20.117 and 2012 c 80 s 6 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

- (a) Does not hold a valid Washington driver's license;
- (b) Proves his or her identity as required by RCW 46.20.035;

and

(c) Pays the required fee. Except as provided in subsection (5) of this section, the fee is forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2)(a)**Design and term.** The identicard must:

~~((a))~~ (i) Be distinctly designed so that it will not be confused with the official driver's license; and

~~((b))~~ (ii) Except as provided in subsection (5) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(2).

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

- (a) Personal appearance before the department; or
- (b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

NEW SECTION. **Sec. 3.** This act takes effect August 30, 2017."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Senate Bill No. 5775.

Senator Benton spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Senate Bill No. 5775.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5775 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5775, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5775, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SENATE BILL NO. 5775, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6016 with the following amendment(s): 6016-S.E AMH ENGR H4396.E

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Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.71 RCW to read as follows:

(1) The exchange must support the grace period by providing electronic information to an issuer of a qualified health plan or a qualified dental plan that complies with 45 C.F.R. Sec. 156.270 (2013) and 45 C.F.R. Sec. 155.430 (2013).

(2) If the health benefit exchange notifies an enrollee that he or she is delinquent on payment of premium, the notice must include information on how to report a change in income or circumstances and an explanation that such a report may result in a change in the premium amount or program eligibility.

NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:

(1) For an enrollee who is in the second or third month of the grace period, an issuer of a qualified health plan shall:

(a) Upon request by a health care provider or health care facility, provide information regarding the enrollee's eligibility status in real-time; and

(b) Notify a health care provider or health care facility that an enrollee is in the grace period within three business days after submittal of a claim or status request for services provided.

(2) The information or notification required under subsection (1) of this section must, at a minimum, indicate "grace period" or use the appropriate national coding standard as the reason for pending the claim if a claim is pended due to the enrollee's grace period status.

(3) By December 1, 2014, and annually each December 1st thereafter, the health benefit exchange shall provide a report to the appropriate committees of the legislature with the following information for the calendar year: (a) The number of exchange enrollees who entered the grace period; (b) the number of enrollees who subsequently paid premium after entering the grace period; (c) the average number of days enrollees were in the grace period prior to paying premium; and (d) the number of enrollees who were in the grace period and whose coverage was terminated due to nonpayment of premium. The report must include as much data as is available for the calendar year.

(4) For purposes of this section, "grace period" means nonpayment of premiums by an enrollee receiving advance payments of the premium tax credit, as defined in section 1412 of the patient protection and affordable care act, P.L. 111-148, as amended by the health care and education reconciliation act, P.L. 111-152, and implementing regulations issued by the federal department of health and human services.

Sec. 3. RCW 48.43.--- and 2014 c . . . s 2 (section 2 of this act) are each amended to read as follows:

(1) For an enrollee who is in the second or third month of the grace period, an issuer of a qualified health plan shall:

(a) Upon request by a health care provider or health care facility, provide information regarding the enrollee's eligibility status in real-time; and

(b) Notify a health care provider or health care facility that an enrollee is in the grace period within three business days after submittal of a claim or status request for services provided.

(2) The information or notification required under subsection (1) of this section must, at a minimum(;-):

(a) Indicate "grace period" or use the appropriate national coding standard as the reason for pending the claim if a claim is pended due to the enrollee's grace period status; and

(b) Except for notifications provided electronically, indicate that enrollee is in the second or third month of the grace period.

(3) By December 1, 2014, and annually each December 1st thereafter, the health benefit exchange shall provide a report to the

appropriate committees of the legislature with the following information for the calendar year: (a) The number of exchange enrollees who entered the grace period; (b) the number of enrollees who subsequently paid premium after entering the grace period; (c) the average number of days enrollees were in the grace period prior to paying premium; and (d) the number of enrollees who were in the grace period and whose coverage was terminated due to nonpayment of premium. The report must include as much data as is available for the calendar year.

(4) For purposes of this section, "grace period" means nonpayment of premiums by an enrollee receiving advance payments of the premium tax credit, as defined in section 1412 of the patient protection and affordable care act, P.L. 111-148, as amended by the health care and education reconciliation act, P.L. 111-152, and implementing regulations issued by the federal department of health and human services.

NEW SECTION. Sec. 4. Section 3 of this act takes effect January 1st following the issuance of a report under section 2(3) of this act indicating that coverage was terminated due to nonpayment of premium for ten thousand or more enrollees who were in the grace period in that calendar year. In no case may section 3 of this act take effect before January 1, 2015. The health benefit exchange must provide notice of the effective date of section 3 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the health benefit exchange."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rivers moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6016.

Senator Rivers spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Rivers that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6016.

The motion by Senator Rivers carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6016 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6016, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6016, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dansel, Ericksen, Holmquist Newbury and Padden

ENGROSSED SUBSTITUTE SENATE BILL NO. 6016, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6137 with the following amendment(s): 6137-S.E AMH HCW H4419.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of filling or refilling a prescription for a drug or for providing a medical supply or service.

(2) "Insurer" has the same meaning as in RCW 48.01.050.

(3) "Pharmacist" has the same meaning as in RCW 18.64.011.

(4) "Pharmacy" has the same meaning as in RCW 18.64.011.

(5)(a) "Pharmacy benefit manager" means a person that contracts with pharmacies on behalf of an insurer, a third-party payor, or the prescription drug purchasing consortium established under RCW 70.14.060 to:

(i) Process claims for prescription drugs or medical supplies or provide retail network management for pharmacies or pharmacists;

(ii) Pay pharmacies or pharmacists for prescription drugs or medical supplies; or

(iii) Negotiate rebates with manufacturers for drugs paid for or procured as described in this subsection.

(b) "Pharmacy benefit manager" does not include a health care service contractor as defined in RCW 48.44.010.

(6) "Third-party payor" means a person licensed under RCW 48.39.005.

NEW SECTION. Sec. 2. (1) To conduct business in this state, a pharmacy benefit manager must register with the department of revenue's business licensing service and annually renew the registration.

(2) To register under this section, a pharmacy benefit manager must:

(a) Submit an application requiring the following information:

(i) The identity of the pharmacy benefit manager;

(ii) The name, business address, phone number, and contact person for the pharmacy benefit manager; and

(iii) Where applicable, the federal tax employer identification number for the entity; and

(b) Pay a registration fee of two hundred dollars.

(3) To renew a registration under this section, a pharmacy benefit manager must pay a renewal fee of two hundred dollars.

(4) All receipts from registrations and renewals collected by the department must be deposited into the business license account created in RCW 19.02.210.

NEW SECTION. Sec. 3. As used in sections 3 through 9 of this act:

(1) "Audit" means an on-site or remote review of the records of a pharmacy by or on behalf of an entity.

(2) "Clerical error" means a minor error:

(a) In the keeping, recording, or transcribing of records or documents or in the handling of electronic or hard copies of correspondence;

(b) That does not result in financial harm to an entity; and

(c) That does not involve dispensing an incorrect dose, amount or type of medication, or dispensing a prescription drug to the wrong person.

(3) "Entity" includes:

(a) A pharmacy benefit manager;

(b) An insurer;

(c) A third-party payor;

(d) A state agency; or

(e) A person that represents or is employed by one of the entities described in this subsection.

(4) "Fraud" means knowingly and willfully executing or attempting to execute a scheme, in connection with the delivery of or payment for health care benefits, items, or services, that uses false or misleading pretenses, representations, or promises to obtain any money or property owned by or under the custody or control of any person.

NEW SECTION. Sec. 4. An entity that audits claims or an independent third party that contracts with an entity to audit claims:

(1) Must establish, in writing, a procedure for a pharmacy to appeal the entity's findings with respect to a claim and must provide a pharmacy with a notice regarding the procedure, in writing or electronically, prior to conducting an audit of the pharmacy's claims;

(2) May not conduct an audit of a claim more than twenty-four months after the date the claim was adjudicated by the entity;

(3) Must give at least fifteen days' advance written notice of an on-site audit to the pharmacy or corporate headquarters of the pharmacy;

(4) May not conduct an on-site audit during the first five days of any month without the pharmacy's consent;

(5) Must conduct the audit in consultation with a pharmacist who is licensed by this or another state if the audit involves clinical or professional judgment;

(6) May not conduct an on-site audit of more than two hundred fifty unique prescriptions of a pharmacy in any twelve-month period except in cases of alleged fraud;

(7) May not conduct more than one on-site audit of a pharmacy in any twelve-month period;

(8) Must audit each pharmacy under the same standards and parameters that the entity uses to audit other similarly situated pharmacies;

(9) Must pay any outstanding claims of a pharmacy no more than forty-five days after the earlier of the date all appeals are concluded or the date a final report is issued under section 8(3) of this act;

(10) May not include dispensing fees or interest in the amount of any overpayment assessed on a claim unless the overpaid claim was for a prescription that was not filled correctly;

(11) May not recoup costs associated with:

(a) Clerical errors; or

(b) Other errors that do not result in financial harm to the entity or a consumer; and

(12) May not charge a pharmacy for a denied or disputed claim until the audit and the appeals procedure established under subsection (1) of this section are final.

NEW SECTION. Sec. 5. An entity's finding that a claim was incorrectly presented or paid must be based on identified transactions and not based on probability sampling, extrapolation, or other means that project an error using the number of patients served who have a similar diagnosis or the number of similar prescriptions or refills for similar drugs.

NEW SECTION. Sec. 6. An entity that contracts with an independent third party to conduct audits may not:

(1) Agree to compensate the independent third party based on a percentage of the amount of overpayments recovered; or

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(2) Disclose information obtained during an audit except to the contracting entity, the pharmacy subject to the audit, or the holder of the policy or certificate of insurance that paid the claim.

NEW SECTION. Sec. 7. For purposes of sections 3 through 9 of this act, an entity, or an independent third party that contracts with an entity to conduct audits, must allow as evidence of validation of a claim:

(1) An electronic or physical copy of a valid prescription if the prescribed drug was, within fourteen days of the dispensing date:

- (a) Picked up by the patient or the patient's designee;
- (b) Delivered by the pharmacy to the patient; or
- (c) Sent by the pharmacy to the patient using the United States postal service or other common carrier;

(2) Point of sale electronic register data showing purchase of the prescribed drug, medical supply, or service by the patient or the patient's designee; or

(3) Electronic records, including electronic beneficiary signature logs, electronically scanned and stored patient records maintained at or accessible to the audited pharmacy's central operations, and any other reasonably clear and accurate electronic documentation that corresponds to a claim.

NEW SECTION. Sec. 8. (1)(a) After conducting an audit, an entity must provide the pharmacy that is the subject of the audit with a preliminary report of the audit. The preliminary report must be received by the pharmacy no later than forty-five days after the date on which the audit was completed and must be sent:

- (i) By mail or common carrier with a return receipt requested; or
- (ii) Electronically with electronic receipt confirmation.

(b) An entity shall provide a pharmacy receiving a preliminary report under this subsection no fewer than forty-five days after receiving the report to contest the report or any findings in the report in accordance with the appeals procedure established under section 4(1) of this act and to provide additional documentation in support of the claim. The entity shall consider a reasonable request for an extension of time to submit documentation to contest the report or any findings in the report.

(2) If an audit results in the dispute or denial of a claim, the entity conducting the audit shall allow the pharmacy to resubmit the claim using any commercially reasonable method, including facsimile, mail, or electronic mail.

(3) An entity must provide a pharmacy that is the subject of an audit with a final report of the audit no later than sixty days after the later of the date the preliminary report was received or the date the pharmacy contested the report using the appeals procedure established under section 4(1) of this act. The final report must include a final accounting of all moneys to be recovered by the entity.

(4) Recoupment of disputed funds from a pharmacy by an entity or repayment of funds to an entity by a pharmacy, unless otherwise agreed to by the entity and the pharmacy, shall occur after the audit and the appeals procedure established under section 4(1) of this act are final. If the identified discrepancy for an individual audit exceeds forty thousand dollars, any future payments to the pharmacy may be withheld by the entity until the audit and the appeals procedure established under section 4(1) of this act are final.

NEW SECTION. Sec. 9. Sections 3 through 9 of this act do not:

(1) Preclude an entity from instituting an action for fraud against a pharmacy;

(2) Apply to an audit of pharmacy records when fraud or other intentional and willful misrepresentation is indicated by physical review, review of claims data or statements, or other investigative methods; or

(3) Apply to a state agency that is conducting audits or a person that has contracted with a state agency to conduct audits of

pharmacy records for prescription drugs paid for by the state medical assistance program.

NEW SECTION. Sec. 10. (1) As used in this section:

(a) "List" means the list of drugs for which maximum allowable costs have been established.

(b) "Maximum allowable cost" means the maximum amount that a pharmacy benefit manager will reimburse a pharmacy for the cost of a drug.

(c) "Multiple source drug" means a therapeutically equivalent drug that is available from at least two manufacturers.

(d) "Network pharmacy" means a retail drug outlet licensed as a pharmacy under RCW 18.64.043 that contracts with a pharmacy benefit manager.

(e) "Therapeutically equivalent" has the same meaning as in RCW 69.41.110.

(2) A pharmacy benefit manager:

(a) May not place a drug on a list unless there is at least two therapeutically equivalent multiple source drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers;

(b) Shall ensure that all drugs on a list are generally available for purchase by pharmacies in this state from national or regional wholesalers;

(c) Shall ensure that all drugs on a list are not obsolete;

(d) Shall make available to each network pharmacy at the beginning of the term of a contract, and upon renewal of a contract, the sources utilized to determine the maximum allowable cost pricing of the pharmacy benefit manager;

(e) Shall make a list available to a network pharmacy upon request in a format that is readily accessible to and usable by the network pharmacy;

(f) Shall update each list maintained by the pharmacy benefit manager every seven business days and make the updated lists, including all changes in the price of drugs, available to network pharmacies in a readily accessible and usable format;

(g) Shall ensure that dispensing fees are not included in the calculation of maximum allowable cost.

(3) A pharmacy benefit manager must establish a process by which a network pharmacy may appeal its reimbursement for a drug subject to maximum allowable cost pricing. A network pharmacy may appeal a maximum allowable cost if the reimbursement for the drug is less than the net amount that the network pharmacy paid to the supplier of the drug. An appeal requested under this section must be completed within thirty calendar days of the pharmacy making the claim for which an appeal has been requested.

(4) A pharmacy benefit manager must provide as part of the appeals process established under subsection (3) of this section:

(a) A telephone number at which a network pharmacy may contact the pharmacy benefit manager and speak with an individual who is responsible for processing appeals;

(b) A final response to an appeal of a maximum allowable cost within seven business days; and

(c) If the appeal is denied, the reason for the denial and the national drug code of a drug that may be purchased by similarly situated pharmacies at a price that is equal to or less than the maximum allowable cost.

(5)(a) If an appeal is upheld under this section, the pharmacy benefit manager shall make an adjustment on a date no later than one day after the date of determination. The pharmacy benefit manager shall make the adjustment effective for all similarly situated pharmacies in this state that are within the network.

(b) If the request for an adjustment has come from a critical access pharmacy, as defined by the state health care authority by rule for purposes related to the prescription drug purchasing

consortium established under RCW 70.14.060, the adjustment approved under (a) of this subsection shall apply only to critical access pharmacies.

(6) This section does not apply to the state medical assistance program.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act constitute a new chapter in Title 19 RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6137.

Senator Conway spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6137.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6137 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6137, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6137, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 6137, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5977 with the following amendment(s): 5977-S AMH BFS H4328.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.110.020 and 2013 c 117 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Administrator" means the person who is responsible for the administration of the service contracts, the service contracts plan, or the protection product guarantees.

(2) "Commissioner" means the insurance commissioner of this state.

(3) "Consumer" means an individual who buys any tangible personal property that is primarily for personal, family, or household use.

(4) "Home heating fuel service contract" means a contract or agreement for a separately stated consideration for a specific duration to perform the repair, replacement, or maintenance of a home heating fuel supply system including the fuel tank and all visible pipes, caps, lines, and associated parts or the indemnification for repair, replacement, or maintenance for operational or structural failure due to a defect in materials or workmanship, or normal wear and tear.

(5) "Incidental costs" means expenses specified in the guarantee incurred by the protection product guarantee holder related to damages to other property caused by the failure of the protection product to perform as provided in the guarantee. "Incidental costs" may include, without limitation, insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees, and mechanical inspection fees. Incidental costs may be paid under the provisions of the protection product guarantee in either a fixed amount specified in the protection product guarantee or sales agreement, or by the use of a formula itemizing specific incidental costs incurred by the protection product guarantee holder to be paid.

(6) "Maintenance agreement" means a contract of limited duration that provides for scheduled maintenance only.

(7) "Motor vehicle" means any vehicle subject to registration under chapter 46.16A RCW.

(8) "Person" means an individual, partnership, corporation, incorporated or unincorporated association, joint stock company, reciprocal insurer, syndicate, or any similar entity or combination of entities acting in concert.

(9) "Premium" means the consideration paid to an insurer for a reimbursement insurance policy.

(10) "Protection product" means any ~~(product)~~ protective chemical, substance, device, or system offered or sold with a guarantee to repair or replace another product or pay incidental costs upon the failure of the product to perform pursuant to the terms of the protection product guarantee. Protection product does not include fuel additives, oil additives, or other chemical products applied to the engine, transmission, or fuel system of a motor vehicle.

(11) "Protection product guarantee" means a written agreement by a protection product guarantee provider to repair or replace another product or pay incidental costs upon the failure of the protection product to perform pursuant to the terms of the protection product guarantee. The reimbursement of incidental costs promised under a protection product guarantee must be tied to the purchase of a physical product that is formulated or designed to make the specified loss or damage from a specific cause less likely to occur.

(12) "Protection product guarantee holder" means a person who is the purchaser or permitted transferee of a protection product guarantee.

(13) "Protection product guarantee provider" means a person who is contractually obligated to the protection product guarantee holder under the terms of the protection product guarantee. Protection product guarantee provider does not include an authorized insurer providing a reimbursement insurance policy.

(14) "Protection product seller" means the person who sells the protection product to the consumer.

(15) "Provider fee" means the consideration paid by a consumer for a service contract.

(16) "Reimbursement insurance policy" means a policy of insurance that is issued to a service contract provider or a protection product guarantee provider to provide reimbursement to the service

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contract provider or the protection product guarantee provider or to pay on behalf of the service contract provider or the protection product guarantee provider all contractual obligations incurred by the service contract provider or the protection product guarantee provider under the terms of the insured service contracts or protection product guarantees issued or sold by the service contract provider or the protection product guarantee provider.

(17) "Road hazard" means a hazard that is encountered while driving a motor vehicle. Road hazards may include but are not limited to potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps.

(18)(a) "Service contract" means a contract or agreement entered into at any time for consideration over and above the lease or purchase price of the property for any specific duration to perform the repair, replacement, or maintenance of property or the indemnification for repair, replacement, or maintenance for operational or structural failure due to a defect in materials or workmanship(,) or normal wear and tear. Service contracts may provide for the repair, replacement, or maintenance of property for damage resulting from power surges and accidental damage from handling, with or without additional provision for incidental payment of indemnity under limited circumstances, including towing, rental, emergency road services, or other expenses relating to the failure of the product or of a component part thereof.

(b) "Service contract" also includes a contract or agreement sold for separately stated consideration for a specific duration to perform any one or more of the following services:

(i) The repair or replacement of tires and/or wheels damaged as a result of coming into contact with road hazards (~~including but not limited to potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps~~). However, a contract or agreement meeting the definition under this subsection (~~((47))~~) (18)(b) in which the party obligated to perform is either a tire or wheel manufacturer or a motor vehicle manufacturer is exempt from the requirements of this chapter;

(ii) The removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding, or painting;

(iii) The repair of chips or cracks in, or the replacement of, motor vehicle windshields as a result of damage caused by road hazards;

(iv) The replacement of a motor vehicle key or key fob in the event that the key or key fob becomes inoperable or is lost or stolen;

(v) Services provided pursuant to a protection product guarantee; and

(vi) Other services approved by rule of the commissioner that are not inconsistent with the provisions of this chapter.

(c) "Service contract" does not include coverage for:

(i) Repair or replacement due to damage to the interior surfaces or to the exterior paint or finish of a vehicle. However, coverage for these types of damage may be offered in connection with the sale of a protection product as defined in this section; or

(ii) Fuel additives, oil additives, or other chemical products applied to the engine, transmission, or fuel system of a motor vehicle.

~~((18))~~ (19) "Service contract holder" or "contract holder" means a person who is the purchaser or holder of a service contract.

~~((19))~~ (20) "Service contract provider" means a person who is contractually obligated to the service contract holder under the terms of the service contract.

~~((20))~~ (21) "Service contract seller" means the person who sells the service contract to the consumer.

~~((21))~~ (22) "Warranty" means a warranty made solely by the manufacturer, importer, or seller of property or services without

consideration; that is not negotiated or separated from the sale of the product and is incidental to the sale of the product; and that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or other remedial measures, such as repair or replacement of the property or repetition of services.

Sec. 2. RCW 48.110.030 and 2011 c 47 s 16 are each amended to read as follows:

(1) A person may not act as, or offer to act as, or hold himself or herself out to be a service contract provider in this state, nor may a service contract be sold to a consumer in this state, unless the service contract provider has a valid registration as a service contract provider issued by the commissioner.

(2) Applicants to be a service contract provider must make an application to the commissioner upon a form to be furnished by the commissioner. The application must include or be accompanied by the following information and documents:

(a) All basic organizational documents of the service contract provider, including any articles of incorporation, articles of association, partnership agreement, trade name certificate, trust agreement, shareholder agreement, bylaws, and other applicable documents, and all amendments to those documents;

(b) The identities of the service contract provider's executive officer or officers directly responsible for the service contract provider's service contract business, and, if more than fifty percent of the service contract provider's gross revenue is derived from the sale of service contracts, the identities of the service contract provider's directors and stockholders having beneficial ownership of ten percent or more of any class of securities;

(c) Audited annual financial statements or other financial reports acceptable to the commissioner for the two most recent years which prove that the applicant is solvent and any information the commissioner may require in order to review the current financial condition of the applicant. If the service contract provider is relying on RCW 48.110.050(2)(c) to assure the faithful performance of its obligations to service contract holders, then the audited financial statements of the service contract provider's parent company must also be filed. In lieu of submitting audited financial statements, a service contract provider relying on RCW 48.110.050(2)(a) or 48.110.075(2)(a) to assure the faithful performance of its obligations to service contract holders may comply with the requirements of this subsection (2)(c) by submitting annual financial statements of the applicant that are certified as accurate by two or more officers of the applicant;

(d) An application fee of two hundred fifty dollars, which must be deposited into the general fund; and

(e) Any other pertinent information required by the commissioner.

(3) Each registered service contract provider must appoint the commissioner as the service contract provider's attorney to receive service of legal process issued against the service contract provider in this state upon causes of action arising within this state. Service upon the commissioner as attorney constitutes effective legal service upon the service contract provider.

(a) With the appointment the service contract provider must designate the person to whom the commissioner must forward legal process so served upon him or her.

(b) The appointment is irrevocable, binds any successor in interest or to the assets or liabilities of the service contract provider, and remains in effect for as long as there could be any cause of action against the service contract provider arising out of any of the service contract provider's contracts or obligations in this state.

(c) The service of process must be accomplished and processed in the manner prescribed under RCW 48.02.200.

(4) The commissioner may refuse to issue a registration if the commissioner determines that the service contract provider, or any

individual responsible for the conduct of the affairs of the service contract provider under subsection (2)(b) of this section, is not competent, trustworthy, financially responsible, or has had a license as a service contract provider or similar license denied or revoked for cause by any state.

(5) A registration issued under this section is valid, unless surrendered, suspended, or revoked by the commissioner, or not renewed for so long as the service contract provider continues in business in this state and remains in compliance with this chapter. A registration is subject to renewal annually on the first day of July upon application of the service contract provider and payment of a fee of two hundred dollars, which must be deposited into the general fund. If not so renewed, the registration expires on the June 30th next preceding.

(6) A service contract provider must keep current the information required to be disclosed in its registration under this section by reporting all material changes or additions within thirty days after the end of the month in which the change or addition occurs."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5977.

Senator Hobbs spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5977.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5977 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5977, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5977, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE BILL NO. 5977, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6095 with the following amendment(s): 6095-S AMH ELHS H4358.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.842 and 2007 c 387 s 4 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active protective order under RCW 74.34.130, nor have been: (i) Convicted of a crime against persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830.

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(f) The department of social and health services reviewed the employee's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002, and determined that such employee could remain in a position covered by this section; or

(g) The otherwise disqualifying conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

The offenses set forth in (a) through ~~((e))~~ (g) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter

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of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

Sec. 2. RCW 43.20A.710 and 2012 c 164 s 505 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges and disciplinary board final decisions of:

(a) Any current employee or applicant seeking or being considered for any position with the department who will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities. This includes, but is not limited to, positions conducting comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(b) Individual providers who are paid by the state and providers who are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW; and

(c) Individuals or businesses or organizations for the care, supervision, case management, or treatment of children, persons with developmental disabilities, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(2) The secretary shall require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation as provided in RCW 43.43.837. Unless otherwise authorized by law, the secretary shall use the information solely for the purpose of determining the character, suitability, and competence of the applicant.

(3) Except as provided in subsection (4) of this section, an individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2)(b).

(4) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056, except that the department may require a background check at any time under RCW 43.43.837. For the purposes of this subsection, "background check" includes, but is not limited to, a fingerprint check submitted for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation.

(5) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW

43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

(6) The secretary shall provide the results of the state background check on long-term care workers, including individual providers, to the persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

(7) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(8) Any person whose criminal history would otherwise disqualify the person under this section from a position which will or may have unsupervised access to children, vulnerable adults, or persons with mental illness or developmental disabilities shall not be disqualified if the department of social and health services reviewed the person's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002 and determined that such person could remain in a position covered by this section, or if the otherwise disqualifying conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

NEW SECTION. Sec. 3. A new section is added to chapter 74.15 RCW to read as follows:

If an agency operating under contract with the children's administration chooses to hire an individual that would be precluded from employment with the department based on a disqualifying crime or negative action, the department and its officers and employees have no liability arising from any injury or harm to a child or other department client that is attributable to such individual.

Sec. 4. RCW 74.13.700 and 2013 c 162 s 2 are each amended to read as follows:

(1) In determining the character, suitability, and competence of an individual, the department may not:

(a) Deny or delay a license or approval of unsupervised access to children to an individual solely because of a crime or civil infraction involving the individual or entity revealed in the background check process that ~~((is not on the secretary's list of crimes and negative actions and is not related))~~ does not fall within the categories of disqualifying crimes described in the adoption and safe families act of 1997 or does not relate directly to child safety, permanence, or well-being; or

(b) Delay the issuance of a license or approval of unsupervised access to children by requiring the individual to obtain records relating to a crime or civil infraction revealed in the background check process that ~~((is not on the secretary's list of crimes and negative actions and is not related))~~ does not fall within the categories of disqualifying crimes described in the adoption and safe families act of 1997 or does not relate directly to child safety, permanence, or well-being ~~((and is not a permanent disqualifier pursuant to department rule)).~~

(2) If the department determines that an individual does not possess the character, suitability, or competence to provide care or have unsupervised access to a child, it must provide the reasons for its decision in writing with copies of the records or documents

related to its decision to the individual within ten days of making the decision.

(3) For purposes of this section, "individual" means a relative as defined in RCW 74.15.020(2)(a), an "other suitable person" under chapter 13.34 RCW, a person pursuing licensing as a foster parent, or a person employed or seeking employment by a business or organization licensed by the department or with whom the department has a contract to provide care, supervision, case management, or treatment of children in the care of the department. "Individual" does not include long-term care workers defined in RCW 74.39A.009(17)(a) whose background checks are conducted as provided in RCW 74.39A.056.

(4) The department or its officers, agents, or employees may not be held civilly liable based upon its decision to grant or deny unsupervised access to children if the background information it relied upon at the time the decision was made did not indicate that child safety, permanence, or well-being would be a concern."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator O'Ban moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6095.

Senator O'Ban spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator O'Ban that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6095.

The motion by Senator O'Ban carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6095 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6095, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6095, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE BILL NO. 6095, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6145 with the following amendment(s): 6145-S AMH GOE H4367.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The *Ostrea lurida* is the only oyster native to Washington state.

NEW SECTION. Sec. 2. A new section is added to chapter 1.20 RCW to read as follows:

The *Ostrea lurida* is hereby designated the official oyster of the state of Washington. This native oyster species plays an important role in the history and culture that surrounds shellfish in Washington state and along the west coast of the United States. Some of the common and historic names used for this species are Native, Western, Shoalwater, and Olympia."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hatfield moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6145.

Senator Hatfield spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hatfield that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6145.

The motion by Senator Hatfield carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6145 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6145, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6145, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6145, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed SENATE BILL NO. 6128 with the following amendment(s): 6128 AMH ENGR H4416.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Students in public schools are bringing more health conditions to school at the same time school

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districts are reducing nursing services. As a result, school districts are becoming more dependent upon unlicensed, minimally trained, and many times unwilling classified employees to provide these services.

Over the years, unlicensed employees have sought and received legislative approval for protections from employer reprisal if they refuse to deliver nursing services and liability protections if they provide nursing services that harm a student. It is clear that unlicensed employees will be expected to deliver new medications and nursing services not currently recognized in state law to students in the future.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.210 RCW to read as follows:

(1) Beginning July 1, 2014, a school district employee not licensed under chapter 18.79 RCW who is asked to administer medications or perform nursing services not previously recognized in law shall at the time he or she is asked to administer the medication or perform the nursing service file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to administer the new medication or nursing service. It is understood that the letter of intent will expire if the conditions of acceptance are substantially changed. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee is not subject to any employer reprisal or disciplinary action for refusing to file a letter.

(2) In the event a school employee provides the medication or service to a student in substantial compliance with (a) rules adopted by the state nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules, and (b) written policies of the school district, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof are not liable in any criminal action or for civil damages in his or her individual, marital, governmental, corporate, or other capacity as a result of providing the medication or service.

(3) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures to ensure a safe, therapeutic learning environment. School employees must receive the training provided under this subsection before they are authorized to deliver the service or medication. Such training must be provided, where necessary, on an ongoing basis to ensure that the proper procedures are not forgotten because the services or medication are delivered infrequently.

Sec. 3. RCW 4.24.300 and 2004 c 87 s 1 are each amended to read as follows:

(1) Any person, including but not limited to a volunteer provider of emergency or medical services, who without compensation or the expectation of compensation renders emergency care at the scene of an emergency or who participates in transporting, not for compensation, therefrom an injured person or persons for emergency medical treatment shall not be liable for civil damages resulting from any act or omission in the rendering of such emergency care or in transporting such persons, other than acts or omissions constituting gross negligence or willful or wanton misconduct. Any person rendering emergency care during the course of regular employment and receiving compensation or expecting to receive compensation for rendering such care is excluded from the protection of this subsection.

(2) Any licensed health care provider regulated by a disciplining authority under RCW 18.130.040 in the state of Washington who, without compensation or the expectation of compensation, provides health care services at a community health care setting is not liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(3) For purposes of subsection (2) of this section, "community health care setting" means an entity that provides health care services and:

(a) Is a clinic operated by a public entity or private tax exempt corporation, except a clinic that is owned, operated, or controlled by a hospital licensed under chapter 70.41 RCW unless the hospital-based clinic either:

(i) Maintains and holds itself out to the public as having established hours on a regular basis for providing free health care services to members of the public to the extent that care is provided without compensation or expectation of compensation during those established hours; or

(ii) Is participating, through a written agreement, in a community-based program to provide access to health care services for uninsured persons, to the extent that:

(A) Care is provided without compensation or expectation of compensation to individuals who have been referred for care through that community-based program; and

(B) The health care provider's participation in the community-based program is conditioned upon his or her agreement to provide health services without expectation of compensation;

(b) Is a for-profit corporation that maintains and holds itself out to the public as having established hours on a regular basis for providing free health care services to members of the public to the extent that care is provided without compensation or expectation of compensation during those established hours; or

(c) Is a for-profit corporation that is participating, through a written agreement, in a community-based program to provide access to health care services for uninsured persons, to the extent that:

(i) Care is provided without compensation or expectation of compensation to individuals who have been referred for care through that community-based program; and

(ii) The health care provider's participation in the community-based program is conditioned upon his or her agreement to provide health services without expectation of compensation.

(4) Any school district employee not licensed under chapter 18.79 RCW who renders emergency care at the scene of an emergency during an officially designated school activity or who participates in transporting therefrom an injured person or persons for emergency medical treatment shall not be liable for civil damages resulting from any act or omission in the rendering of such emergency care or in transporting such persons, other than acts or omissions constituting gross negligence or willful or wanton misconduct."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Litzow moved that the Senate concur in the House amendment(s) to Senate Bill No. 6128.

Senator Litzow spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Litzow that the Senate concur in the House amendment(s) to Senate Bill No. 6128.

The motion by Senator Litzow carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6128 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6128, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6128, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SENATE BILL NO. 6128, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed SENATE BILL NO. 6208 with the following amendment(s): 6208 AMH CDHT H4333.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that the practice of persons using the allure of untapped benefits from the United States department of veterans affairs to market products and services substantially affects the public interest. This practice may impact the ability of veterans or their surviving spouses to appropriately plan their finances or care. The legislature further finds that the lack of regulation of persons who provide advice related to veterans' benefits is inadequate to address unfair and deceptive practices that exist in the marketplace and has contributed to the unauthorized practice of law and the use and marketing of financial planning options that are potentially detrimental to the veteran, their spouse, and family. It is the intent of the legislature, through this chapter, to restrict how individuals receive compensation and remuneration for providing assistance with veterans' benefit-related services and to encourage certain disclosures from individuals offering veterans' benefit-related services.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Compensation" means money, property, or anything else of value, which includes, but is not limited to, exclusive arrangements or agreements for the provision of services or the purchase of products.

(2) "Person" includes, where applicable, natural persons, corporations, trusts, unincorporated associations, and partnerships.

(3) "Trade or commerce" includes the marketing or sale of assets, goods, or services, or any commerce directly or indirectly affecting the people of the state of Washington.

(4) "Veterans' benefit matter" means any preparation, presentation, or prosecution of a claim affecting a person who has filed or has expressed an intention to file an application for determination of payment, service, commodity, function, or status, entitlement to which is determined under laws administered by the United States department of veterans affairs or the Washington state department of veterans affairs pertaining to veterans, dependents, and survivors.

NEW SECTION. Sec. 3. A person may not engage in the following acts or practices:

(1) Receiving compensation for advising or assisting another person with a veterans' benefit matter, except as permitted under Title 38 of the United States Code;

(2) Using financial or other personal information gathered in order to prepare documents for, or otherwise represent the interests of, another in a veterans' benefit matter for purposes of trade or commerce;

(3) Receiving compensation for referring another person to a person accredited by the United States department of veterans affairs;

(4) Representing, either directly or by implication, either orally or in writing, that the receipt of a certain level of veterans' benefits is guaranteed.

NEW SECTION. Sec. 4. (1) It is unlawful for any person to advertise or promote any event, presentation, seminar, workshop, or other public gathering regarding veterans' benefits or entitlements that does not include the following disclosure: "This event is not sponsored by, or affiliated with, the United States Department of Veterans Affairs, the Washington State Department of Veterans Affairs, or any other congressionally chartered or recognized organization of honorably discharged members of the Armed Forces of the United States or any of their auxiliaries. Products or services that may be discussed at this event are not necessarily endorsed by those organizations. You may qualify for benefits other than or in addition to the benefits discussed at this event."

(2) The disclosure required by subsection (1) of this section must be in the same type size and font as the term "veteran" or any variation of that term as used in the event advertisement or promotional materials.

(3) The disclosure required by subsection (1) of this section must be disseminated, both orally and in writing, at the beginning of any event, presentation, seminar, workshop, or other public gathering regarding veterans' benefits or entitlements.

(4) The disclosure required by subsection (1) of this section does not apply where the United States department of veterans affairs, the Washington state department of veterans affairs, or any other congressionally chartered or recognized organization of honorably discharged members of the armed forces of the United States or any of their auxiliaries have granted written permission to the advertiser or promoter for the use of its name, symbol, or insignia to advertise or promote such events, presentations, seminars, workshops, or other public gatherings. The disclosure required by subsection (1) of this section also does not apply where the event, presentation, seminar, workshop, or gathering is part of an accredited continuing legal education course.

NEW SECTION. Sec. 5. Nothing in this chapter applies to officers, employees, or volunteers of the state, of any county, city, or other political subdivision, or of a federal agency of the United States, who are acting in their official capacity.

NEW SECTION. Sec. 6. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and

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an unfair method of competition for purposes of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This chapter may be known and cited as the "pension poacher prevention act."

NEW SECTION. Sec. 9. Sections 1 through 6 and 8 of this act constitute a new chapter in Title 19 RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Holmquist Newbry moved that the Senate concur in the House amendment(s) to Senate Bill No. 6208.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Holmquist Newbry that the Senate concur in the House amendment(s) to Senate Bill No. 6208.

The motion by Senator Holmquist Newbry carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6208 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6208, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6208, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SENATE BILL NO. 6208, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6242 with the following amendment(s): 6242-S.E AMH ED H4417.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.305.141 and 2009 c 543 s 2 are each amended to read as follows:

(1) In addition to waivers authorized under RCW 28A.305.140 and 28A.655.180, the state board of education may grant waivers from the requirement for a one hundred eighty-day school year

under RCW 28A.150.220 (~~and 28A.150.250~~) to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.220 that school districts offer ~~((an annual average instructional hour offering of at least one thousand))~~ minimum instructional hours shall not be waived.

(2) A school district seeking a waiver under this section must submit an application that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on employees in education support positions and the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the state board of education may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt criteria to evaluate waiver requests. No more than five districts may be granted waivers. Waivers may be granted for up to three years. After each school year, the state board of education shall analyze empirical evidence to determine whether the reduction is affecting student learning. If the state board of education determines that student learning is adversely affected, the school district shall discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the determination has been made. All waivers expire August 31, ~~((2014))~~ 2017.

(a) Two of the five waivers granted under this subsection shall be granted to school districts with student populations of less than one hundred fifty students.

(b) Three of the five waivers granted under this subsection shall be granted to school districts with student populations of between one hundred fifty-one and five hundred students.

(4) ~~((The state board of education shall examine the waivers granted under this section and make a recommendation to the education committees of the legislature by December 15, 2013, regarding whether the waiver program should be continued, modified, or allowed to terminate. This recommendation should focus on whether the program resulted in improved student learning as demonstrated by empirical evidence. Such evidence includes, but is not limited to: Improved scores on the Washington assessment of student learning, results of the dynamic indicators of basic early literacy skills, student grades, and attendance.~~

~~(5)) This section expires August 31, ((2014)) 2017."~~

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Litzow moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6242.

Senator Litzow spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Litzow that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6242.

The motion by Senator Litzow carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6242 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6242, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6242, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 6242, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed SENATE BILL NO. 6424 with the following amendment(s): 6424 AMH ED H4415.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) The study of world languages in elementary and secondary schools should be encouraged because it contributes to students' cognitive development and to the national economy and security;

(b) Proficiency in multiple languages enables Washington to participate more effectively in the current global political, social, and economic context;

(c) The benefits to employers of having employees who are fluent in more than one language are clear: Increased access to expanding markets, better service of customers' needs, and expanded trading opportunities with other countries; and

(d) Protecting the state's rich heritage of multiple cultures and languages, as well as building trust and understanding across the multiple cultures and languages of diverse communities, requires multilingual communication skills.

(2) Therefore, the legislature's intent is to promote and recognize linguistic proficiency and cultural literacy in one or more world languages in addition to English through the establishment of a Washington state seal of biliteracy.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The Washington state seal of biliteracy is established to recognize public high school graduates who have attained a high level of proficiency in speaking, reading, and writing in one or more world languages in addition to English. School districts are encouraged to award the seal of biliteracy to graduating high school students who meet the criteria established by the office of the superintendent of public instruction under this section. Participating school districts shall place a notation on a student's high school diploma and high school transcript indicating that the student has earned the seal.

(2) The office of the superintendent of public instruction shall adopt rules establishing criteria for award of the Washington state seal of biliteracy. The criteria must require a student to demonstrate proficiency in English by meeting state high school graduation requirements in English, including through state assessments and credits, and proficiency in one or more world languages other than English. The criteria must permit a student to demonstrate proficiency in another world language through multiple methods including nationally or internationally recognized language proficiency tests and competency-based world language credits awarded under the model policy adopted by the Washington state school directors' association.

(3) For the purposes of this section, a world language other than English must include American sign language and Native American languages.

Sec. 3. RCW 28A.230.125 and 2011 1st sp.s. c 11 s 130 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the four-year institutions as defined in RCW 28B.76.020, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement.

(3) The standardized high school transcript may include a notation of whether the student has earned the Washington state seal of biliteracy established under section 2 of this act.

NEW SECTION. Sec. 4. By December 1, 2017, the office of the superintendent of public instruction shall submit a report to the education committees of the legislature that compares the number of students awarded the Washington state seal of biliteracy in the previous two school years and the languages spoken by those students, to the number of students enrolled or previously enrolled in the transitional bilingual instruction program and the languages spoken by those students. The office of the superintendent of public instruction shall also report the methods used by students to demonstrate proficiency for the Washington state seal of biliteracy, and describe how the office of the superintendent of public instruction plans to increase the number of possible methods for students to demonstrate proficiency, particularly in world languages that are not widely spoken."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Senate Bill No. 6424.

Senator Roach spoke in favor of the motion.

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The President Pro Tempore declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Senate Bill No. 6424.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6424 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6424, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6424, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SENATE BILL NO. 6424, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6431 with the following amendment(s): 6431-S AMH APPE H4443.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that according to the department of health, suicide is the second leading cause of death for Washington youth between the ages of ten and twenty-four. Suicide rates among Washington's youth remain higher than the national average. An increasing body of research shows an association between adverse childhood experiences such as trauma, violence, or abuse, and decreased student learning and achievement. Underserved youth populations in Washington who are not receiving access to state services continue to remain at risk for suicide.

Sec. 2. RCW 28A.300.288 and 2011 c 185 s 3 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall work with state agency and community partners to ((develop pilot projects to)) assist schools in implementing youth suicide prevention activities, which may include the following:

(a) Training for school employees, parents, community members, and students in recognizing and responding to the signs of suicide;

(b) Partnering with local coalitions of community members interested in preventing youth suicide; and

(c) Responding to communities determined to be in crisis after a suicide or attempted suicide to prevent further instances of suicide.

(2) The office of the superintendent of public instruction, working with state and community partners, shall prioritize funding appropriated for subsection (1) of this section to communities identified as the highest risk.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2014, in the omnibus appropriations act, this act is null and void."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Litzow moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6431.

Senator Litzow spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Litzow that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6431.

The motion by Senator Litzow carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6431 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6431, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6431, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Nelson

SUBSTITUTE SENATE BILL NO. 6431, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6436 with the following amendment(s): 6436-S.E AMH APPE H4442.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that while the college bound scholarship program was created in 2007, the first cohort of scholarship recipients entered institutions of higher education in 2013 and emerging data shows that the program is a success. However, the legislature further finds that the program faces long-term challenges. Therefore, the legislature intends to

create a work group to make recommendations to ensure the program is viable, productive, and effective.

NEW SECTION. Sec. 2. (1)(a) A college bound scholarship program work group is established. The work group shall consist of the following members:

(i) Two members of the house of representatives, with one member representing each of the major caucuses and appointed by the speaker of the house of representatives;

(ii) Two members of the senate, with one member representing each of the major caucuses and appointed by the president of the senate;

(iii) One representative of the four-year institutions of higher education as defined in RCW 28B.10.016, selected by the presidents of those institutions;

(iv) One representative of the state's community and technical college system, selected by the state board for community and technical colleges;

(v) One representative of a private, nonprofit higher education institution as defined in RCW 28B.07.020(4), selected by an association of independent nonprofit baccalaureate degree-granting institutions;

(vi) One representative from the student achievement council;

(vii) One representative from a college scholarship organization that is a private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code, with expertise in managing scholarships and college advising;

(viii) One nonlegislative representative appointed by the governor; and

(ix) One representative from the middle school system.

(b) All members must be appointed by June 30, 2014.

(c) The work group shall appoint its own chair and vice chair and shall meet at least once but no more than five times in 2014.

(d) Legislative members of the work group shall serve without additional compensation, but shall be reimbursed in accordance with RCW 44.04.120 while attending meetings of the work group. Nonlegislative members of the work group may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(2) The work group shall submit a report to the governor and the legislature by December 31, 2014, with recommendations for making the college bound scholarship program viable, including but not limited to funding.

(3) Staff support for the work group shall be jointly provided by senate committee services and the house of representatives office of program research, with the office of financial management presenting data as needed.

(4) This section expires July 1, 2015."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Bailey moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6436.

Senators Bailey and Frockt spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Bailey that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6436.

The motion by Senator Bailey carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6436 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6436, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6436, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Nelson

ENGROSSED SUBSTITUTE SENATE BILL NO. 6436, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6479 with the following amendment(s): 6479-S.E AMH ELHS WICK 142

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purposes of this section, "caregiver" means a person with whom a child is placed in out-of-home care, or a designated official for a group care facility licensed by the department.

(2) This section applies to all caregivers providing for children in out-of-home care.

(3) Caregivers have the authority to provide or withhold permission without prior approval of the caseworker, department, or court to allow a child in their care to participate in normal childhood activities based on a reasonable and prudent parent standard.

(a) Normal childhood activities include, but are not limited to, extracurricular, enrichment, and social activities, and may include overnight activities outside the direct supervision of the caregiver for periods of over twenty-four hours and up to seventy-two hours.

(b) The reasonable and prudent parent standard means the standard of care used by a caregiver in determining whether to allow a child in his or her care to participate in extracurricular, enrichment, and social activities. This standard is characterized by careful and thoughtful parental decision-making that is intended to maintain a child's health, safety, and best interest while encouraging the child's emotional and developmental growth.

(4) Any authorization provided under this section must comply with provisions included in an existing safety plan established by the department or court order.

(5) (a) Caseworkers shall discuss the child's interest in and pursuit of normal childhood activities in their monthly health and safety visits and describe the child's participation in normal childhood activities in the individual service and safety plan.

(b) Caseworkers shall also review a child's interest in and pursuit of normal childhood activities during monthly meetings with parents. Caseworkers shall communicate the opinions of parents

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regarding their child's participation in normal childhood activities so that the parents' wishes may be appropriately considered.

(6) Neither the caregiver nor the department may be held liable for injuries to the child that occur as a result of authority granted in this section unless the action or inaction of the caregiver or the department resulting in injury constitutes willful or wanton misconduct.

(7) This section does not remove or limit any existing liability protection afforded by law.

Sec. 2. RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;

(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability; however, a background check is not required if a caregiver approves an activity pursuant to the prudent parent standard contained in section 1 of this act;

(d) Obtaining child protective services information or records maintained in the department case management information system. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter;

(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:

(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicense;

(ii) Foster care and adoption placements; and

(iii) Any adult living in a home where a child may be placed;

(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;

(g) The cost of fingerprint background check fees will be paid as required in RCW 43.43.837;

(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;

(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator O'Ban moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6479.

Senators O'Ban, Frockt and Darneille spoke in favor of the motion.

Senators Billig and Padden spoke against the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator O'Ban that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6479.

The motion by Senator O'Ban carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6479 by a rising vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6479, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6479, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Baumgartner, Benton, Billig, Dansel, Eide, Holmquist Newbry, Honeyford, Liias, McAuliffe, McCoy, Mullet and Padden

ENGROSSED SUBSTITUTE SENATE BILL NO. 6479, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6517 with the following amendment(s): 6517-S.E AMH POLL H4459.1

On page 1, line 14, after "The" strike "residential" and insert "following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential"

On page 2, beginning on line 3, after "a public agency" strike all material through "agency" on line 6 and insert "((that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency))" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

TABLE 1

Sentencing Grid

SERIOUSNESS

LEVEL

OFFENDER SCORE

	0	1	2	3	4	5	6	7	8	9 or more
XVII	Life sentence without parole/death penalty for offenders at or over the age of eighteen.									
	For offenders under the age of eighteen, a term of twenty-five years to life.									
XV	23y4m	24y4m	25y4m	26y4m	27y4m	28y4m	30y4m	32y10m	36y	40y

Senator Roach moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6517.

Senator Roach spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6517.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6517 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6517, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6517, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 6517, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5064 with the following amendment(s): 5064-S2 AMH PS H4390.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.510 and 2002 c 290 s 10 are each amended to read as follows:

	240-	250-	261-	271-	281-	291-	312-	338-	370-	411-
	320	333	347	361	374	388	416	450	493	548
XIV	14y4m15y4m16y2m17y					17y11m18y9m20y5m22y2m			25y7m	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	220	234	244	254	265	275	295	316	357	397
XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	164	178	192	205	219	233	260	288	342	397
XII	9y	9y11m10y9m11y8m12y6m				13y5m15y9m17y3m			20y3m	23y3m
	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
	123	136	147	160	171	184	216	236	277	318
XI	7y6m	8y4m	9y2m	9y11m10y9m		11y7m14y2m15y5m			17y11m20y5m	
	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
	102	114	125	136	147	158	194	211	245	280
X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
	51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
	68	75	82	89	96	102	130	144	171	198
IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
	31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
	41	48	54	61	68	75	102	116	144	171
VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
	21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
	27	34	41	48	54	61	89	102	116	144
VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
	15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
	20	27	34	41	48	54	75	89	102	116
VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
	12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
	14	20	27	34	41	48	61	75	89	102
V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
	6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
	12	14	17	20	29	43	54	68	82	96
IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m

	3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
	9	12	14	17	20	29	43	57	70	84
III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
	1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
	3	8	12	12	16	22	29	43	57	68
II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
	0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
	Days	6	9	12	14	18	22	29	43	57
I			3m	4m	5m	8m	13m	16m	20m	2y2m
	0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
	Days	Days	5	6	8	12	14	18	22	29

Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent standard sentence ranges in months, or in days if so designated. 12+ equals one year and one day.

Sec. 2. RCW 9.94A.540 and 2005 c 437 s 2 are each amended to read as follows:

(1) Except to the extent provided in subsection (3) of this section, the following minimum terms of total confinement are mandatory and shall not be varied or modified under RCW 9.94A.535:

(a) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years.

(b) An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years.

(c) An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years.

(d) An offender convicted of the crime of sexually violent predator escape shall be sentenced to a minimum term of total confinement not less than sixty months.

(e) An offender convicted of the crime of aggravated first degree murder for a murder that was committed prior to the offender's eighteenth birthday shall be sentenced to a term of total confinement not less than twenty-five years.

(2) During such minimum terms of total confinement, no offender subject to the provisions of this section is eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release authorized under RCW 9.94A.728, or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer. The provisions of this subsection shall not apply: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.728~~((4))~~ (3).

(3)(a) Subsection (1)~~(a)~~ through (d) of this section shall not be applied in sentencing of juveniles tried as adults pursuant to RCW 13.04.030(1)(e)(i).

(b) This subsection (3) applies only to crimes committed on or after July 24, 2005.

Sec. 3. RCW 9.94A.6332 and 2010 c 224 s 11 are each amended to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the special sex offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

(3) If the offender was sentenced under the parenting sentencing alternative, any sanctions shall be imposed by the department or by the court pursuant to RCW 9.94A.655.

(4) If a sex offender was sentenced pursuant to RCW 9.94A.507, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

(5) If the offender was released pursuant to section 10 of this act, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

(6) If the offender was sentenced pursuant to RCW 10.95.030(3) or section 11 of this act, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

(7) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon receipt of a violation hearing report from the department, the court retains any authority that those statutes provide to respond to a probationer's violation of conditions.

~~((6))~~ (8) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to RCW 9.94A.6333.

Sec. 4. RCW 9.94A.729 and 2013 2nd sp.s. c 14 s 2 and 2013 c 266 s 1 are each reenacted and amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release

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time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned. The department may approve a jail certification from a correctional agency that calculates early release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. The department must adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the department's facilities. However, the department is not authorized to adjust the number of presentence early release days that the jail has certified as lost or not earned.

(2) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender sentenced pursuant to RCW 10.95.030(3) or section 11 of this act, the aggregate earned release time may not exceed ten percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

~~((b))~~ (c) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

~~((c))~~ (d) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in ~~((e))~~ (d)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

~~((d))~~ (e) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection ~~(3)((e))~~ (d) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection ~~(3)((e))~~ (d) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan.

A voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) The department shall maintain a list of housing providers that meets the requirements of RCW 72.09.285. If more than two voucher recipients will be residing per dwelling unit, as defined in RCW 59.18.030, rental vouchers for those recipients may only be paid to a housing provider on the department's list;

(f) For each offender who is the recipient of a rental voucher, the department shall gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

Sec. 5. RCW 9.95.425 and 2009 c 28 s 30 are each amended to read as follows:

(1) Whenever the board or a community corrections officer of this state has reason to believe an offender released under RCW 9.95.420, 10.95.030(3), or section 10 of this act has violated a condition of community custody or the laws of this state, any community corrections officer may arrest or cause the arrest and detention of the offender pending a determination by the board whether sanctions should be imposed or the offender's community custody should be revoked. The community corrections officer

shall report all facts and circumstances surrounding the alleged violation to the board, with recommendations.

(2) If the board or the department causes the arrest or detention of an offender for a violation that does not amount to a new crime and the offender is arrested or detained by local law enforcement or in a local jail, the board or department, whichever caused the arrest or detention, shall be financially responsible for local costs. Jail bed costs shall be allocated at the rate established under RCW 9.94A.740.

Sec. 6. RCW 9.95.430 and 2001 2nd sp.s. c 12 s 308 are each amended to read as follows:

Any offender released under RCW 9.95.420, 10.95.030(3), or section 10 of this act who is arrested and detained in physical custody by the authority of a community corrections officer, or upon the written order of the board, shall not be released from custody on bail or personal recognizance, except upon approval of the board and the issuance by the board of an order reinstating the offender's release on the same or modified conditions. All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

Sec. 7. RCW 9.95.435 and 2007 c 363 s 3 are each amended to read as follows:

(1) If an offender released by the board under RCW 9.95.420, 10.95.030(3), or section 10 of this act violates any condition or requirement of community custody, the board may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2) Following the hearing specified in subsection (3) of this section, the board may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community, or may suspend the release and sanction up to sixty days' confinement in a local correctional facility for each violation, or revoke the release to community custody whenever an offender released by the board under RCW 9.95.420, 10.95.030(3), or section 10 of this act violates any condition or requirement of community custody.

(3) If an offender released by the board under RCW 9.95.420, 10.95.030(3), or section 10 of this act is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the board or a designee of the board prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The board shall develop hearing procedures and a structure of graduated sanctions consistent with the hearing procedures and graduated sanctions developed pursuant to RCW 9.94A.737. The board may suspend the offender's release to community custody and confine the offender in a correctional institution owned, operated by, or operated under contract with the state prior to the hearing unless the offender has been arrested and confined for a new criminal offense.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearings shall be conducted by members or designees of the board unless the board enters into an agreement with the department to use the hearing officers established under RCW 9.94A.737;

(b) The board shall provide the offender with findings and conclusions which include the evidence relied upon, and the reasons the particular sanction was imposed. The board shall notify the offender of the right to appeal the sanction and the right to file a

personal restraint petition under court rules after the final decision of the board;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within thirty days of service of notice of the violation, but not less than twenty-four hours after notice of the violation. For offenders in total confinement, the hearing shall be held within thirty days of service of notice of the violation, but not less than twenty-four hours after notice of the violation. The board or its designee shall make a determination whether probable cause exists to believe the violation or violations occurred. The determination shall be made within forty-eight hours of receipt of the allegation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the presiding hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; (v) question witnesses who appear and testify; and (vi) be represented by counsel if revocation of the release to community custody upon a finding of violation is a probable sanction for the violation. The board may not revoke the release to community custody of any offender who was not represented by counsel at the hearing, unless the offender has waived the right to counsel; and

(e) The sanction shall take effect if affirmed by the presiding hearing officer.

(5) Within seven days after the presiding hearing officer's decision, the offender may appeal the decision to the full board or to a panel of three reviewing examiners designated by the chair of the board or by the chair's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (a) The crime of conviction; (b) the violation committed; (c) the offender's risk of reoffending; or (d) the safety of the community.

(6) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

Sec. 8. RCW 9.95.440 and 2008 c 231 s 45 are each amended to read as follows:

In the event the board suspends the release status of an offender released under RCW 9.95.420, 10.95.030(3), or section 10 of this act by reason of an alleged violation of a condition of release, or pending disposition of a new criminal charge, the board may nullify the suspension order and reinstate release under previous conditions or any new conditions the board determines advisable under RCW 9.94A.704. Before the board may nullify a suspension order and reinstate release, it shall determine that the best interests of society and the offender shall be served by such reinstatement rather than return to confinement.

Sec. 9. RCW 10.95.030 and 2010 c 94 s 3 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, any person convicted of the crime of aggravated first degree murder shall be sentenced to life imprisonment without possibility of release or parole. A person sentenced to life imprisonment under this section shall not have that sentence suspended, deferred, or commuted by any judicial officer and the indeterminate sentence review board or its successor may not parole such prisoner nor reduce the period of confinement in any manner whatsoever including but not limited to any sort of good-time calculation. The department of social and health services or its successor or any executive official may not permit such prisoner to participate in any sort of release or furlough program.

(2) If, pursuant to a special sentencing proceeding held under RCW 10.95.050, the trier of fact finds that there are not sufficient mitigating circumstances to merit leniency, the sentence shall be

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death. In no case, however, shall a person be sentenced to death if the person had an intellectual disability at the time the crime was committed, under the definition of intellectual disability set forth in (a) of this subsection. A diagnosis of intellectual disability shall be documented by a licensed psychiatrist or licensed psychologist designated by the court, who is an expert in the diagnosis and evaluation of intellectual disabilities. The defense must establish an intellectual disability by a preponderance of the evidence and the court must make a finding as to the existence of an intellectual disability.

(a) "Intellectual disability" means the individual has: (i) Significantly subaverage general intellectual functioning; (ii) existing concurrently with deficits in adaptive behavior; and (iii) both significantly subaverage general intellectual functioning and deficits in adaptive behavior were manifested during the developmental period.

(b) "General intellectual functioning" means the results obtained by assessment with one or more of the individually administered general intelligence tests developed for the purpose of assessing intellectual functioning.

(c) "Significantly subaverage general intellectual functioning" means intelligence quotient seventy or below.

(d) "Adaptive behavior" means the effectiveness or degree with which individuals meet the standards of personal independence and social responsibility expected for his or her age.

(e) "Developmental period" means the period of time between conception and the eighteenth birthday.

(3)(a)(i) Any person convicted of the crime of aggravated first degree murder for an offense committed prior to the person's sixteenth birthday shall be sentenced to a maximum term of life imprisonment and a minimum term of total confinement of twenty-five years.

(ii) Any person convicted of the crime of aggravated first degree murder for an offense committed when the person is at least sixteen years old but less than eighteen years old shall be sentenced to a maximum term of life imprisonment and a minimum term of total confinement of no less than twenty-five years. A minimum term of life may be imposed, in which case the person will be ineligible for parole or early release.

(b) In setting a minimum term, the court must take into account mitigating factors that account for the diminished culpability of youth as provided in *Miller v. Alabama*, 132 S.Ct. 2455 (2012) including, but not limited to, the age of the individual, the youth's childhood and life experience, the degree of responsibility the youth was capable of exercising, and the youth's chances of becoming rehabilitated.

(c) A person sentenced under this subsection shall serve the sentence in a facility or institution operated, or utilized under contract, by the state. During the minimum term of total confinement, the person shall not be eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release authorized under RCW 9.94A.728, or any other form of authorized leave or absence from the correctional facility while not in the direct custody of a corrections officer. The provisions of this subsection shall not apply: (i) In the case of an offender in need of emergency medical treatment; or (ii) for an extraordinary medical placement when authorized under RCW 9.94A.728(3).

(d) Any person sentenced pursuant to this subsection shall be subject to community custody under the supervision of the department of corrections and the authority of the indeterminate sentence review board. As part of any sentence under this subsection, the court shall require the person to comply with any conditions imposed by the board.

(e) No later than five years prior to the expiration of the person's

minimum term, the department of corrections shall conduct an assessment of the offender and identify programming and services that would be appropriate to prepare the offender for return to the community. To the extent possible, the department shall make programming available as identified by the assessment.

(f) No later than one hundred eighty days prior to the expiration of the person's minimum term, the department of corrections shall conduct, and the offender shall participate in, an examination of the person, incorporating methodologies that are recognized by experts in the prediction of dangerousness, and including a prediction of the probability that the person will engage in future criminal behavior if released on conditions to be set by the board. The board may consider a person's failure to participate in an evaluation under this subsection in determining whether to release the person. The board shall order the person released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the person will commit new criminal law violations if released. If the board does not order the person released, the board shall set a new minimum term not to exceed five additional years. The board shall give public safety considerations the highest priority when making all discretionary decisions regarding the ability for release and conditions of release.

(g) In a hearing conducted under (f) of this subsection, the board shall provide opportunities for victims and survivors of victims of any crimes for which the offender has been convicted to present statements as set forth in RCW 7.69.032. The procedures for victim and survivor of victim input shall be developed by rule. To facilitate victim and survivor of victim involvement, county prosecutor's offices shall ensure that any victim impact statements and known contact information for victims of record and survivors of victims are forwarded as part of the judgment and sentence.

(h) An offender released by the board is subject to the supervision of the department of corrections for a period of time to be determined by the board. The department shall monitor the offender's compliance with conditions of community custody imposed by the court, department, or board, and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board are subject to the provisions of RCW 9.95.425 through 9.95.440.

NEW SECTION. Sec. 10. A new section is added to chapter 9.94A RCW to read as follows:

(1) Notwithstanding any other provision of this chapter, any person convicted of one or more crimes committed prior to the person's eighteenth birthday may petition the indeterminate sentence review board for early release after serving no less than twenty years of total confinement, provided the person has not been convicted for any crime committed subsequent to the person's eighteenth birthday, the person has not committed a major violation in the twelve months prior to filing the petition for early release, and the current sentence was not imposed under RCW 10.95.030 or 9.94A.507.

(2) When an offender who will be eligible to petition under this section has served fifteen years, the department shall conduct an assessment of the offender and identify programming and services that would be appropriate to prepare the offender for return to the community. To the extent possible, the department shall make programming available as identified by the assessment.

(3) No later than one hundred eighty days from receipt of the petition for early release, the department shall conduct, and the offender shall participate in, an examination of the person, incorporating methodologies that are recognized by experts in the prediction of dangerousness, and including a prediction of the probability that the person will engage in future criminal behavior if released on conditions to be set by the board. The board may

consider a person's failure to participate in an evaluation under this subsection in determining whether to release the person. The board shall order the person released under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the person will commit new criminal law violations if released. The board shall give public safety considerations the highest priority when making all discretionary decisions regarding the ability for release and conditions of release.

(4) In a hearing conducted under subsection (3) of this section, the board shall provide opportunities for victims and survivors of victims of any crimes for which the offender has been convicted to present statements as set forth in RCW 7.69.032. The procedures for victim and survivor of victim input shall be developed by rule. To facilitate victim and survivor of victim involvement, county prosecutor's offices shall ensure that any victim impact statements and known contact information for victims of record and survivors of victims are forwarded as part of the judgment and sentence.

(5) An offender released by the board is subject to the supervision of the department for a period of time to be determined by the board. The department shall monitor the offender's compliance with conditions of community custody imposed by the court, department, or board, and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board are subject to the provisions of RCW 9.95.425 through 9.95.440.

(6) An offender whose petition for release is denied may file a new petition for release five years from the date of denial or at an earlier date as may be set by the board.

NEW SECTION. Sec. 11. A new section is added to chapter 10.95 RCW to read as follows:

(1) A person, who was sentenced prior to June 1, 2014, to a term of life without the possibility of parole for an offense committed prior to their eighteenth birthday, shall be returned to the sentencing court or the sentencing court's successor for sentencing consistent with RCW 10.95.030. Release and supervision of a person who receives a minimum term of less than life will be governed by RCW 10.95.030.

(2) The court shall provide an opportunity for victims and survivors of victims of any crimes for which the offender has been convicted to present a statement personally or by representation.

(3) The court's order setting a minimum term is subject to review to the same extent as a minimum term decision by the parole board before July 1, 1986.

(4) A resentencing under this section shall not reopen the defendant's conviction to challenges that would otherwise be barred by RCW 10.73.090, 10.73.100, 10.73.140, or other procedural barriers.

NEW SECTION. Sec. 12. A new section is added to chapter 10.95 RCW to read as follows:

Sections 1 through 9 of this act apply to all sentencing hearings conducted on or after June 1, 2014, regardless of the date of an offender's underlying offense.

NEW SECTION. Sec. 13. (1) The legislature shall convene a task force to examine juvenile sentencing reform, with the following voting members:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses in the house of representatives;

(c) A representative from the governor's office;

(d) The assistant secretary of the department of social and health services overseeing the juvenile justice and rehabilitation administration or his or her designee;

(e) The secretary of the department of corrections or his or her designee;

(f) A superior court judge from the superior court judges association family and juvenile law subcommittee, who is familiar with cases involving the transfer of youth to the adult criminal justice system and sentencing of youth in the adult criminal justice system;

(g) A representative of the Washington association of prosecuting attorneys;

(h) A representative of the Washington association of criminal defense lawyers or the Washington defender association;

(i) A representative from the Washington coalition of crime victim advocates;

(j) A representative from the juvenile court administrator's association;

(k) A representative from the Washington association of sheriffs and police chiefs;

(l) A representative from law enforcement who works with juveniles; and

(m) A representative from the sentencing guidelines commission.

(2) The task force shall choose two cochairs from among its legislative members.

(3) The task force shall undertake a thorough review of juvenile sentencing as it relates to the intersection of the adult and juvenile justice systems and make recommendations for reform that promote improved outcomes for youth, public safety, and taxpayer resources. The review shall include, but is not limited to:

(a) The process and circumstances for transferring a juvenile to adult jurisdiction, including discretionary and mandatory decline hearings and automatic transfer to adult jurisdiction;

(b) Sentencing standards, term lengths, sentencing enhancements, and stacking provisions that apply once a juvenile is transferred to adult jurisdiction; and

(c) The appropriate custody, treatment, and resources for declined youth who will complete their term of confinement prior to reaching age twenty-one.

(4) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(5) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(7) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2014.

NEW SECTION. Sec. 14. Section 13 of this act expires June 1, 2015.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 2014."

Correct the title.

and the same are herewith transmitted.

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BARBARA BAKER, Chief Clerk

MOTION

Senator O'Ban moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5064.

Senator O'Ban spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator O'Ban that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5064.

The motion by Senator O'Ban carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5064 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5064, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5064, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Dansel

SECOND SUBSTITUTE SENATE BILL NO. 5064, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5859 with the following amendment(s): 5859-S AMH APP H4456.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that promoting a financially viable health care system in all parts of the state is a critical interest. The federal centers for medicare and medicaid services has recognized the crucial role hospitals play in providing care in rural areas by creating the sole community hospital program, which allows certain small rural hospitals to receive enhanced payments for medicare services. The legislature further finds that creating a similar reimbursement system for the state's medicaid program for sole community hospitals will promote the long-term financial viability of the rural health care system in those communities.

Sec. 2. RCW 74.09.5225 and 2011 1st sp.s. c 15 s 31 are each amended to read as follows:

(1) Payments for recipients eligible for medical assistance programs under this chapter for services provided by hospitals, regardless of the beneficiary's managed care enrollment status, shall be made based on allowable costs incurred during the year, when

services are provided by a rural hospital certified by the centers for medicare and medicaid services as a critical access hospital. Any additional payments made by the authority for the healthy options program shall be no more than the additional amounts per service paid under this section for other medical assistance programs.

(2) Beginning on July 24, 2005, a moratorium shall be placed on additional hospital participation in critical access hospital payments under this section. However, rural hospitals that applied for certification to the centers for medicare and medicaid services prior to January 1, 2005, but have not yet completed the process or have not yet been approved for certification, remain eligible for medical assistance payments under this section.

(3)(a) Beginning January 1, 2015, payments for recipients eligible for medical assistance programs under this chapter for services provided by a hospital, regardless of the beneficiary's managed care enrollment status, shall be increased to one hundred twenty-five percent of the hospital's fee-for-service rates, when services are provided by a rural hospital that:

(i) Was certified by the centers for medicare and medicaid services as a sole community hospital as of January 1, 2013;

(ii) Had a level III adult trauma service designation from the department of health as of January 1, 2014;

(iii) Had less than one hundred fifty acute care licensed beds in fiscal year 2011; and

(iv) Is owned and operated by the state or a political subdivision.

(b) The enhanced payment rates under this subsection shall be considered the hospital's medicaid payment rate for purposes of any other state or private programs that pay hospitals according to medicaid payment rates.

(c) Hospitals participating in the certified public expenditures program may not receive the increased reimbursement rates provided in this subsection (3) for inpatient services."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Braun moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5859.

Senator Braun spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Braun that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5859.

The motion by Senator Braun carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5859 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5859, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5859, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe,

McCoy, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dansel, Holmquist Newbry and Mullet
 SUBSTITUTE SENATE BILL NO. 5859, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6014 with the following amendment(s): 6014-S AMH PS H4386.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.60.040 and 2013 c 278 s 1 are each amended to read as follows:

(1) It is unlawful for any person to operate a vessel in a reckless manner.

(2) It is unlawful for a person to operate a vessel while under the influence of intoxicating liquor, marijuana, or any drug. A person is considered to be under the influence of intoxicating liquor, marijuana, or any drug if, within two hours of operating a vessel:

(a) The person has an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) The person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or

(d) The person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.

(3) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

(4)(a) Any person who operates a vessel within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of the person's breath ~~((or blood))~~ for the purpose of determining the alcohol concentration ~~((or THC concentration, or presence of any drug))~~ in the person's breath ~~((or blood))~~ if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person was operating a vessel while under the influence of intoxicating liquor ~~((or marijuana))~~ or a combination of intoxicating liquor and any other drug.

(b) When an arrest results from an accident in which there has been serious bodily injury to another person or death or the arresting officer has reasonable grounds to believe the person was operating a vessel while under the influence of THC or any other drug, a blood test may be administered with the consent of the arrested person and a valid waiver of the warrant requirement or without the consent of the person so arrested pursuant to a search warrant or when exigent circumstances exist.

(c) Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(d) An arresting officer may administer field sobriety tests when circumstances permit.

(5) The test or tests of breath must be administered pursuant to RCW 46.20.308. ((Where the officer has reasonable grounds to believe that the person is under the influence of a drug, or where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample, or where the

person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility, a blood test must be administered by a qualified person as provided in RCW 46.61.506(5).)) The officer shall warn the person that if the person refuses to take the test, the person will be issued a class 1 civil infraction under RCW 7.80.120.

(6) A violation of subsection (1) of this section is a misdemeanor. A violation of subsection (2) of this section is a gross misdemeanor. In addition to the statutory penalties imposed, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

Sec. 2. RCW 79A.60.700 and 2013 c 278 s 2 are each amended to read as follows:

(1) The refusal of a person to submit to a test of the alcohol concentration, THC concentration, or presence of any drug in the person's blood or breath is not admissible into evidence at a subsequent criminal trial.

(2) A person's refusal to submit to a test or tests pursuant to RCW 79A.60.040(4)(a) constitutes a class 1 civil infraction under RCW 7.80.120."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6014.

Senators Padden and Kline spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6014.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6014 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6014, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6014, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE BILL NO. 6014, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

FIFTY SEVENTH DAY, MARCH 10, 2014

2014 REGULAR SESSION

The House passed SUBSTITUTE SENATE BILL NO. 6054 with the following amendment(s): 6054-S AMH SHEA LONG 622

Dependency of K.N.J., 171 Wn.2d 568, 574 (2011) and *In re Welfare of Luscier*, 84 Wn.2d 135, 136-37 (1974), unless such a position would jeopardize the child's right to conditions of basic nurture, health, or safety.

On page 2, line 11, after "feet," strike "must" and insert "should" and the same are herewith transmitted.

Sec. 2. RCW 13.34.100 and 2010 c 180 s 2 are each amended to read as follows:

BARBARA BAKER, Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6054.

Senator King spoke in favor of the motion.

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by an independent (counsel) attorney in the proceedings. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs.

The President Pro Tempore declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6054.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6054 by voice vote.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6054, as amended by the House.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background information record shall include, but is not limited to, the following information:

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6054, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

(a) Level of formal education;

(b) General training related to the guardian ad litem's duties;

(c) Specific training related to issues potentially faced by children in the dependency system;

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

(d) Specific training or education related to child disability or developmental issues;

SUBSTITUTE SENATE BILL NO. 6054, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(e) Number of years' experience as a guardian ad litem;

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6126 with the following amendment(s): 6126-S2.E AMH APP H4474.1

(f) Number of appointments as a guardian ad litem and the county or counties of appointment;

Strike everything after the enacting clause and insert the following:

(g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause;

"NEW SECTION. Sec. 1. (1) The legislature recognizes that some children may remain in foster care following the termination of the parent and child relationship. These children have legal rights and no longer have a parent to advocate on their behalf, and no other party represents their legal interests. The legislature finds that providing attorneys for children following the termination of the parent and child relationship is fundamental to protecting the child's legal rights and to accelerate permanency.

(h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;

(2) Although the legislature recognizes that many jurisdictions provide attorneys to children prior to termination of the parent and child relationship, nothing in this act may be construed against the parent's fundamental liberty interest in parenting the child prior to termination of the parent and child relationship as stated in *In re*

(i) The results of an examination of state and national criminal identification data. The examination shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. The background check shall be done through the Washington state patrol criminal identification section and must include a national check from the federal bureau of investigation based on the submission of fingerprints; and

(j) Criminal history, as defined in RCW 9.94A.030, for the period covering ten years prior to the appointment.

The background information record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program a suitable person appointed by the court to act as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a copy of the background information record. The portion of the background information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and

for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through ~~((counsel))~~ an attorney, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6)(a) The court must appoint an attorney for a child in a dependency proceeding six months after granting a petition to terminate the parent and child relationship pursuant to RCW 13.34.180 and when there is no remaining parent with parental rights.

The court must appoint an attorney for a child when there is no remaining parent with parental rights for six months or longer prior to the effective date of this section if the child is not already represented.

The court may appoint one attorney to a group of siblings, unless there is a conflict of interest, or such representation is otherwise inconsistent with the rules of professional conduct.

(b) Legal services provided by an attorney appointed pursuant to (a) of this subsection do not include representation of the child in any appellate proceedings relative to the termination of the parent and child relationship.

(c)(i) Subject to the availability of amounts appropriated for this specific purpose, the state shall pay the costs of legal services provided by an attorney appointed pursuant to (a) of this subsection, if the legal services are provided in accordance with the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010. Caseload limits must be calculated pursuant to (c)(ii) of this subsection.

(ii) Counties are encouraged to set caseloads as low as possible and to account for the individual needs of the children in care. Notwithstanding the caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010, when one attorney represents a sibling group, the first child is counted as one case, and each child thereafter is counted as one-half case to determine compliance with the caseload standards pursuant to (c)(i) of this subsection and section 3 of this act.

(iii) The office of civil legal aid is responsible for implementation of (c)(i) and (ii) of this subsection as provided in section 3 of this act.

(7)(a) The court may appoint an attorney to represent the child's position in any dependency action on its own initiative, or upon the request of a parent, the child, a guardian ad litem, a caregiver, or the department.

(b)(i) If the court has not already appointed an attorney for a child, or the child is not represented by a privately retained attorney:

(A) The child's caregiver, or any individual, may refer the child to an attorney for the purposes of filing a motion to request appointment of an attorney at public expense; or

(B) The child or any individual may retain an attorney for the child for the purposes of filing a motion to request appointment of an attorney at public expense.

(ii) Nothing in this subsection (7)(b) shall be construed to change or alter the confidentiality provisions of RCW 13.50.100.

(c) Pursuant to this subsection, the department or supervising agency and the child's guardian ad litem shall each notify a child of

his or her right to request ~~((counsel))~~ an attorney and shall ask the child whether he or she wishes to have ~~((counsel))~~ an attorney. The department or supervising agency and the child's guardian ad litem shall notify the child and make this inquiry immediately after:

(i) The date of the child's twelfth birthday;

(ii) Assignment of a case involving a child age twelve or older;

or

(iii) July 1, 2010, for a child who turned twelve years old before July 1, 2010.

~~((b))~~ (d) The department or supervising agency and the child's guardian ad litem shall repeat the notification and inquiry at least annually and upon the filing of any motion or petition affecting the child's placement, services, or familial relationships.

~~((e))~~ (e) The notification and inquiry is not required if the child has already been appointed ~~((counsel))~~ an attorney.

~~((d))~~ (f) The department or supervising agency shall note in the child's individual service and safety plan, and the guardian ad litem shall note in his or her report to the court, that the child was notified of the right to request ~~((counsel))~~ an attorney and indicate the child's position regarding appointment of ~~((counsel))~~ an attorney.

~~((e))~~ (g) At the first regularly scheduled hearing after:

(i) The date of the child's twelfth birthday;

(ii) The date that a dependency petition is filed pursuant to this chapter on a child age twelve or older; or

(iii) July 1, 2010, for a child who turned twelve years old before July 1, 2010;

the court shall inquire whether the child has received notice of his or her right to request ~~((legal counsel))~~ an attorney from the department or supervising agency and the child's guardian ad litem. The court shall make an additional inquiry at the first regularly scheduled hearing after the child's fifteenth birthday. No inquiry is necessary if the child has already been appointed ~~((counsel))~~ an attorney.

~~((f))~~ (f) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

~~((7))~~ (8) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93- 247, or any related state or federal legislation, a person appointed pursuant to this section shall be deemed a guardian ad litem ~~((to represent the best interests of the minor in proceedings before the court))~~.

~~((8))~~ (9) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends. The program shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The court shall immediately appoint the person recommended by the program.

~~((9))~~ (10) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

NEW SECTION. Sec. 3. A new section is added to chapter 2.53 RCW to read as follows:

(1) Money appropriated by the legislature for legal services provided by an attorney appointed pursuant to RCW 13.34.100 must

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be administered by the office of civil legal aid established under RCW 2.53.020.

MESSAGE FROM THE HOUSE

March 7, 2014

(2) The office of civil legal aid may enter into contracts with the counties to disburse state funds for an attorney appointed pursuant to RCW 13.34.100. The office of civil legal aid may also require a county to use attorneys under contract with the office for the provision of legal services under RCW 13.34.100 to remain within appropriated amounts.

(3) Prior to distributing state funds under subsection (2) of this section, the office of civil legal aid must verify that attorneys providing legal representation to children under RCW 13.34.100 meet the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010. Caseload limits described in this subsection must be determined as provided in RCW 13.34.100(6)(c)(ii).

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2014.

NEW SECTION. **Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2014, in the omnibus appropriations act, this act is null and void."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator O'Ban moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6126.

Senators O'Ban and Darneille spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator O'Ban that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6126.

The motion by Senator O'Ban carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6126 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6126, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6126, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6126, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6228 with the following amendment(s): 6228-S.E AMH ENGR H4399.E

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** Consumers face a challenge finding reliable, consumer friendly information on health care pricing and quality. Greater transparency of health care prices and quality leads to engaged, activated consumers. Research indicates that engaged and educated consumers help control costs and improve quality with lower costs per patient, lower hospital readmission rates, and the use of higher quality providers. Washington is a leader in efforts to develop and publish provider quality information.

Although data is available today, research indicates the existing information is not user friendly, consumers do not know which measures are most relevant, and quality ratings are inconsistent or nonstandardized. It is the intent of the legislature to ensure consumer tools are available to educate and engage patients in managing their care and understanding the costs and quality.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) There is created a performance measures committee, the purpose of which is to identify and recommend standard statewide measures of health performance to inform public and private health care purchasers and to propose benchmarks to track costs and improvements in health outcomes.

(2) Members of the committee must include representation from state agencies, small and large employers, the two largest health plans by enrollment, patient groups, federally recognized tribal members, consumers, academic experts on health care measurement, hospitals, physicians, and other providers. The governor shall appoint the members of the committee, except that a statewide association representing hospitals may appoint a member representing hospitals, a statewide association representing physicians may appoint a member representing physicians, and a statewide association representing nurses may appoint a member representing nurses. The governor shall ensure that members represent diverse geographic locations and both rural and urban communities. The committee must be chaired by the director of the authority.

(3) The committee shall develop a transparent process for selecting performance measures, and the process must include opportunities for public comment.

(4) By January 1, 2015, the committee shall submit the performance measures to the authority. The measures must include dimensions of:

- (a) Prevention and screening;
- (b) Effective management of chronic conditions;
- (c) Key health outcomes;
- (d) Care coordination and patient safety; and
- (e) Use of the lowest cost, highest quality care for preventive care and chronic and acute conditions.

(5) The committee shall develop a measure set that:

- (a) Is of manageable size;
- (b) Gives preference to nationally reported measures and, where nationally reported measures may not be appropriate or available, measures used by state agencies that purchase health care or commercial health plans;
- (c) Focuses on the overall performance of the system, including outcomes and total cost;

(d) Is aligned with the governor's performance management system measures and common measure requirements specific to medicaid delivery systems under RCW 70.320.020 and 43.20A.895;

(e) Considers the needs of different stakeholders and the populations served; and

(f) Is usable by multiple payers, providers, hospitals, purchasers, public health, and communities as part of health improvement, care improvement, provider payment systems, benefit design, and administrative simplification for providers and hospitals.

(6) State agencies shall use the measure set developed under this section to inform and set benchmarks for their purchasing.

(7) The committee shall establish a public process to periodically evaluate the measure set and make additions or changes to the measure set as needed.

NEW SECTION. Sec. 3. A new section is added to chapter 48.43 RCW to read as follows:

(1) Each carrier offering or renewing a health benefit plan on or after January 1, 2016, must offer member transparency tools with certain price and quality information to enable the member to make treatment decisions based on cost, quality, and patient experience. The transparency tools must aim for best practices and, at a minimum:

(a) Must display cost data for common treatments within the following categories:

- (i) In-patient treatments;
- (ii) Outpatient treatments;
- (iii) Diagnostic tests; and
- (iv) Office visits;

(b) Recognizing integrated health care delivery systems focus on total cost of care, carrier's operating integrated care delivery systems may meet the requirement of (a) of this subsection by providing meaningful consumer data based on the total cost of care. This subsection applies only to the portion of enrollment a carrier offers pursuant to chapter 48.46 RCW and as part of an integrated delivery system, and does not exempt from (a) of this subsection coverage offered pursuant to chapter 48.21, 48.44, or 48.46 RCW if not part of an integrated delivery system;

(c) Are encouraged to display the cost for prescription medications on their member web site or through a link to a third party that manages the prescription benefits;

(d) Must include a patient review option or method for members to provide a rating or feedback on their experience with the medical provider that allows other members to see the patient review, the feedback must be monitored for appropriateness and validity, and the site may include independently compiled quality of care ratings of providers and facilities;

(e) Must allow members to access the estimated cost of the treatment, or the total cost of care, as set forth in (a) and (b) of this subsection on a portable electronic device;

(f) Must display options based on the selected search criteria for members to compare;

(g) Must display the estimated cost of the treatment, or total cost of the care episode, and the estimated out-of-pocket costs of the treatment for the member and display the application of personalized benefits such as deductibles and cost-sharing;

(h) Must display quality information on providers when available; and

(i) Are encouraged to display alternatives that are more cost-effective when there are alternatives available, such as the use of an ambulatory surgical center when one is available or medical versus surgical alternatives as appropriate.

(2) In addition to the required features on cost and quality information, the member transparency tools must include information to allow a provider and hospital search of in-network providers and hospitals with provider information including

specialists, distance from patient, the provider's contact information, the provider's education, board certification and other credentials, where to find information on malpractice history and disciplinary actions, affiliated hospitals and other providers in a clinic, and directions to provider offices and hospitals.

(3) Each carrier offering or renewing a health benefit plan on or after January 1, 2016, must provide enrollees with the performance information required by section 2717 of the patient protection and affordable care act, P.L. 111-148 (2010), as amended by the health care and education reconciliation act, P.L. 111-152 (2010), and any federal regulations or guidance issued under that section of the affordable care act.

(4) Each carrier offering or renewing a health benefit plan on or after January 1, 2016, must, within thirty days from the offer or renewal date, attest to the office of the insurance commissioner that the member transparency tools meet the requirements in this section and access to the tools is available on the home page within the health plan's secured member web site."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6228.

Senator Mullet spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6228.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6228 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6228, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6228, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dangel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 6228, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

FIFTY SEVENTH DAY, MARCH 10, 2014

2014 REGULAR SESSION

The House passed SENATE BILL NO. 6413 with the following amendment(s): 6413 AMH ENGR H4346.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.5055 and 2013 2nd sp.s. c 35 s 13 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a

violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory minimum term of sixty days electronic home monitoring, the court may order at least an additional four days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu of the mandatory minimum term of ninety days electronic home monitoring, the court may order at least an additional six days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two or three prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred

dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Four or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.**

(a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **Ignition interlock device substituted for 24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two or three prior offenses within seven years, and except as provided in RCW

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46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked,

suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (ii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), or (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for

granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(3).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040 or an equivalent local ordinance;

(v) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(vii) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(viii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

~~((iv))~~ (ix) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

~~((v))~~ (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

~~((vi))~~ (xi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), ~~((iii))~~ (viii), ~~((iv))~~ (ix), or ~~((v))~~ (x) of this subsection if committed in this state;

~~((vii))~~ (xii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

~~((viii))~~ (xiii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

~~((ix))~~ (xiv) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while

under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

~~((x))~~ (xv) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means alcohol or drug treatment approved by the department of social and health services;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

Sec. 2. RCW 10.31.100 and 2013 2nd sp.s. c 35 s 22 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

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(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

~~(d) The person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years).~~

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

- (a) RCW 46.52.010, relating to duty on striking an unattended car or other property;
- (b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;
- (d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;
- (e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;
- (f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;
- (g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the

witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(13) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(14) A police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Senate Bill No. 6413.

Senators Padden and Kline spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Senate Bill No. 6413.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6413 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6413, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6413, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SENATE BILL NO. 6413, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6265 with the following amendment(s): 6265-S.E AMH CODY H4485.1

On page 5, line 33, after "entity" insert "not covered by the federal health insurance portability and accountability act of 1996 and its implementing regulations"

On page 5, line 35, after "assessment" strike "and recommendation of health plan options" and insert "of health plan options and eligibility"

On page 6, line 4, after "navigator" insert "or navigator's employer" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6265 and ask the House to recede therefrom.

Senators Becker and Frockt spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Becker that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6265 and ask the House to recede therefrom.

The motion by Senator Becker carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6265 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House passed SENATE BILL NO. 6415 with the following amendment(s): 6415 AMH APPG H4444.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.589 and 2002 c 175 s 7 are each amended to read as follows:

(1)(a) Except as provided in (b) ~~((b))~~, (c), or (d) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those

current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.535. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses arising from separate and distinct criminal conduct, the standard sentence range for the offense with the highest seriousness level under RCW 9.94A.515 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the standard sentence range for other serious violent offenses shall be determined by using an offender score of zero. The standard sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under ~~((b)-(e))~~ this subsection (1)(b) shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, the standard sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior convictions. The offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

(d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6), or 46.61.505(4) shall be served consecutively with any sentences imposed under RCW 46.20.740 and 46.20.750.

(2)(a) Except as provided in (b) of this subsection, whenever a person while under sentence for conviction of a felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(b) Whenever a second or later felony conviction results in community supervision with conditions not currently in effect, under the prior sentence or sentences of community supervision the court may require that the conditions of community supervision contained in the second or later sentence begin during the immediate term of community supervision and continue throughout the duration of the consecutive term of community supervision.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence for conviction of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) In the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community restitution, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.535, if two or more sentences that run consecutively include periods of

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community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

Sec. 2. RCW 46.20.740 and 2010 c 269 s 8 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720, 46.61.5055, or 10.05.140 stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a gross misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped.

(3) Any sentence imposed for a violation of subsection (2) of this section shall be served consecutively with any sentence imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055.

Sec. 3. RCW 46.20.750 and 2005 c 200 s 2 are each amended to read as follows:

(1) A person who is restricted to the use of a vehicle equipped with an ignition interlock device and who tampers with the device or directs, authorizes, or requests another to tamper with the device, in order to circumvent the device by modifying, detaching, disconnecting, or otherwise disabling it, is guilty of a gross misdemeanor.

(2) A person who knowingly assists another person who is restricted to the use of a vehicle equipped with an ignition interlock device to circumvent the device or to start and operate that vehicle in violation of a court order is guilty of a gross misdemeanor. The provisions of this subsection do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

(3) Any sentence imposed for a violation of subsection (1) of this section shall be served consecutively with any sentence imposed under RCW 46.20.740, 46.61.502, 46.61.504, or 46.61.5055.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2014, in the omnibus appropriations act, this act is null and void."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Senate Bill No. 6415.

Senators Padden and Kline spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Senate Bill No. 6415.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6415 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6415, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6415, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SENATE BILL NO. 6415, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6553 with the following amendment(s): 6553.E AMH JUDI H4434.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 6.21.110 and 1994 c 185 s 3 are each amended to read as follows:

(1) Upon the return of any sale of real estate, the clerk: (a) Shall enter the cause, on which the execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: "Sale of land for confirmation"; (b) shall mail notice of the filing of the return of sale to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them; (c) shall file proof of such mailing in the action; (d) shall apply the proceeds of the sale returned by the sheriff, or so much thereof as may be necessary, to satisfaction of the judgment, including interest as provided in the judgment, and shall pay any excess proceeds as provided in subsection (5) of this section by direction of court order; and (e) upon confirmation of the sale, shall deliver the original certificate of sale to the purchaser.

(2) The judgment creditor or successful purchaser at the sheriff's sale is entitled to an order confirming the sale at any time after twenty days have elapsed from the mailing of the notice of the filing of the sheriff's return, on motion with notice given to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them, unless the judgment debtor, or in case of the judgment debtor's death, the representative, or any nondefaulting party to whom notice was sent shall file objections to confirmation with the clerk within twenty days after the mailing of the notice of the filing of such return.

(3) If objections to confirmation are filed, the court shall nevertheless allow the order confirming the sale, unless on the

hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be, as upon an execution received as of that date.

(4) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. If on resale the property sells for a greater amount to any person other than the former purchaser, the clerk shall first repay to the former purchaser out of the proceeds of the resale the amount of the former purchaser's bid together with interest as is provided in the judgment.

(5)(a) If, after ~~((the satisfaction))~~ confirmation of the sale and the judgment is satisfied, there ~~((be))~~ are any proceeds of the sale remaining, the clerk shall pay such proceeds, as provided for in (b) of this subsection, to all interests in, or liens against, the property eliminated by sale under this section in the order of priority that the interest, lien, or claim attached to the property, as determined by the court. Any remaining proceeds shall be paid to the judgment debtor, or the judgment debtor's representative, as the case may be, before the order is made upon the motion to confirm the sale only if the party files with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; otherwise, the excess proceeds shall remain in the custody of the clerk until the sale of the property has been disposed of ~~((; but if the sale be confirmed, such excess proceeds shall be paid to the judgment debtor or representative as a matter of course))~~.

(b) Anyone seeking disbursement of surplus funds shall file a motion requesting disbursement in the superior court for the county in which the surplus funds are deposited. Notice of the motion shall be served upon or mailed to all persons who had an interest in the property at the time of sale, and any other party who has entered an appearance in the proceeding, not less than twenty days prior to the hearing of the motion. The clerk shall not disburse such remaining proceeds except upon order of the superior court of such county.

(6) The purchaser shall file the original certificate of sale for record with the recording officer in the county in which the property is located.

Sec. 2. RCW 61.24.080 and 1998 c 295 s 10 are each amended to read as follows:

The trustee shall apply the proceeds of the sale as follows:

(1) To the expense of sale, including a reasonable charge by the trustee and by his or her attorney: PROVIDED, That the aggregate of the charges by the trustee and his or her attorney, for their services in the sale, shall not exceed the amount which would, by the superior court of the county in which the trustee's sale occurred, have been deemed a reasonable attorney fee, had the trust deed been foreclosed as a mortgage in a noncontested action in that court;

(2) To the obligation secured by the deed of trust; and

(3) The surplus, if any, less the clerk's filing fee, shall be deposited, together with written notice of the amount of the surplus, a copy of the notice of trustee's sale, and an affidavit of mailing as provided in this subsection, with the clerk of the superior court of the county in which the sale took place. The trustee shall mail copies of the notice of the surplus, the notice of trustee's sale, and the affidavit of mailing to each party to whom the notice of trustee's sale was sent pursuant to RCW 61.24.040(1). The clerk shall index such funds under the name of the grantor as set out in the recorded notice. Upon compliance with this subsection, the trustee shall be discharged from all further responsibilities for the surplus. Interests in, or liens or claims of liens against the property eliminated by sale under this section shall attach to the surplus in the order of priority that it had attached to the property, as determined by the court. A party seeking disbursement of the surplus funds shall file a motion

requesting disbursement in the superior court for the county in which the surplus funds are deposited. Notice of the motion shall be personally served upon, or mailed in the manner specified in RCW 61.24.040(1)(b), to all parties to whom the trustee mailed notice of the surplus, and any other party who has entered an appearance in the proceeding, not less than twenty days prior to the hearing of the motion. The clerk shall not disburse such surplus except upon order of the superior court of such county.

Sec. 3. RCW 6.17.140 and 1988 c 231 s 11 are each amended to read as follows:

The sheriff shall, at a time as near before or after service of the writ on, or mailing of the writ to, the judgment debtor as is possible, execute the writ as follows:

(1) If property has been attached, the sheriff shall indorse on the execution, and pay to the clerk forthwith, if he or she has not already done so, the amount of the proceeds of sales of perishable property or debts due the defendant previously received, sufficient to satisfy the judgment.

(2) If the judgment is not then satisfied, and property has been attached and remains in custody, the sheriff shall sell the same, or sufficient thereof to satisfy the judgment. When property has been attached and it is probable that such property will not be sufficient to satisfy the judgment, the sheriff may, on instructions from the judgment creditor, levy on other property of the judgment debtor without delay.

(3) If then any portion of the judgment remains unsatisfied, or if no property has been attached or the same has been discharged, the sheriff shall levy on the property of the judgment debtor, sufficient to satisfy the judgment, in the manner described in RCW 6.17.160.

(4) If, after the judgment is satisfied, any property remains in custody, the sheriff shall deliver it to the judgment debtor.

(5) Until a levy, personal property shall not be affected by the execution.

(6) When property has been sold or debts received on execution, the sheriff shall pay the proceeds to the clerk who issued the writ, for satisfaction of the judgment as commanded in the writ or for ~~((return))~~ payment of any excess proceeds to all interests in, or liens against, the property eliminated by the sale in the order of priority that the interest, lien, or claim attached to the property, as determined by the court. Any remaining proceeds shall be paid to the judgment debtor. No sheriff or other officer may retain any moneys collected on execution more than twenty days before paying the same to the clerk of the court who issued the writ.

Sec. 4. RCW 6.17.150 and 1987 c 442 s 415 are each amended to read as follows:

Upon receipt of proceeds from the sheriff on execution, the clerk shall notify the party to whom the same is payable, and pay over the amount to that party as required by law. If any proceeds remain after satisfaction of the judgment, the clerk shall pay the excess to all interests in, or liens against, the property eliminated by the sale in the order of priority that the interest, lien, or claim attached to the property, as determined by the court. Any remaining proceeds shall be paid to the judgment debtor."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Angel moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6553.

Senator Angel spoke in favor of the motion.

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The President Pro Tempore declared the question before the Senate to be the motion by Senator Angel that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6553.

The motion by Senator Angel carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6553 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6553, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6553, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SENATE BILL NO. 6553, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 6163 with the following amendment(s): 6163-S2 AMH ED H4343.3

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that studies have documented that many students experience learning losses when they do not engage in educational activities during the summer. The legislature further finds that research shows that summer learning loss contributes to educational opportunity gaps between students, and that falling behind in academics can be a predictor of whether a student will drop out of school. The legislature recognizes that such academic regression has a disproportionate impact on low-income students.

(2) The legislature further finds that expanded learning opportunities, including those offered by partnerships between schools and community-based organizations, create enriching experiences for youth, with activities that complement and support classroom-based instruction. The legislature acknowledges that access to quality expanded learning opportunities during the school year and summer helps mitigate summer learning loss and improves academic performance, attendance, on-time grade advancement, and classroom behaviors.

(3) Therefore the legislature intends to build capacity, identify best practices, leverage local resources, and promote a sustainable expanded learning opportunities system by providing an infrastructure that helps coordinate expanded learning opportunities throughout the state. To the extent funds are provided for this purpose, the legislature also intends to authorize a pilot program specifically to combat summer learning loss through expanded learning opportunities, which will provide the opportunity to

evaluate the effectiveness of an extended school year in improving student achievement, closing the educational opportunity gap, and providing successful models for other districts to follow.

NEW SECTION. Sec. 2. DEFINITION OF EXPANDED LEARNING OPPORTUNITIES. As used in this section and sections 3 through 7 of this act, "expanded learning opportunities" means:

(1) Culturally responsive enrichment and learning activities, which may focus on academic and nonacademic areas; the arts; civic engagement; service-learning; science, technology, engineering, and mathematics; and competencies for college and career readiness;

(2) School-based programs that provide extended learning and enrichment for students beyond the traditional school day, week, or calendar; and

(3) Structured, intentional, and creative learning environments outside the traditional school day that are provided by community-based organizations in partnership with schools and align in-school and out-of-school learning through activities that complement classroom-based instruction.

NEW SECTION. Sec. 3. CREATION OF COUNCIL. (1) The expanded learning opportunities council is established to advise the governor, the legislature, and the superintendent of public instruction regarding a comprehensive expanded learning opportunities system, with particular attention paid to solutions to summer learning loss.

(2) The council shall provide a vision, guidance, assistance, and advice related to potential improvement and expansion of summer learning opportunities, school year calendar modifications that will help reduce summer learning loss, increasing partnerships between schools and community-based organizations to deliver expanded learning opportunities, and other current or proposed programs and initiatives across the spectrum of early elementary through secondary education that could contribute to a statewide system of expanded learning opportunities.

(3) The council shall identify fiscal, resource, and partnership opportunities; coordinate policy development; set quality standards; promote evidence-based strategies; and develop a comprehensive action plan designed to implement expanded learning opportunities, address summer learning loss, provide academic supports, build strong partnerships between schools and community-based organizations, and track performance of expanded learning opportunities in closing the opportunity gap.

(4) When making recommendations regarding evidence-based strategies, the council shall consider the best practices on the state menus developed in accordance with RCW 28A.165.035 and 28A.655.235.

(5) The superintendent of public instruction shall convene the expanded learning opportunities council. The members of the council must have experience with expanded learning opportunities and include groups and agencies representing diverse student interests and geographical locations across the state. Up to fifteen participants, agencies, organizations, or individuals may be invited to participate in the council, and the membership shall include the following:

(a) Three representatives from nonprofit community-based organizations;

(b) One representative from regional work force development councils;

(c) One representative from each of the following organizations or agencies:

- (i) The Washington state school directors' association;
- (ii) The state-level association of school administrators;
- (iii) The state-level association of school principals;
- (iv) The state board of education;

(v) The statewide association representing certificated classroom teachers and educational staff associates;

(vi) The office of the superintendent of public instruction;

(vii) The state-level parent-teacher association;

(viii) Higher education; and

(ix) A nonprofit organization with statewide experience in expanded learning opportunities frameworks.

(6) Staff support for the expanded learning opportunity council shall be provided by the office of the superintendent of public instruction and other state agencies as necessary. Appointees of the council shall be selected by May 30, 2014. The council shall hold its first meeting before August 1, 2014. At the first meeting, the council shall determine regularly scheduled meeting times and locations.

NEW SECTION. Sec. 4. REPORTS FROM COUNCIL.

(1) The expanded learning opportunities council shall provide a report to the governor and the legislature by December 1, 2014, and each December 1st thereafter until December 1, 2018, that summarizes accomplishments, measures progress, and contains recommendations regarding continued development of an expanded learning opportunities system and reducing summer learning loss.

(2) If funds are appropriated for a summer knowledge improvement pilot program as provided under sections 5 through 7 of this act or other initiatives to reduce summer learning loss or increase expanded learning opportunities, the expanded learning opportunities council shall monitor the progress of the program or initiative and serve as a resource for participating schools and community-based organizations. The council shall also oversee an evaluation of the effectiveness of the program or initiative in reducing summer learning loss and improving student academic progress.

(3) If new funds are not appropriated for a summer knowledge improvement pilot program or other initiatives to reduce summer learning loss, the first report from the council, and any subsequent reports as necessary, shall include recommendations for a framework and action plan for a program to reduce summer learning loss through the provision of state funds for additional student learning days in elementary schools with significant populations of low-income students. The council may also recommend additional strategies to reduce summer learning loss, including through expanded learning opportunities offered in partnership between schools and community-based organizations.

NEW SECTION. Sec. 5. SUMMER KNOWLEDGE IMPROVEMENT PILOT PROGRAM. (1) Subject to funds being appropriated for this specific purpose, the summer knowledge improvement pilot program is created to provide state funding for an additional twenty student learning days for three consecutive school years in selected schools for students to receive academic instruction outside of the school year established for other schools in the school district.

(2) If appropriated, state funding for each school in the pilot program shall be equal to twenty days of the average daily per student amount of all basic education and nonbasic education funding provided by the state to the school for the regular one hundred eighty-day school year, including for pupil transportation. Nonstate-provided funds may also be used to support the pilot program.

(3) The purpose of the pilot program is to implement an extended school year to combat summer learning loss and provide an opportunity to evaluate the effectiveness of an extended school year in improving student achievement, closing the educational opportunity gap, and providing successful models for other districts to follow.

NEW SECTION. Sec. 6. PLAN PROCESS AND COMPONENTS. (1) Any school district with an eligible school may submit a plan to the office of the superintendent of public

instruction to participate in the summer knowledge improvement pilot program. A plan may address one or more eligible schools. The office shall establish timelines for submitting and reviewing applications.

(2) For the purposes of this section, "eligible school" means any school that provides instruction to students in at least grades kindergarten through five where at least seventy-five percent of the enrolled students qualify for free and reduced-price meals.

(3) The school district board of directors must solicit input on the design of the plan from staff at the school, parents, and the community, including at an open public meeting. The final plan must be adopted by the school district board of directors at a subsequent open public meeting before the plan is submitted to the office of the superintendent of public instruction.

(4) A plan must include, but is not limited to, the following components:

(a) Proposed best practices and evidence-based strategies, curriculum, and materials for improving student achievement and closing the educational opportunity gap to be implemented over the extra twenty days for all students enrolled in the school. The best practices and evidence-based strategies, curriculum, and materials must be comparable to or higher in academic rigor than those used during the regular school year;

(b) A description of when the additional twenty days will be provided;

(c) Identification of the measures that the school district will use in assessing student achievement;

(d) Evidence that the principal of the school and at least seventy percent of the certificated and classified staff who work in the school at least two days per week agree to the plan;

(e) Whether the school will collaborate with community-based organizations to provide support for students during the additional twenty days and for the rest of the summer, and if so, the details of this collaboration; and

(f) An agreement to provide information necessary for a program evaluation.

NEW SECTION. Sec. 7. SELECTION OF SCHOOLS AND DISTRICTS. (1) The office of the superintendent of public instruction must review the plans submitted in accordance with section 6 of this act and select up to ten schools for participation in the pilot program, or as many schools as can be supported through the appropriated funds. To the extent practicable, the selected school districts shall be from diverse geographic regions of the state and include different sizes of school districts and schools.

(2) The selection criteria must include, but are not limited to, the following determinations:

(a) All of the required plan components are completed;

(b) The likelihood that the proposed best practices and evidence-based strategies, curriculum, and materials will improve student achievement and close the educational opportunity gap; and

(c) Any additional criteria that the office of the superintendent of public instruction deems necessary to ensure a high quality pilot program.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. Sec. 9. This act expires August 31, 2019." Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Billig moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6163.

Senator Billig spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Billig that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6163.

The motion by Senator Billig carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6163 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6163, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6163, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Dansel

SECOND SUBSTITUTE SENATE BILL NO. 6163, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed SUBSTITUTION SENATE BILL NO. 6199 with the following amendment(s): 6199-S AMH AGNR H4402.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.04.005 and 2007 c 480 s 12 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Additional fire hazard" means a condition existing on any land in the state:

(a) Covered wholly or in part by forest debris which is likely to further the spread of fire and thereby endanger life or property; or

(b) When, due to the effects of disturbance agents, broken, down, dead, or dying trees exist on forest land in sufficient quantity to be likely to further the spread of fire within areas covered by a forest health hazard warning or order issued by the commissioner of public lands under RCW 76.06.180. The term "additional fire hazard" does not include green trees or snags left standing in upland or riparian areas under the provisions of RCW 76.04.465 or chapter 76.09 RCW.

(2) "Closed season" means the period between April 15th and October 15th, unless the department designates different dates because of prevailing fire weather conditions.

(3) "Department" means the department of natural resources, or its authorized representatives, as defined in chapter 43.30 RCW.

(4) "Department protected lands" means all lands subject to the forest protection assessment under RCW 76.04.610 or covered

under contract or agreement pursuant to RCW 76.04.135 by the department.

(5) "Disturbance agent" means those forces that damage or kill significant numbers of forest trees, such as insects, diseases, wind storms, ice storms, and fires.

(6) "Emergency fire costs" means those costs incurred or approved by the department for emergency forest fire suppression, including the employment of personnel, rental of equipment, and purchase of supplies over and above costs regularly budgeted and provided for nonemergency fire expenses for the biennium in which the costs occur.

(7) "Forest debris" includes forest slash, chips, and any other vegetative residue resulting from activities on forest land.

(8) "Forest fire service" includes all wardens, rangers, and other persons employed especially for preventing or fighting forest fires.

(9) "Forest land" means any unimproved lands which have enough trees, standing or down, or flammable material, to constitute in the judgment of the department, a fire menace to life or property. Sagebrush and grass areas east of the summit of the Cascade mountains may be considered forest lands when such areas are adjacent to or intermingled with areas supporting tree growth. Forest land, for protection purposes, does not include structures.

(10) "Forest landowner," "owner of forest land," "landowner," or "owner" means the owner or the person in possession of any public or private forest land.

(11) "Forest material" means forest slash, chips, timber, standing or down, or other vegetation.

(12) "Landowner operation" means every activity, and supporting activities, of a forest landowner and the landowner's agents, employees, or independent contractors or permittees in the management and use of forest land subject to the forest protection assessment under RCW 76.04.610 for the primary benefit of the owner. The term includes, but is not limited to, the growing and harvesting of forest products, the development of transportation systems, the utilization of minerals or other natural resources, and the clearing of land. The term does not include recreational and/residential activities not associated with these enumerated activities.

(13) "Participating landowner" means an owner of forest land whose land is subject to the forest protection assessment under RCW 76.04.610.

(14) "Slash" means organic forest debris such as tree tops, limbs, brush, and other dead flammable material remaining on forest land as a result of a landowner operation.

(15) "Slash burning" means the planned and controlled burning of forest debris on forest lands by broadcast burning, underburning, pile burning, or other means, for the purposes of silviculture, hazard abatement, or reduction and prevention or elimination of a fire hazard.

(16) "Suppression" means all activities involved in the containment and control of forest fires, including the patrolling thereof until such fires are extinguished or considered by the department to pose no further threat to life or property.

(17) "Unimproved lands" means those lands that will support grass, brush and tree growth, or other flammable material when such lands are not cleared or cultivated and, in the opinion of the department, are a fire menace to life and property.

(18) "Exploding target" means a device that is designed or marketed to ignite or explode when struck by firearm ammunition or other projectiles.

(19) "Incendiary ammunition" means ammunition that is designed to ignite or explode upon impact with or penetration of a target or designed to trace its course in the air with a trail of smoke, chemical incandescence, or fire.

(20) "Sky lantern" means an unmanned self-contained luminary

device that uses heated air produced by an open flame or produced by another source to become or remain airborne.

Sec. 2. RCW 76.04.455 and 1986 c 100 s 29 are each amended to read as follows:

(1)(a) ~~Except as otherwise provided in this subsection, it is unlawful (during the closed season) for any person to (throw away), during the closed season:~~

(i) ~~Discard~~ any lighted tobacco, cigars, cigarettes, matches, fireworks, charcoal, or other lighted material ~~((or to)), discharge any ((tracer or)) incendiary ammunition ((#)), release a sky lantern, or detonate an exploding target on or over~~ any forest, brush, range, or grain areas(;

~~(2) It is unlawful during the closed season for any individual to smoke); or~~

(ii) ~~Smoke~~ any flammable material when in forest or brush areas except on roads, cleared landings, gravel pits, or any similar area free of flammable material.

(b) The prohibitions contained in this subsection do not apply to the detonation of nonflammable exploding targets on any forest, brush, range, or grain areas if the person detonating the nonflammable exploding target:

(i) Has lawful possession and control of the land in question; or

(ii) Has prior written permission for the activity from the person who owns or has lawful possession and control of the land in question.

(c) The prohibitions contained in this subsection do not apply to suppression actions authorized or conducted by the department under the authority of this chapter.

(2)(a) Except as otherwise provided in this subsection, it is unlawful for any person to, during any time outside of the closed season, discharge any incendiary ammunition, release a sky lantern, or detonate an exploding target on or over any forest, brush, range, or grain areas.

(b) The prohibitions contained in this subsection do not apply if the person conducting the otherwise prohibited action:

(i) Has lawful possession and control of the land in question; or

(ii) Has prior written permission for the activity from the person who owns or has lawful possession and control of the land in question.

(3) Every conveyance operated through or above forest, range, brush, or grain areas ~~((shall))~~ must be equipped in each compartment with a suitable receptacle for the disposition of lighted tobacco, cigars, cigarettes, matches, or other flammable material.

(4) Every person operating a public conveyance through or above forest, range, brush, or grain areas shall post a copy of this section in a conspicuous place within the smoking compartment of the conveyance; and every person operating a saw mill or a logging camp in any such areas shall post a copy of this section in a conspicuous place upon the ground or buildings of the milling or logging operation."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Braun moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6199.

Senator Braun spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Braun that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6199.

The motion by Senator Braun carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6199 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6199, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6199, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dangel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE BILL NO. 6199, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6279 with the following amendment(s): 6279-S AMH JUDI H4430.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that recent decisions of the United States supreme court and the Washington state supreme court require law enforcement to obtain the review of a neutral and disinterested magistrate and the issuance of a search warrant more frequently before proceeding with a criminal investigation. The legislature intends to accommodate this requirement by creating effective and timely access to magistrates for purposes of reviewing search warrant applications across the state of Washington. This act does not change the legal standards for issuing a search warrant or the legal standards for review of an issued search warrant.

NEW SECTION. **Sec. 2.** A new section is added to chapter 2.20 RCW to read as follows:

Any district or municipal court judge, in the county in which the offense is alleged to have occurred, may issue a search warrant for any person or evidence located anywhere within the state.

NEW SECTION. **Sec. 3.** A new section is added to chapter 10.79 RCW to read as follows:

(1) Any magistrate as defined by RCW 2.20.010, when satisfied that there is probable cause, may upon application supported by oath or affirmation, issue a search warrant to search for and seize any: (a) Evidence of a crime; (b) contraband, the fruits of crime, or things otherwise criminally possessed; (c) weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or (d) person for whose arrest there is probable cause or who is unlawfully restrained.

(2) The application may be provided or transmitted to the magistrate by telephone, e-mail, or any other reliable method.

(3) If the magistrate finds that probable cause for the issuance of a warrant exists, the magistrate must issue a warrant or direct an

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individual whom the magistrate authorizes to affix the magistrate's signature to a warrant identifying the property or person and naming or describing the person, place, or thing to be searched. The magistrate may communicate permission to affix the magistrate's signature to the warrant by telephone, e-mail, or any other reliable method.

Senators Kline and Padden spoke in favor of the motion.

(4) The evidence in support of the finding of probable cause and a record of the magistrate's permission to affix the magistrate's signature to the warrant shall be preserved and shall be filed with the issuing court as required by CrRLJ 2.3 or CrR 2.3.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6279.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6279 by voice vote.

Sec. 4. RCW 9A.72.085 and 1981 c 187 s 3 are each amended to read as follows:

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6279, as amended by the House.

(1) Whenever, under any law of this state or under any rule, order, or requirement made under the law of this state, any matter in an official proceeding is required or permitted to be supported, evidenced, established, or proved by a person's sworn written statement, declaration, verification, certificate, oath, or affidavit, the matter may with like force and effect be supported, evidenced, established, or proved in the official proceeding by an unsworn written statement, declaration, verification, or certificate, which:

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6279, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

((4)) (a) Recites that it is certified or declared by the person to be true under penalty of perjury;

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

((2)) (b) Is subscribed by the person;

Voting nay: Senators Dinsel and Hasegawa

((3)) (c) States the date and place of its execution; and

SUBSTITUTE SENATE BILL NO. 6279, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

((4)) (d) States that it is so certified or declared under the laws of the state of Washington.

(2) The certification or declaration may be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct":

MESSAGE FROM THE HOUSE

March 5, 2014

.....

(Date and Place)

(Signature)

MR. PRESIDENT:

(3) For purposes of this section, a person subscribes to an unsworn written statement, declaration, verification, or certificate by:

The House passed ENGROSSED SENATE BILL NO. 6501 with the following amendment(s): 6501.E AMH ENVI H4395.1

(a) Affixing or placing his or her signature as defined in RCW 9A.04.110 on the document;

Strike everything after the enacting clause and insert the following:

(b) Attaching or logically associating his or her digital signature or electronic signature as defined in RCW 19.34.020 to the document;

"Sec. 1. RCW 70.95I.020 and 1991 c 319 s 303 are each amended to read as follows:

(c) Affixing or logically associating his or her signature in the manner described in general rule 30 to the document if he or she is a licensed attorney; or

(1) Each local government and its local hazardous waste plan under RCW 70.105.220 is required to include a used oil recycling element. This element shall include:

(d) Affixing or logically associating his or her full name, department or agency, and badge or personnel number to any document that is electronically submitted to a court, a prosecutor, or a magistrate from an electronic device that is owned, issued, or maintained by a criminal justice agency if he or she is a law enforcement officer.

(a) A plan to reach the local goals for household used oil recycling established by the local government and the department under RCW 70.95I.030. The plan shall, to the maximum extent possible, incorporate voluntary agreements with the private sector and state agencies to provide sites for the collection of used oil. Where provided, the plan shall also incorporate residential collection of used oil;

(4) This section does not apply to writings requiring an acknowledgment, depositions, oaths of office, or oaths required to be taken before a special official other than a notary public."

(b) A plan for enforcing the sign and container ordinances required by RCW 70.95I.040;

Correct the title. and the same are herewith transmitted.

(c) A plan for public education on used oil recycling; ((and)) (d) A plan for addressing best management practices as provided for under RCW 70.95I.030; and

BARBARA BAKER, Chief Clerk

(e) An estimate of funding needed to implement the requirements of this chapter. This estimate shall include a budget reserve for disposal of contaminated oil detected at any public used oil collection site administered by the local government.

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6279.

(2) By July 1, 1993, each local government or combination of contiguous local governments shall submit its used oil recycling element to the department. The department shall approve or

disapprove the used oil recycling element by January 1, 1994, or within ninety days of submission, whichever is later. The department shall approve or disapprove the used oil recycling element if it determines that the element is consistent with this chapter and the guidelines developed by the department under RCW 70.95I.030.

(3) Each local government, or combination of contiguous local governments, shall submit an annual statement to the department describing the number of used oil collection sites and the quantity of household used oil recycled for the jurisdiction during the previous calendar year. The first statement shall be due April 1, 1994. Subsequent statements shall be due April 1st of each year.

(4) Nothing in this section shall be construed to require a city or county to construct or operate a public used oil collection site.

Sec. 2. RCW 70.95I.030 and 1991 c 319 s 304 are each amended to read as follows:

(1) ~~((By July 1, 1992,))~~ The department shall, in consultation with local governments, ~~((prepare))~~ maintain guidelines for the used oil recycling elements required by RCW 70.95I.020 and, by July 1, 2015, shall develop best management practices for preventing and managing polychlorinated biphenyl contamination at public used oil collection sites.

(a) The guidelines shall:

~~((a))~~ (i) Require development of local collection and rerefining goals for household used oil for each entity preparing a used oil recycling element under RCW 70.95I.020;

~~((b))~~ (ii) Require local government to recommend the number of used oil collection sites needed to meet the local goals. The department shall establish criteria regarding minimum levels of used oil collection sites;

~~((c))~~ (iii) Require local government to identify locations suitable as public used oil collection sites as described under RCW 70.95I.020(1)(a).

(b) The best management practices for preventing and managing polychlorinated biphenyl contamination at public used oil collection sites must include, at a minimum:

(i) Tank testing requirements;

(ii) Contaminated tank labeling and security measures;

(iii) Contaminated tank cleanup standards;

(iv) Proper contaminated used oil disposal as required under chapter 70.105 RCW and 40 C.F.R. Part 761;

(v) Spill control measures; and

(vi) Model contract language for contracts with used oil collection vendors.

(2) The department may waive all or part of the specific requirements of RCW 70.95I.020 if a local government demonstrates to the satisfaction of the department that the objectives of this chapter have been met.

(3) The department may prepare and implement a used oil recycling plan for any local government failing to complete the used oil recycling element of the plan.

(4) The department shall develop statewide collection and rerefining goals for household used oil for each calendar year beginning with calendar year 1994. Goals shall be based on the estimated statewide collection and rerefining rate for calendar year 1993, and shall increase each year until calendar year 1996, when the rate shall be eighty percent.

(5) By July 1, ~~((1993))~~ 2015, the department shall ~~((prepare))~~ update the guidelines establishing statewide equipment and operating standards for public used oil collection sites. The updated guidelines must include the best management practices for prevention and management of contaminated used oil developed pursuant to subsection (1) of this section and a process for how to petition the legislature for relief of extraordinary costs incurred with the management and disposal of contaminated used oil. In addition, the standards shall:

(a) Allow the use of used oil collection igloos and other types of portable used oil collection tanks;

(b) Prohibit the disposal of nonhousehold-generated used oil;

(c) Limit the amount of used oil deposited to five gallons per household per day;

(d) Ensure adequate protection against leaks and spills; and

(e) Include other requirements deemed appropriate by the department.

NEW SECTION. Sec. 3. A new section is added to chapter 43.21A RCW to read as follows:

(1) Cities and counties may submit a petition to the department for reimbursement of extraordinary costs associated with managing unforeseen consequences of used oil contaminated with polychlorinated biphenyl and compliance with United States environmental protection agency enforcement orders and enforcement-related agreements.

(2) The department, in consultation with city and county moderate risk waste coordinators, the United States environmental protection agency, and other stakeholders, must process and prioritize city and county petitions that meet the following conditions:

(a) The petitioning city or county has followed and met:

(i) The updated best management practices guidelines for the collection and management of used oil; and

(ii) The best management practices for preventing and managing polychlorinated biphenyl contamination, as required under RCW 70.95I.030; and

(b) The department has determined that:

(i) The costs to the petitioning city or county for disposal of the contaminated oil or for compliance with United States environmental protection agency enforcement orders or enforcement related agreements are extraordinary; and

(ii) The city or county could not reasonably accommodate or anticipate the extraordinary costs in their normal budget processes by following and meeting the best management practices for oil contaminated with polychlorinated biphenyl.

(3) Before January 1st of each year, the department must develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that the department recommends for funding by the legislature. It is the intent of the legislature that if funded, the reimbursement of extraordinary city or county costs associated with polychlorinated biphenyl management and compliance activities come from the model toxics control accounts."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Ericksen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6501.

Senator Ericksen spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Ericksen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6501.

The motion by Senator Ericksen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6501 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6501, as amended by the House.

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ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6501, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Hasegawa

ENGROSSED SENATE BILL NO. 6501, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:59 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Tuesday, March 11, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 11, 2014

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Frockt, Nelson and Ranker.

The Sergeant at Arms Color Guard consisting of Pages Noah Montes and Madison Fields, presented the Colors. Pastor Erik Wilson Weiberg of Ballard First Lutheran Church Seattle offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Angel, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 10, 2014

SB 5875 Prime Sponsor, Senator Hill: Relating to human services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5875 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hatfield; Padden; Parlette; Rivers and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Billig; Conway; Fraser; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

March 10, 2014

SB 5881 Prime Sponsor, Senator Hill: Relating to revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5881 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hewitt; Padden; Parlette; Rivers and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Assistant Ranking Member on the Operating Budget; Conway; Hargrove, Ranking Member; Hasegawa and Kohl-Welles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Billig and Frockt.

Passed to Committee on Rules for second reading.

March 10, 2014

SB 6483 Prime Sponsor, Senator Keiser: Creating a competitive grant program to provide additional classroom space to support all-day kindergarten. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6483 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Parlette; Rivers and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

March 10, 2014

SB 6545 Prime Sponsor, Senator Braun: Extending specific aerospace tax preferences to include other types of commercial aircraft to encourage the migration of good wage jobs in the state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6545 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt and Hargrove, Ranking Member.

Passed to Committee on Rules for second reading.

March 10, 2014

SB 6567 Prime Sponsor, Senator Tom: Adjusting the oil spill response tax and oil spill administration tax. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6567 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Braun; Dammeier; Hargrove, Ranking Member; Hewitt; Parlette; Rivers and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

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Passed to Committee on Rules for second reading.

SGA 9293 MARK J MAXWELL, appointed on March 20, 2013, for the term ending February 28, 2015, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

March 10, 2014

E2SHB 2572 Prime Sponsor, Committee on Appropriations: Concerning the effectiveness of health care purchasing and transforming the health care delivery system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles and Rivers.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers and Schoesler.

Passed to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden; Parlette and Schoesler.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

March 10, 2014

HB 2798 Prime Sponsor, Representative Hunter: Concerning payments made by the health care authority to managed health care systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hargrove, Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers and Schoesler.

MESSAGE FROM THE HOUSE

March 10, 2014

MR. PRESIDENT:
The House receded from its amendment to SENATE BILL NO. 5141 and passed the bill without the House amendment. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 10, 2014

March 10, 2014

SGA 9284 CAROL A LIEN, appointed on July 8, 2013, for the term ending March 1, 2019, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hill, Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Hargrove, Ranking Member; Hasegawa; Hatfield; Kohl-Welles and Parlette.

MR. PRESIDENT:
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1129,
SECOND SUBSTITUTE HOUSE BILL NO. 1709,
SECOND SUBSTITUTE HOUSE BILL NO. 2163,
SECOND SUBSTITUTE HOUSE BILL NO. 2251,
SECOND SUBSTITUTE HOUSE BILL NO. 2457,
SUBSTITUTE HOUSE BILL NO. 2724,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MINORITY recommendation: That it be not confirmed. Signed by Senators Hewitt; Padden; Rivers and Schoesler.

MESSAGE FROM THE HOUSE

March 10, 2014

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Capital Budget Chair.

MR. PRESIDENT:
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1292,
SUBSTITUTE HOUSE BILL NO. 2102,
HOUSE BILL NO. 2130,
SUBSTITUTE HOUSE BILL NO. 2146,

Passed to Committee on Rules for second reading.

March 10, 2014

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,
HOUSE BILL NO. 2276,
HOUSE BILL NO. 2296,
SUBSTITUTE HOUSE BILL NO. 2363,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 2014

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1791,
ENGROSSED HOUSE BILL NO. 2108,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111,
HOUSE BILL NO. 2253,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2315,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2463,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2569,
SUBSTITUTE HOUSE BILL NO. 2612,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Tom moved adoption of the following resolution:

SENATE RESOLUTION
8706

By Senators Tom, Parlette, Bailey, Angel, Benton, Darneille, Chase, Sheldon, Dammeier, Ericksen, Rolfes, Conway, Eide, and Brown

WHEREAS, The Olympic Games regularly offer athletes an unparalleled opportunity to display their skills and sportsmanship; and

WHEREAS, Washington was represented in the 2014 Winter Olympic Games in Sochi, Russia, by more than a dozen participants with strong ties to the Evergreen State; and

WHEREAS, J.R. Celski, raised in Federal Way, won a silver medal in the men's 5,000-meter speedskating relay to go with two bronze medals from the 2010 Winter Olympics in Vancouver, Canada; and

WHEREAS, T.J. Oshie, who was born in Mount Vernon and spent most of his childhood in Snohomish County, led the U.S.

men's ice hockey team to a dramatic 3-2 victory over host nation Russia by scoring on 4 of 6 attempts in an overtime shootout, including the goal that ended what was called the "Marathon on Ice"; and

WHEREAS, Ashley Wagner, whose regular visits to her grandparents' home in Seabeck led her to consider it as her home too, captured a bronze medal in the women's team figure skating competition; and

WHEREAS, Patrick Deneen of Cle Elum, a World Cup medalist in freestyle skiing, placed sixth in his sport at Sochi, significantly bettering his mark in the same event at the 2010 games; and

WHEREAS, Torin Koos, who grew up in Leavenworth and remains affiliated with the Leavenworth Winter Sports Club, appeared in his fourth Winter Olympics as a cross-country skiing sprinter and wrote that if he is not skiing he would like to broker Washington state pears to markets worldwide; and

WHEREAS, Erik Bjornsen of Winthrop, a four-time U.S. national medalist, competed in four cross-country skiing events during his first Olympics, his top finish being sixth place in the men's team sprint classic; and

WHEREAS, Sadie Bjornsen, also raised in Winthrop and a World Cup medalist in cross-country skiing, competed in three events during her first Olympics and helped the women's cross-country relay team achieve its best-ever Olympic finish; and

WHEREAS, Brian Gregg, born in Winthrop, also competed for the U.S. as a cross-country skier in the men's 30-kilometer skiathlon, the men's 15-kilometer classic, and the men's 50-kilometer freestyle; and

WHEREAS, Holly Brooks, who grew up in Seattle and is a World Cup medalist and U.S. champion in cross-country skiing, competed in her second consecutive Winter Olympics, this time in three events including the women's 30-kilometer mass start; and

WHEREAS, Christian Niccum of Woodinville, a two-time U.S. champion in doubles luge, was the oldest member of the U.S. Olympics luge team, competing in his third consecutive Winter Olympics, finishing 11th in men's doubles luge, and helping the American luge team place sixth in the team relay; and

WHEREAS, Angeli VanLaanen, who was born and raised in Bellingham, and who won a World Cup gold medal in freestyle skiing in 2009 before having her career interrupted for three years by Lyme disease, which is now in remission, placed 11th in the halfpipe competition; and

WHEREAS, Vic Wild, who was born in White Salmon and also has ties to Yakima, collected two gold medals in Alpine snowboarding for Russia, which became his home country after he married a champion Russian snowboarder; and

WHEREAS, Roberto Carcelen, a Seattle business owner who in 2010 became the first Peruvian to compete in the Winter Olympics, again represented Peru in cross-country skiing and finished the 15-kilometer classic, despite having broken a rib while training;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize each of these dedicated athletes for their perseverance and performances at the 2014 Olympic Winter Games.

Senators Tom, Eide, Holmquist Newbry, Parlette, Lias and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8706.

The motion by Senator Tom carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Patrick Deneen, freestyle skier, of Cle Elum who was seated at the rostrum and

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recognized by the Senate. The President welcomed and introduced Mr. Deneen’s parents, Mr. & Mrs. Pat and Nancy and sister, Ms. Desiree Deneen, who were present in the gallery.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8718.

The motion by Senator Schoesler carried and the resolution was adopted by voice vote.

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION
8718

By Senator Schoesler

WHEREAS, On November 30, 2012, the Lind-Ritzville-Sprague Broncos posted a 13-0 season record and won the WIAA 2B football championship with a 21-19 victory over Morton-White Pass; and

WHEREAS, On December 7, 2013, the Broncos capped their second consecutive 13-0 campaign and repeated as WIAA 2B football champions by again defeating Morton-White Pass, this time by a 7-0 score; and

WHEREAS, The Red and Black from LRS were accomplished on both sides of the line of scrimmage, averaging 45 points per game during their 26-game winning streak and holding their three earlier opponents in the 2013 state tournament to a total of 27 points; and

WHEREAS, The Broncos were one of three high school football teams from the 9th Legislative District to win state titles in 2013, joined by the Freeman High School Scotties in Class 1A and the Chiawana High School Riverhawks in Class 4A; and

WHEREAS, This makes the third championship in 10 years for the Broncos and the second for LRS head coach Greg Whitmore, joined by assistant coaches Jason Aldrich, Jason Hilzer, John McGregor, and Mike Lynch; and

WHEREAS, The players who kept the championship trophy in Adams County were Tyler O'Brien, Nick Fleming, Jacob Saetre, Peyton Kiel, Dylan Hartz, Bridger Smith, Matt Leffel, Connor O'Neill, Ryan Whitmore, Patrick Bartz, Kyle Gimmaka, Josh Yow, Damien Rouleau, Andrew Witt, Dane Wahl, Hugh Hennings, Nick Kuest, Dallas Killian, Tyler Frederick, Ryan Frederick, Skyler Oestreich, Colin Sheffels, Karl Hawks, Alexis Guizar, Grayson Whitaker, Nicholas Quintana, Layne Hawks, Jarradd Morley, Dustin Norton, Matt Vercoe, Roberto Valdovinos, Cort Ruzicka, Logan Morley, Hoang Vu, and Alan Field;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate the entire Lind-Ritzville-Sprague High School football program for its back-to-back championships; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Lind-Ritzville-Sprague High School and to head football coach Greg Whitmore.

Senators Schoesler and Dansel spoke in favor of adoption of the resolution.

POINT OF INQUIRY

Senator Dansel: “Would Senator Schoesler yield to a question? So, I just have to ask, I’ve known Mike Lynch a very long time. Did Lind-Ritzville-Sprague get the academic award after Mike Lynch was done teaching there?”

Senator Schoesler: “That is a fact.”

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Lind-Ritzville-Sprague High School Football: Tyler Frederick; Dylan Hartz; Conner O'Neill; Bridger Smith and Ryan Whitmore, led by Head Coach Greg Whitmore and his wife, Mrs. Karen Whitmore, who were present in the gallery and recognized by the Senate.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that James McDevitt, Gubernatorial Appointment No. 9140, be confirmed as a member of the Clemency and Pardons Board.

Senator Padden spoke in favor of the motion.

MOTION

On motion of Senator Cleveland, Senators Frockt, Nelson and Ranker were excused.

APPOINTMENT OF JAMES MCDEVITT

The President declared the question before the Senate to be the confirmation of James McDevitt, Gubernatorial Appointment No. 9140, as a member of the Clemency and Pardons Board.

The Secretary called the roll on the confirmation of James McDevitt, Gubernatorial Appointment No. 9140, as a member of the Clemency and Pardons Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Frockt, Nelson and Ranker

James McDevitt, Gubernatorial Appointment No. 9140, having received the constitutional majority was declared confirmed as a member of the Clemency and Pardons Board.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Baumgartner moved that Michael D Wilson, Gubernatorial Appointment No. 9334, be confirmed as a member

of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

Senator Baumgartner spoke in favor of the motion.

APPOINTMENT OF MICHAEL D WILSON

The President declared the question before the Senate to be the confirmation of Michael D. Wilson, Gubernatorial Appointment No. 9334, as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

The Secretary called the roll on the confirmation of Michael D Wilson, Gubernatorial Appointment No. 9334, as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Frockt, Nelson and Ranker

Michael D Wilson, Gubernatorial Appointment No. 9334, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that George Raiter, Gubernatorial Appointment No. 9307, be confirmed as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

Senator Hatfield spoke in favor of the motion.

APPOINTMENT OF GEORGE RAITER

The President declared the question before the Senate to be the confirmation of George Raiter, Gubernatorial Appointment No. 9307, as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

The Secretary called the roll on the confirmation of George Raiter, Gubernatorial Appointment No. 9307, as a member of the Board of Trustees, Lower Columbia Community College District No. 13 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Nelson and Ranker

George Raiter, Gubernatorial Appointment No. 9307, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Fiasili L Savusa, Gubernatorial Appointment No. 9317, be confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF FIASILI L SAVUSA

The President declared the question before the Senate to be the confirmation of Fiasili L Savusa, Gubernatorial Appointment No. 9317, as a member of the Board of Trustees, Highline Community College District No. 9.

The Secretary called the roll on the confirmation of Fiasili L Savusa, Gubernatorial Appointment No. 9317, as a member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Ranker

Fiasili L Savusa, Gubernatorial Appointment No. 9317, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5123.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Daniel T Satterberg, Gubernatorial Appointment No. 9316, be confirmed as a member of the Sentencing Guidelines Commission.

Senators Padden, Kline, Kohl-Welles and Roach spoke in favor of passage of the motion.

APPOINTMENT OF DANIEL T SATTERBERG

The President declared the question before the Senate to be the confirmation of Daniel T Satterberg, Gubernatorial Appointment No. 9316, as a member of the Sentencing Guidelines Commission.

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The Secretary called the roll on the confirmation of Daniel T Satterberg, Gubernatorial Appointment No. 9316, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Daniel T Satterberg, Gubernatorial Appointment No. 9316, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5467 with the following amendment(s): 5467-S AMH CLIB H4460.3

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.12.630 and 2013 c 306 s 702 are each amended to read as follows:

~~(In addition to any other authority which it may have,)~~ (1) The department of licensing ~~(may)~~ must furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this ~~(section)~~ subsection to

~~—(1)(a)) the manufacturers of motor vehicles or motor vehicle components, or their authorized agents, to ~~(be used~~~~

~~—(i) To) enable those manufacturers to carry out the provisions of ~~(the national traffic and motor vehicle safety act of 1966 (15 U.S.C. Sec. 1382-1418), including amendments or additions thereto, respecting safety related defects in motor vehicles; or~~~~

~~—(ii) During the 2011-2013 fiscal biennium, in research activities, and in producing statistical reports, as long as the personal information is not published, redisclosed, or used to contact individuals; or~~

~~—(b) During fiscal year 2014, an entity that is an authorized agent of a motor vehicle manufacturer,)~~ Titles I and IV of the anti car theft act of 1992, the automobile information disclosure act (15 U.S.C. Sec. 1231 et seq.), the clean air act (42 U.S.C. Sec. 7401 et seq.), and 49 U.S.C.S. Secs. 30101-30183, 30501-30505, and 32101-33118, as these acts existed on January 1, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. However, the department may only provide a vehicle or vehicle component manufacturer, or its authorized agent, lists of registered or legal owners who purchased or leased a vehicle manufactured by that manufacturer or a vehicle containing a component manufactured by that component manufacturer. Manufacturers or authorized agents receiving information on behalf of one manufacturer must not disclose this information to any other third party that is not necessary to carry out the purposes of this section.

—(2) The department of licensing may furnish lists of registered and legal owners of motor vehicles, only to the entities and only for

the purposes specified in this section, to:

~~(a) The manufacturers of motor vehicles, legitimate businesses as defined by the department in rule, or their authorized agents,~~ for purposes of using lists of registered and legal owner information to conduct research activities and produce statistical reports, as long as the entity does not allow personal information received under this section to be published, redisclosed, or used to contact individuals. ~~((The department must charge an amount sufficient to cover the full cost of providing the data requested under this subsection (1)(b). Full cost of providing the data includes the information technology, administrative, and contract oversight costs))~~ For purposes of this subsection (2)(a), the department of licensing may only provide the manufacturer of a motor vehicle, or the manufacturer of components contained in a motor vehicle, the lists of registered or legal owners who purchased or leased a vehicle manufactured by that manufacturer or a vehicle containing components manufactured by that component manufacturer;

~~((2))~~ (b) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

~~((3))~~ (c) Any insurer or insurance support organization, a self-insured entity, or its agents, employees, or contractors for use in connection with claims investigation activities, antifraud activities, rating, or underwriting;

(d) Any local governmental entity or its agents for use in providing notice to owners of towed and impounded vehicles;

(e) A government agency, commercial parking company, or its agents requiring the names and addresses of registered owners to notify them of outstanding parking violations. Subject to the disclosure agreement provisions of RCW 46.12.635 and the requirements of Executive Order 97- 01, the department may provide only the parts of the list that are required for completion of the work required of the company;

~~((4))~~ (f) An authorized agent or contractor of the department, to be used only in connection with providing motor vehicle excise tax, licensing, title, and registration information to motor vehicle dealers;

~~((5))~~ (g) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing; or

~~((6))~~ (h) A company or its agents operating a toll facility under chapter 47.46 RCW or other applicable authority requiring the names, addresses, and vehicle information of motor vehicle registered owners to identify toll violators.

(3) Personal information received by an entity listed in subsection (1) or (2) of this section may not be released for direct marketing purposes.

(4) Prior to the release of any lists of vehicle owners under subsection (1) or (2) of this section, the department must enter into a contract with the entity authorized to receive the data. The contract must include:

(a) A requirement that the department or its agent conduct both regular permissible use and data security audits subject to the following conditions and limitations:

(i) The data security audits must demonstrate compliance with the data security standards adopted by the office of the chief information officer.

(ii) When determining whether to conduct an audit under this

subsection, the department must first take into consideration any independent third-party audit a data recipient has had before requiring that any additional audits be performed. If the independent third-party audit is a data security audit and it meets both recognized national or international standards and the standards adopted by the office of the chief information officer pursuant to (a)(i) of this subsection, the department must accept the audit and the audit is deemed to satisfy the conditions set out in this subsection (4)(a). If the independent third-party audit is a permissible use audit and it meets recognized national or international standards, the department must accept the audit and the audit is deemed to satisfy the conditions set out in this subsection (4)(a); and

(b) A provision that the cost of the audits performed pursuant to this subsection must be borne by the data recipient. A new data recipient must bear the initial cost to set up a system to disburse the data to the data recipient.

(5)(a) Beginning January 1, 2015, the department must collect a fee of ten dollars per one thousand individual registered or legal owners included on a list requested by a private entity under subsection (1) or (2) of this section. Beginning January 1, 2016, the department must collect a fee of twenty dollars per one thousand individual registered or legal vehicle owners included on a list requested by a private entity under subsection (1) or (2) of this section. Beginning January 1, 2021, the department must collect a fee of twenty-five dollars per one thousand individual registered or legal owners included on a list requested by a private entity under subsection (1) or (2) of this section. The department must prorate the fee when the request is for less than a full one thousand records.

(b) In lieu of the fee specified in (a) of this subsection, if the request requires a daily, weekly, monthly, or other regular update of those vehicle records that have changed:

(i) Beginning January 1, 2015, the department must collect a fee of one cent per individual registered or legal vehicle owner record provided to the private entity;

(ii) Beginning January 1, 2016, the department must collect a fee of two cents per individual registered or legal vehicle owner record provided to the private entity;

(iii) Beginning January 1, 2021, the department must collect a fee of two and one-half cents per individual registered or legal vehicle owner record provided to the private entity.

(c) The department must deposit any moneys collected under this subsection to the department of licensing technology improvement and data management account created in section 2 of this act.

(6) Where both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests for disclosure from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.

(7) If a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in this section, the manufacturer, governmental agency, commercial parking company, ~~((authorized agent,))~~ contractor, financial institution, insurer, insurance support organization, self-insured entity, legitimate business entity, toll facility operator, or ~~((their))~~ any authorized agent~~((s))~~ or contractor~~((s))~~ responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

(8) For purposes of this section, "personal information" means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the five-digit zip code), telephone number, or medical or disability information. However, an individual's

photograph, social security number, and any medical or disability-related information is considered highly restricted personal information and may not be released under this section.

NEW SECTION. Sec. 2. A new section is added to chapter 46.68 RCW to read as follows:

The department of licensing technology improvement and data management account is created in the highway safety fund. All receipts from fees collected under RCW 46.12.630(5) must be deposited into the account. Expenditures from the account may be used only for investments in technology and data management at the department. Moneys in the account may be spent only after appropriation."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5467.

Senator King spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senators Hargrove, Nelson and Ranker were excused.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5467.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5467 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5467, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5467, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Parlette, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dansel, Frockt, Hasegawa, Holmquist Newbry, Padden and Pearson

Excused: Senators Hargrove, Nelson and Ranker
SUBSTITUTE SENATE BILL NO. 5467, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

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The House passed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5785 with the following amendment(s): 5785-S.E2 AMH HAWK H4463.2

On page 4, after line 10, insert the following:

"(d) License plate replacement is not required when a change in vehicle ownership is the result of one or more of the following circumstances:

(i) When adding a lien holder to the certificate of title or removing a lien holder from the certificate of title;

(ii) When a vehicle is transferred from one spouse or registered domestic partner to another;

(iii) When removing a deceased spouse or registered domestic partner from the certificate of title;

(iv) When a vehicle is transferred by gift or inheritance to one or more members of the registered owner's immediate family;

(v) When a vehicle is transferred into or out of a trust in which the registered owner or one or more immediate family members of the registered owner is the beneficiary;

(vi) When a leaseholder buys out the leased vehicle; or

(vii) When a person changes his or her name."

On page 5, line 26, after "transferred" insert ", except as provided in subsection (4) of this section"

On page 6, after line 7, insert the following:

"(4) A vehicle registration does not expire when a change in vehicle ownership is the result of one or more of the following circumstances:

(a) When adding a lien holder to the certificate of title or removing a lien holder from the certificate of title;

(b) When a vehicle is transferred from one spouse or registered domestic partner to another;

(c) When removing a deceased spouse or registered domestic partner from the certificate of title;

(d) When a vehicle is transferred by gift or inheritance to one or more members of the registered owner's immediate family;

(e) When a vehicle is transferred into or out of a trust in which the registered owner or one or more immediate family members of the registered owner is the beneficiary;

(f) When a leaseholder buys out the leased vehicle; or

(g) When a person changes his or her name."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5785.

Senators King and Eide spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5785.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5785 by voice vote.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5785, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5785, as amended by the

House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dangel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senators Hargrove, Nelson and Ranker

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5785, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6511 with the following amendment(s): 6511-S.E AMH ENGR H4392.E

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 48.165 RCW to read as follows:

(1) The insurance commissioner must reauthorize the efforts with the lead organization established in RCW 48.165.030, and establish a new work group to develop recommendations for prior authorization requirements. The focus of the prior authorization efforts must include the full scope of health care services including pharmacy issues. The work group must submit recommendations to the commissioner by October 31, 2014.

(2) The lead organization and work group established to review prior authorization requirements must consider the following areas in their efforts:

(a) Requiring carriers and pharmacy benefit managers to provide a listing of prior authorization requirements electronically on a web site. The listing of requirements for any procedure, supply, or service requiring preauthorization must include criteria needed by the carrier specific to that medical or procedural code, to allow a provider's office to submit all information needed on the initial request for prior authorization, along with instructions for submitting that information;

(b) Requiring a carrier or pharmacy benefit manager to issue an acknowledgement of receipt or reference number for prior authorization within a specified time frame, such as two business days of receipt of a prior authorization request from a provider;

(c) Recommendations for the best practices for exchanging information, including alternatives to fax requests;

(d) Recommendations for the best practices if the acknowledgement has not been received by the provider or pharmacy benefit manager within the specified time frame, such as two business days;

(e) Recommendations if the carrier or pharmacy benefit manager fails to approve, deny, or respond to the request for authorization within the specified time frame and options for deeming approval;

(f) Recommendations to refine the time frames in current rule; and

(g) Recommendations specific to pharmacy services, including communication between the pharmacy to the carrier or pharmacy benefit manager, communications between the carrier or pharmacy

benefit manager with the providers' office, communication of the authorization number, posting of the criteria for pharmacy related prior authorization on a web site and other recommended alternatives; and options for prior authorizations involving urgent and emergent care with short-term prescription fill, such as a three-day supply, while the authorization is obtained.

(3) In preparing the recommendations, the work group must consider the opportunities to align with national mandates and regulatory guidance in the health insurance portability and accountability act and the patient protection and affordable care act, and use information technologies and electronic health records to increase efficiencies in health care and reengineer and automate age-old practices to improve business functions and ensure timely access to care for patients.

(4) The commissioner shall adopt rules implementing the recommendations of the work group. The rules adopted under this subsection may only implement, and may not expand or limit, the recommendations of the work group."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6511.

Senators Becker and Pedersen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6511.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6511 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6511, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6511, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 6511, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6031 with the following amendment(s): 6031.E AMH FIN H4464.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.61.010 and 2008 c 301 s 1 are each amended to read as follows:

(1) The legislature finds that the environmental, recreational, and aesthetic values of many of the state's lakes are threatened by eutrophication and other deterioration and that existing governmental authorities are unable to adequately improve and maintain the quality of the state's lakes.

(2) The legislature intends that an ecosystem-based beach management approach should be used to help promote the health of aquatic ecosystems and that such a management approach be undertaken in a manner that retains ecosystem values within the state. This management approach should use long-term strategies that focus on reducing nutrient inputs from human activities affecting the aquatic ecosystem, such as decreasing nutrients into storm water sewers, decreasing fertilizer application, promoting the proper disposal of pet waste, promoting the use of vegetative borders, promoting the reduction of nutrients from on-site septic systems where appropriate, and protecting riparian areas. Organic debris, including vegetation, driftwood, seaweed, kelp, and organisms, are extremely important to beach ecosystems.

(3) The legislature further finds that it is in the public interest to promote the conservation and stewardship of shorelines and upland properties adjoining lakes and beaches in order to: (a) Conserve natural or scenic resources; (b) protect riparian habitats and water quality; (c) promote conservation of soils, wetlands, shorelines, or tidal marshes; (d) enhance the value of lakes or beaches to the public as well as the benefit of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space; (e) enhance recreation opportunities; (f) preserve historic sites; and (g) protect visual quality along highway, road, street, trail, recreational, and other corridors or scenic vistas.

(4) It is the purpose of this chapter to establish a governmental mechanism by which property owners can embark on a program of lake or beach improvement and maintenance for their and the general public's benefit, health, and welfare. Public property, including state property, shall be considered the same as private property in this chapter, except liens for special assessments and liens for rates and charges shall not extend to public property. Lake bottom property and marine property below the line of the ordinary high water mark shall not be considered to be benefitted, shall not be subject to special assessments or rates and charges, and shall not receive voting rights under this chapter.

Sec. 2. RCW 36.61.020 and 2008 c 301 s 3 are each amended to read as follows:

(1) Any county may create lake or beach management districts to finance: (a) The improvement and maintenance of lakes or beaches located within or partially within the boundaries of the county; and (b) the acquisition of real property or property rights within or outside a lake or beach management district including, by way of example, conservation easements authorized under RCW 64.04.130, and to promote the conservation and stewardship of shorelines as well as the conservation and stewardship of upland properties adjoining lakes or beaches for conservation or for minimal development. All or a portion of a lake or beach and the adjacent land areas may be included within one or more lake or beach management districts. More than one lake or beach, or portions of lakes or beaches, and the adjacent land areas may be included in a single lake or beach management district.

(2) For the purposes of this chapter, the term "improvement" includes, among other things, the acquisition of real property and property rights within or outside a lake or beach management district for the purposes set forth in RCW 36.61.010 and this section.

(3) Special assessments or rates and charges may be imposed on the property included within a lake or beach management district to

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finance lake or beach improvement and maintenance activities, including: ~~((4))~~ (a) Controlling or removing aquatic plants and vegetation; ~~((2))~~ (b) improving water quality; ~~((3))~~ (c) controlling water levels; ~~((4))~~ (d) treating and diverting storm water; ~~((5))~~ (e) controlling agricultural waste; ~~((6))~~ (f) studying lake or marine water quality problems and solutions; ~~((7))~~ (g) cleaning and maintaining ditches and streams entering the lake or marine waters or leaving the lake; ~~((8))~~ (h) monitoring air quality; (i) the acquisition of real property and property rights; and ~~((9))~~ (j) the related administrative, engineering, legal, and operational costs, including the costs of creating the lake or beach management district.

(4) Special assessments or rates and charges may be imposed annually on all the land in a lake or beach management district for the duration of the lake or beach management district without a related issuance of lake or beach management district bonds or revenue bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake or beach management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake or beach management district bonds.

NEW SECTION. Sec. 3. A new section is added to chapter 36.61 RCW to read as follows:

A proposal to acquire real property or property rights within or outside of a lake or beach management district in accordance with RCW 36.61.020 is subject to the following limitations and requirements: (1) The real property or property rights proposed for acquisition must be in a county located west of the crest of the Cascade mountain range that plans under RCW 36.70A.040 and has a population of more than forty thousand and fewer than sixty-five thousand persons as of April 1, 2013, as determined by the office of financial management; and (2) prior to the acquisition of real property or property rights, the proposal must have the written approval of a majority of the property owners of the district, as determined by the tax rolls of the county assessor.

Sec. 4. RCW 36.61.070 and 2008 c 301 s 9 are each amended to read as follows:

(1) After the public hearing, the county legislative authority may adopt a resolution submitting the question of creating the lake or beach management district to the owners of land within the proposed lake or beach management district, including publicly owned land, if the county legislative authority finds that it is in the public interest to create the lake or beach management district and the financing of the lake or beach improvement and maintenance activities is feasible. The resolution shall also include: ~~((4))~~ (a) A plan describing the proposed lake or beach improvement and maintenance activities which avoid adverse impacts on fish and wildlife and provide for appropriate measures to protect and enhance fish and wildlife; ~~((2))~~ (b) the number of years the lake or beach management district will exist; ~~((3))~~ (c) the amount to be raised by special assessments or rates and charges; ~~((4))~~ (d) if special assessments are to be imposed, whether the special assessments shall be imposed annually for the duration of the lake or beach management district or only once with the possibility of installments being imposed and lake or beach management bonds being issued, or both, and, if both types of special assessments are proposed to be imposed, the lake or beach improvement or maintenance activities proposed to be financed by each type of special assessment; ~~((5))~~ (e) if rates and charges are to be imposed, a description of the proposed rates and charges and the possibility of revenue bonds being issued that are payable from the rates and charges; and ~~((6))~~ (f) the estimated special assessment or rate and

charge proposed to be imposed on each parcel included in the proposed lake or beach management district.

(2) No lake or beach management district may be created by a county that includes territory located in another county without the approval of the legislative authority of the other county.

Sec. 5. RCW 36.61.220 and 2008 c 301 s 21 are each amended to read as follows:

Within ~~((fifteen))~~ thirty days after a county creates a lake or beach management district, the county shall cause to be filed with the county treasurer, a description of the lake or beach improvement and maintenance activities proposed that the lake or beach management district finances, the lake or beach management district number, and a copy of the diagram or print showing the boundaries of the lake or beach management district and preliminary special assessment roll or abstract of the same showing thereon the lots, tracts, parcels of land, and other property that will be specially benefitted thereby and the estimated cost and expense of such lake or beach improvement and maintenance activities to be borne by each lot, tract, parcel of land, or other property. The treasurer shall immediately post the proposed special assessment roll upon his or her index of special assessments against the properties affected by the lake or beach improvement or maintenance activities.

Sec. 6. RCW 36.61.250 and 1985 c 398 s 25 are each amended to read as follows:

Except when lake or beach management district bonds are outstanding or when an existing contract might otherwise be impaired, the county legislative authority may stop the imposition of annual special assessments if, in its opinion, the public interest will be served by such action.

Sec. 7. RCW 36.61.260 and 2008 c 301 s 23 are each amended to read as follows:

(1) Counties may issue lake or beach management district revenue bonds in accordance with this section. Lake or beach management district bonds may be issued to obtain money sufficient to cover that portion of the special assessments that are not paid within the thirty- day period provided in RCW 36.61.190.

(2) Whenever lake or beach management district revenue bonds are proposed to be issued, the county legislative authority shall create a special fund or funds for the lake or beach management district from which all or a portion of the costs of the lake or beach improvement and maintenance activities shall be paid. Lake or beach management district bonds shall not be issued in excess of the costs and expenses of the lake or beach improvement and maintenance activities and shall not be issued prior to twenty days after the thirty days allowed for the payment of special assessments without interest or penalties.

(3) Lake or beach management district revenue bonds shall be exclusively payable from the special fund or funds and from a guaranty fund that the county may have created out of a portion of proceeds from the sale of the lake or beach management district bonds.

~~((2))~~ (4)(a) Lake or beach management district revenue bonds shall not constitute a general indebtedness of the county issuing the bond nor an obligation, general or special, of the state. The owner of any lake or beach management district revenue bond shall not have any claim for the payment thereof against the county that issues the bonds except for: (i) With respect to revenue bonds payable from special assessments, payment from the special assessments made for the lake or beach improvement or maintenance activities for which the lake or beach management district bond was issued and from the special fund or funds, and a lake or beach management district guaranty fund, that may have been created; and (ii) with respect to revenue bonds payable from rates and charges, payment from rates and charges deposited in the special fund or funds that the county may have created for that

purpose. Revenue bonds may be payable from both special assessments and from rates and charges. The county shall not be liable to the owner of any lake or beach management district bond for any loss to ~~((the))~~ a lake or beach management district guaranty fund occurring in the lawful operation of the fund. The owner of a lake or beach management district bond shall not have any claim against the state arising from the lake or beach management district bond, rates and charges, special assessments, or guaranty fund. Tax revenues shall not be used to secure or guarantee the payment of the principal of or interest on lake or beach management district bonds. Notwithstanding the provisions of this subsection, nothing in this section may be interpreted as limiting a county's issuance of bonds pursuant to RCW 36.67.010 in order to assist in the financing of improvements to lakes or beaches located within or partially within the boundaries of the county, including without limitation lakes or beaches located within a lake or beach management district.

~~((b))~~ The substance of the limitations included in this subsection ~~((4))~~ shall be plainly printed, written, engraved, or reproduced on: ~~((a))~~ ~~((i))~~ Each lake or beach management district bond that is a physical instrument; ~~((b))~~ ~~((ii))~~ the official notice of sale; and ~~((c))~~ ~~((iii))~~ each official statement associated with the lake or beach management district bonds.

~~((3))~~ ~~((5))~~ If the county fails to make any principal or interest payments on any lake or beach management district bond or to promptly collect any special assessment securing ~~((the))~~ lake or beach management district revenue bonds when due, the owner of the lake or beach management district revenue bond may obtain a writ of mandamus from any court of competent jurisdiction requiring the county to collect the special assessments, foreclose on the related lien, and make payments out of the special fund or guaranty fund if one exists. Any number of owners of lake or beach management districts may join as plaintiffs.

~~((4))~~ ~~((6))~~ A county may create a lake or beach management district bond guaranty fund for each issue of lake or beach management district bonds. The guaranty fund shall only exist for the life of the lake or beach management district bonds with which it is associated. A portion of the bond proceeds may be placed into a guaranty fund. Unused moneys remaining in the guaranty fund during the last two years of the installments shall be used to proportionally reduce the required level of installments and shall be transferred into the special fund into which installment payments are placed. A county may, in the discretion of the legislative authority of the county, deposit amounts into a lake or beach management district bond guaranty fund from any money legally available for that purpose. Any amounts remaining in the guaranty fund after the repayment of all revenue bonds secured thereby and the payment of assessment installments, may be applied to lake or beach improvement and maintenance activities or to other district purposes.

~~((5))~~ ~~((7))~~ Lake or beach management district bonds shall be issued and sold in accordance with chapter 39.46 RCW. The authority to create a special fund or funds shall include the authority to create accounts within a fund.

Sec. 8. RCW 36.61.030 and 2008 c 301 s 5 are each amended to read as follows:

A lake or beach management district may be initiated upon either the adoption of a resolution of intention by a county legislative authority or the filing of a petition signed by ten landowners or the owners of at least ~~((fifteen))~~ twenty percent of the acreage contained within the proposed lake or beach management district, whichever is greater. A petition or resolution of intention shall set forth: (1) The nature of the lake or beach improvement or maintenance activities proposed to be financed; (2) the amount of money proposed to be raised by special assessments or rates and charges; (3) if special assessments are to be imposed, whether the special assessments will be imposed annually for the duration of the

lake or beach management district, or the full special assessments will be imposed at one time, with the possibility of installments being made to finance the issuance of lake or beach management district bonds, or both methods; (4) if rates and charges are to be imposed, the annual amount of revenue proposed to be collected and whether revenue bonds payable from the rates and charges are proposed to be issued; (5) the number of years proposed for the duration of the lake or beach management district; and (6) the proposed boundaries of the lake or beach management district.

The county legislative authority may require the posting of a bond of up to five thousand dollars before the county considers the proposed creation of a lake or beach management district initiated by petition. The bond may only be used by the county to finance its costs in studying, holding hearings, making notices, preparing special assessment rolls or rolls showing the rates and charges on each parcel, and conducting elections related to the lake or beach management district if the proposed lake or beach management district is not created.

A resolution of intention shall also designate the number of the proposed lake or beach management district, and fix a date, time, and place for a public hearing on the formation of the proposed lake or beach management district. The date for the public hearing shall be at least thirty days and no more than ninety days after the adoption of the resolution of intention unless an emergency exists.

Petitions shall be filed with the county legislative authority. The county legislative authority shall determine the sufficiency of the signatures, which shall be conclusive upon all persons. No person may withdraw his or her name from a petition after it is filed. If the county legislative authority determines a petition to be sufficient and the proposed lake or beach management district appears to be in the public interest and the financing of the lake or beach improvement or maintenance activities is feasible, it shall adopt a resolution of intention, setting forth all of the details required to be included when a resolution of intention is initiated by the county legislative authority.

NEW SECTION. Sec. 9. A new section is added to chapter 36.61 RCW to read as follows:

(1) In connection with the acquisition of real property or property rights within or outside a lake or beach management district, a county may: (a) Own real property and property rights, including without limitation conservation easements; (b) transfer real property and property rights to another state or local governmental entity; (c) contract with a public or private entity, including without limitation a financial institution with trust powers, a municipal corporation, or a nonprofit corporation, to hold real property or property rights such as conservation easements in trust for the purposes of the lake and beach management district, and, in connection with those services, to pay the reasonable costs of that financial institution or nonprofit corporation; (d) monitor and enforce the terms of a real property right such as a conservation easement, or for that purpose to contract with a public or private entity, including without limitation a financial institution with trust powers, a municipal corporation, or a nonprofit corporation; (e) impose terms, conditions, and encumbrances upon real property or property rights acquired in respect of a lake or beach management district, and amend the same; and (f) accept gifts, grants, and loans in connection with the acquisition of real property and property rights for lake or beach management district purposes.

(2) If a county contracts with a financial institution, municipal corporation, or nonprofit corporation to hold that property or property rights in trust for purposes of the district, the terms of the contract must provide that the financial institution, municipal corporation, or nonprofit corporation may not sell, pledge, or hypothecate the property or property rights for any purpose, and must further provide for the return of the property or property rights

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back to the county in the event of a material breach of the terms of the contract.

BARBARA BAKER, Chief Clerk

(3) Before a lake or beach management district in existence as of the effective date of this section exercises the powers set forth in this section, the legislative authority of the county must provide for an amended resolution of intention and modify the plan for the district, with a public hearing, all as provided in RCW 36.61.050.

MOTION

Senator Sheldon moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6031.
Senators Sheldon and Liias spoke in favor of the motion.

Sec. 10. RCW 36.61.170 and 2008 c 301 s 18 are each amended to read as follows:

MOTION

(1) The total annual special assessments may not exceed the estimated cost of the lake or beach improvement or maintenance activities proposed to be financed by such special assessments, as specified in the resolution of intention. The total of special assessments imposed in a lake or beach management district that are of the nature of special assessments imposed in a local improvement district shall not exceed one hundred fifty percent of the estimated total cost of the lake or beach improvement or maintenance activities that are proposed to be financed by the lake or beach management district as specified in the resolution of intention.

On motion of Senator Cleveland, Senator Ranker was excused.

(2) After a lake or beach management district has been created, the resolution of intention may be amended to increase or otherwise modify the amount to be financed by the lake or beach management district by using the same procedure in which a lake or beach management district is created, including landowner approvals consistent with the procedures established in RCW 36.61.080 through 36.61.100.

The President declared the question before the Senate to be the motion by Senator Sheldon that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6031.

The motion by Senator Sheldon carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6031 by voice vote.

NEW SECTION. Sec. 11. A new section is added to chapter 36.61 RCW to read as follows:

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6031, as amended by the House.

ROLL CALL

(1) Except when lake or beach management district bonds are outstanding or when an existing contract might otherwise be impaired, a lake or beach management district may be dissolved either by: The county legislative authority upon a finding that the purposes of the district have been accomplished; or a vote of the property owners within the district, if proposed by the legislative authority of the county or through the filing of a sufficient petition signed by the owners of at least twenty percent of the acreage within the district.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6031, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

(2) If the question of dissolution of a district is submitted to property owners, the balloting is subject to the following conditions, which must be included in the instructions mailed with each ballot, as provided in RCW 36.61.080:

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

(a) A ballot must be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the district, with the ballot weighted so that a property owner has one vote for each dollar of special assessment or rates and charges imposed on his or her property;

Voting nay: Senator Padden

ENGROSSED SENATE BILL NO. 6031, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(b) A ballot must be signed by the owner or reputed owner of property according to the assessor's tax rolls;

MESSAGE FROM THE HOUSE

March 7, 2014

(c) Each ballot must be returned to the county legislative authority no later than 5:00 p.m. of a specified day, which must be at least twenty, but not more than thirty days after the ballots are mailed; and

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6034 with the following amendment(s): 6034.E AMH ENVI H4339.1

(d) Each property owner must mark his or her ballot for or against the dissolution of the district.

Strike everything after the enacting clause and insert the following:

(3) If, following the tabulation of the valid ballots, a simple majority of the votes cast are in favor of dissolving the district, the district must be dissolved on the date established in the ballot proposition.

"**Sec. 1.** RCW 79A.05.335 and 1991 c 107 s 1 are each amended to read as follows:

(4) A county, although not separately responsible for satisfying the financial obligations of a dissolved district, has full authority to continue imposing special assessments, rates, and charges for a dissolved district until all financial obligations of the district incurred prior to its dissolution have been extinguished or retired."

The legislature finds that the parks and recreation lands owned and managed by the ~~((state parks and recreation))~~ commission are a significant collection of valuable scenic, natural, cultural, and historical ~~((and cultural))~~ resources for the citizens of Washington state. The legislature further finds that if citizens understand and appreciate the ~~((state park ecological resources, they will come to appreciate and understand the ecosystems and natural resources throughout the state))~~ scenic, natural, cultural, and historical resources present in Washington's state parks, they will be inspired to conserve this important legacy for future generations. Therefore,

Correct the title.
and the same are herewith transmitted.

the ~~((state parks and recreation))~~ commission may ~~((increase the))~~ use ~~((of))~~ its facilities and resources to provide ~~((environmental))~~ scenic, natural, cultural, or historical resource interpretation throughout the state parks system.

Sec. 2. RCW 79A.05.340 and 1991 c 107 s 2 are each amended to read as follows:

The ~~((state parks and recreation))~~ commission may provide ~~((environmental—interpretative))~~ scenic, natural, cultural, or historical resource interpretive activities for visitors to state parks that:

(1) Explain the functions, history, significance, and cultural aspects of ecosystems;

(2) Explain the relationship between human needs, human behaviors and attitudes, and the environment; ~~((and))~~

(3) Explain the diverse human heritage and cultural changes over time in Washington state;

(4) Offer experiences and information to increase citizen understanding, appreciation, and stewardship of ~~((the environment and its multiple uses))~~ their natural, cultural, ethnic, and artistic heritage; and

(5) Explain the need for natural, cultural, and historical resource protection and preservation as well as the methods by which these goals can be achieved.

Sec. 3. RCW 79A.05.345 and 1991 c 107 s 3 are each amended to read as follows:

The ~~((state parks and recreation))~~ commission may consult and enter into agreements with and solicit assistance from ~~((private sector organizations and other governmental agencies that are interested in conserving and interpreting Washington's environment. The commission shall not permit commercial advertising in state park lands or interpretive centers as a condition of such agreements. Logos or credit lines for sponsoring organizations may be permitted. The commission shall maintain an accounting of all monetary gifts provided, and expenditures of monetary gifts shall not be used to increase personnel))~~ other public agencies, the state parks foundation, private entities, employee business units, and tribes that are interested in stewarding and interpreting state parks scenic, natural, cultural, and recreational resources.

NEW SECTION. Sec. 4. A new section is added to chapter 79A.05 RCW to read as follows:

(1) The commission, in consultation with the department of archaeology and historic preservation, may permit commercial advertising on or in state parks lands and buildings when all the following conditions and standards are met with regard to the commercial advertising:

(a) It conforms to the United States secretary of the interior's standards for the treatment of historic properties when applied to advertising affecting historic structures, cultural and historic landscapes, and archaeological sites;

(b) It does not detract from the integrity of the park's natural, cultural, historic, and recreational resources and outstanding scenic view sheds;

(c) It does not create a potential conflict of interest because of the commercial or corporate entity's regulatory or business relationships with the commission; and

(d) It will acknowledge individuals and organizations that are donors or sponsors of park events or projects or support the sustainability of park concessionaires, lessees, or service providers.

(2) The commission is encouraged to use its advertising authority to promote:

(a) Community economic development near state parks;

(b) Wellness, healthy food options, healthy behaviors, and any other public health goals or principles adopted by the state; and

(c) Park visitor awareness of services and activities within and near each park.

(3) The commission shall adopt standards for advertising, naming, product placement, and other forms of commercial recognition that require the commission to define and prohibit, at minimum, the following:

(a) Obscene, indecent, or discriminatory content;

(b) Political or public issue advocacy content;

(c) Products, services, or other materials that are offensive, insulting, disparaging, or degrading; or

(d) Products, services, or messages that are contrary to the public interest, including any advertisement that encourages or depicts unsafe behaviors or encourages unsafe or prohibited recreation activities. Tobacco and cannabis must be included among the products prohibited under this subsection (3)(d).

(4) Notwithstanding subsection (1) of this section, commercial advertising, including product placement, is permitted on commission web sites, electronic social media, and printed materials within or outside of state parks.

NEW SECTION. Sec. 5. A new section is added to chapter 79A.05 RCW to read as follows:

(1) When entering into any agreement under RCW 79A.05.345 or otherwise involving the management of state park land or a facility by a public or private partner, the commission shall consider, when appropriate:

(a) If the entity has an adequate source of available funding to assume the financial responsibilities of the agreement;

(b) If the entity has sufficient expertise to assume the scope of responsibilities of the agreement;

(c) If the agreement results in net financial benefits to the state; and

(d) If the agreement results in advancement of the commission's public purpose.

(2) Any agreement subject to this section must include specific performance measures. The performance measures must cover, but are not limited to, the entity's ability to manage financial operating costs, to adequately perform management responsibilities, and to address and respond to public concerns. The agreement must provide that failure to meet any performance measure may lead to the termination of the contract or requirements for remedial action to be taken before the agreement may be extended.

(3) The commission's authority to enter into agreements under this section, section 4 of this act, or RCW 79A.05.345 does not include the ability to rename any state park after a corporate or commercial entity, product, or service.

Sec. 6. RCW 79A.70.010 and 2000 c 25 s 2 are each amended to read as follows:

The purpose of the Washington state parks ~~((gift))~~ foundation is to solicit support for the state parks system, cooperate with other organizations, and to encourage gifts to support and improve the state parks.

Sec. 7. RCW 79A.70.020 and 2000 c 25 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter~~((s))~~ unless the context clearly requires otherwise.

(1) "Foundation" means the Washington state parks ~~((gift))~~ foundation~~((s))~~ created in RCW 79A.70.030.

(2) "State parks" means that system of parks administered by the commission under this title.

(3) "Eligible grant recipients" includes any and all of the activities of the commission in carrying out the provisions of this title and friends groups or other organizations that propose projects or programs solely for the benefit of state parks.

(4) "Eligible projects" means any project, action, program, or part of any project ~~((of))~~ action, or program that serves to preserve, restore, improve, or enhance the state parks.

Sec. 8. RCW 79A.70.030 and 2000 c 25 s 4 are each amended to read as follows:

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(1) By September 1, 2000, the commission shall file articles of incorporation in accordance with the Washington nonprofit corporation act, chapter 24.03 RCW, to establish the Washington state parks (~~(gift)~~) foundation. The foundation shall not be an agency, instrumentality, or political subdivision of the state and shall not disburse public funds.

(2) The foundation shall have a board of directors consisting of up to fifteen members, whose terms, method of appointment, and authority must be in accordance with the Washington nonprofit corporation act, chapter 24.03 RCW. ~~((Initial members of the board shall be appointed by the governor and collectively have experience in business, charitable giving, outdoor recreation, and parks administration. Initial appointments shall be made by September 30, 2000. Subsequent board members shall be elected by the general membership of the foundation.~~

~~—(3) Members of the board shall serve three year terms, except for the initial terms, which shall be staggered by the governor to achieve a balanced mix of terms on the board. Members of the board may serve up to a maximum of three terms. At the end of a term, a member may continue to serve until a successor has been elected.)~~

Sec. 9. RCW 79A.70.040 and 2000 c 25 s 5 are each amended to read as follows:

(1) ((As soon as practicable, the board of directors shall organize themselves and the foundation suitably to carry out the duties of the foundation, including achieving federal tax-exempt status.

(2))) The foundation shall actively solicit contributions from individuals and groups for the benefit of the state parks.

~~((3))~~ (2) The foundation shall develop criteria for guiding themselves in either the creation of an endowment, or the making of grants to eligible grant recipients and eligible projects in the state parks, or both.

~~((4))~~ (3) A competitive grant process shall be conducted at least annually by the foundation to award funds ~~((to the))~~ for the benefit of state parks. Competitive grant applications shall only be submitted to the foundation by the commission, friends groups, or other organizations with projects or programs solely for the benefit of state parks. ~~((The process shall be started as soon as practicable.))~~ Grants shall be awarded to eligible projects consistent with the criteria developed by the foundation ~~((and shall be available only for state parks use on eligible projects))."~~

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6034.

Senators Pearson and Liias spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6034.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6034 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6034, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6034, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Braun and Hasegawa

ENGROSSED SENATE BILL NO. 6034, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 6062 with the following amendment(s): 6062-S2 AMH ED H4426.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the legislature's intent to improve the transparency of certain public school data and expenditure information that may currently be available as a public record but is not easily accessible to the general public. For example, there is not a consistent policy for providing easy access to information about either public school employee collective bargaining agreements or associated student body program funds.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

Each school district, charter school, and state-tribal compact school must publish on its web site a copy of its public school employee collective bargaining agreements by September 1, 2014, and thereafter must update the web site within thirty days of approval, renewal, or amendment of any such agreement.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.325 RCW to read as follows:

(1) Each school district that has an associated student body program fund must publish the following information about the fund on its web site:

- (a) The fund balance at the beginning of the school year;
- (b) Summary data about expenditures and revenues occurring over the course of the school year; and
- (c) The fund balance at the end of the school year.

(2) The information under this section must be published for each associated student body of the district and each account within the associated student body program fund.

(3) If the school district web site contains separate web sites for schools in the district, the information under this section must be published on the web site of the applicable school of the associated student body.

(4) No later than August 31, 2014, school districts must publish the information under this section on their web sites for the 2012-13 and 2013-14 school years. School districts must add updated annual information to their web sites by each August 31st, except that school districts are only required to maintain the information on the web site from the previous five years."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Litzow moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6062.

Senator Litzow spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Litzow that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6062.

The motion by Senator Litzow carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6062 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6062, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6062, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

Absent: Senator Ranker

SECOND SUBSTITUTE SENATE BILL NO. 6062, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House passed SENATE BILL NO. 6065 with the following amendment(s): 6065 AMH HCW H4414.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Tanning facility" means any location, place, area, structure, or business that provides persons access to any ultraviolet tanning device for a fee.

(2) "Ultraviolet tanning device" means equipment that emits electromagnetic radiation with wavelengths in the air between two hundred and four hundred nanometers used for tanning of the skin including, but not limited to, a sunlamp, tanning booth, or tanning bed. An ultraviolet tanning device does not mean a phototherapy device which may be used by or under the direct supervision of a licensed physician who is trained in the use of phototherapy devices.

NEW SECTION. Sec. 2. (1) Persons under eighteen years of age are prohibited from using an ultraviolet tanning device

without a written prescription for ultraviolet radiation treatment from a physician licensed under chapter 18.57 or 18.71 RCW.

(2) Proof of age must be satisfied with a driver's license or other government-issued identification containing the date of birth and a photograph of the individual.

NEW SECTION. Sec. 3. The owner of a tanning facility that violates this chapter is liable for a civil penalty not to exceed two hundred fifty dollars per violation in addition to any other penalty established by law.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act constitute a new chapter in Title 18 RCW."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Senate Bill No. 6065.

Senators King, Darneille and Kohl-Welles spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Ranker was excused.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Senate Bill No. 6065.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6065 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6065, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6065, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Braun, Dansel, Ericksen, Hatfield, Holmquist Newbry and Honeyford

Excused: Senator Ranker

SENATE BILL NO. 6065, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

FIFTY EIGHTH DAY, MARCH 11, 2014

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The House passed SECOND SUBSTITUTE SENATE BILL NO. 6330 with the following amendment(s): 6330-S2 AMH FIN H4439.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This section is the tax preference performance statement for the tax preference contained in RCW 84.14.040 and 84.14.060. This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature's specific public policy objective to stimulate the construction of new multifamily housing in urban growth areas located in unincorporated areas of rural counties where housing options, including affordable housing options, are severely limited. It is the legislature's intent to provide the value of new housing construction, conversion, and rehabilitation improvements qualifying under chapter 84.14 RCW an exemption from ad valorem property taxation for eight to twelve years, as provided for in RCW 84.14.020, in order to provide incentives to developers to construct new multifamily housing thereby increasing the number of affordable housing units for low to moderate-income residents in certain rural counties.

(3) If a review finds that at least twenty percent of the new housing is developed and occupied by households making at or below eighty percent of the area median income, at the time of occupancy, adjusted for family size for the county where the project is located or where the housing is intended exclusively for owner occupancy, the household may earn up to one hundred fifteen percent of the area median income, at the time of sale, adjusted for family size for the county where the project is located, then the legislature intends to extend the expiration date of the tax preference.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the joint legislative audit and review committee may refer to data provided by counties in which beneficiaries are utilizing the preference, the office of financial management, the department of commerce, the United States department of housing and urban development, and other data sources as needed by the joint legislative audit and review committee.

Sec. 2. RCW 84.14.007 and 2012 c 194 s 1 are each amended to read as follows:

It is the purpose of this chapter to encourage increased residential opportunities, including affordable housing opportunities, in cities that are required to plan or choose to plan under the growth management act within urban centers where the governing authority of the affected city has found there is insufficient housing opportunities, including affordable housing opportunities. It is further the purpose of this chapter to stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing in urban centers having insufficient housing opportunities that will increase and improve residential opportunities, including affordable housing opportunities, within these urban centers. To achieve these purposes, this chapter provides for special valuations in residentially deficient urban centers for eligible improvements associated with multiunit housing, which includes affordable housing. It is an additional purpose of this chapter to allow unincorporated areas of rural counties that are within urban growth areas to stimulate housing opportunities and for certain counties to stimulate housing opportunities near college campuses to promote dense, transit-oriented, walkable college communities.

Sec. 3. RCW 84.14.010 and 2012 c 194 s 2 are each reenacted and amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.

(2) "Campus facilities master plan" means the area that is defined by the University of Washington as necessary for the future growth and development of its campus facilities for branch campuses authorized under RCW 28B.45.020.

(3) "City" means either (a) a city or town with a population of at least fifteen thousand, (b) the largest city or town, if there is no city or town with a population of at least fifteen thousand, located in a county planning under the growth management act, or (c) a city or town with a population of at least five thousand located in a county subject to the provisions of RCW 36.70A.215.

(4) "County" means a county with an unincorporated population of at least three hundred fifty thousand.

(5) "Governing authority" means the local legislative authority of a city or a county having jurisdiction over the property for which an exemption may be applied for under this chapter.

(6) "Growth management act" means chapter 36.70A RCW.

(7) "High cost area" means a county where the third quarter median house price for the previous year as reported by the Washington center for real estate research at Washington State University is equal to or greater than one hundred thirty percent of the statewide median house price published during the same time period.

(8) "Household" means a single person, family, or unrelated persons living together.

(9) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development. For cities located in high-cost areas, "low-income household" means a household that has an income at or below one hundred percent of the median family income adjusted for family size, for the county where the project is located.

(10) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than eighty percent but is at or below one hundred fifteen percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development. For cities located in high-cost areas, "moderate-income household" means a household that has an income that is more than one hundred percent, but at or below one hundred fifty percent, of the median family income adjusted for family size, for the county where the project is located.

(11) "Multiple-unit housing" means a building having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

(12) "Owner" means the property owner of record.

(13) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a

nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(14) "Rehabilitation improvements" means modifications to existing structures, that are vacant for twelve months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

(15) "Residential targeted area" means an area within an urban center or urban growth area that has been designated by the governing authority as a residential targeted area in accordance with this chapter. With respect to designations after July 1, 2007, "residential targeted area" may not include a campus facilities master plan.

(16) "Rural county" means a county with a population between fifty thousand and seventy-one thousand and bordering Puget Sound.

(17) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

~~((17))~~ (18) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

Sec. 4. RCW 84.14.040 and 2012 c 194 s 4 are each amended to read as follows:

(1) The following criteria must be met before an area may be designated as a residential targeted area:

(a) The area must be within an urban center, as determined by the governing authority;

(b) The area must lack, as determined by the governing authority, sufficient available, desirable, and convenient residential housing, including affordable housing, to meet the needs of the public who would be likely to live in the urban center, if the affordable, desirable, attractive, and livable places to live were available;

(c) The providing of additional housing opportunity, including affordable housing, in the area, as determined by the governing authority, will assist in achieving one or more of the stated purposes of this chapter; and

(d) If the residential targeted area is designated by a county, the area must be located in an unincorporated area of the county that is within an urban growth area under RCW 36.70A.110 and the area must be: (i) In a rural county, served by a sewer system and designated by a county prior to January 1, 2013; or (ii) in a county that includes a campus of an institution of higher education, as defined in RCW 28B.92.030, where at least one thousand two hundred students live on campus during the academic year.

(2) For the purpose of designating a residential targeted area or areas, the governing authority may adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the designation of the area and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of the action intended.

(3) The governing authority must give notice of a hearing held under this chapter by publication of the notice once each week for

two consecutive weeks, not less than seven days, nor more than thirty days before the date of the hearing in a paper having a general circulation in the city or county where the proposed residential targeted area is located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a residential targeted area.

(4) Following the hearing, or a continuance of the hearing, the governing authority may designate all or a portion of the area described in the resolution of intent as a residential targeted area if it finds, in its sole discretion, that the criteria in subsections (1) through (3) of this section have been met.

(5) After designation of a residential targeted area, the governing authority must adopt and implement standards and guidelines to be utilized in considering applications and making the determinations required under RCW 84.14.060. The standards and guidelines must establish basic requirements for both new construction and rehabilitation, which must include:

(a) Application process and procedures;

(b) Requirements that address demolition of existing structures and site utilization; and

(c) Building requirements that may include elements addressing parking, height, density, environmental impact, and compatibility with the existing surrounding property and such other amenities as will attract and keep permanent residents and that will properly enhance the livability of the residential targeted area in which they are to be located.

(6) The governing authority may adopt and implement, either as conditions to eight-year exemptions or as conditions to an extended exemption period under RCW 84.14.020(1)(a)(ii)(B), or both, more stringent income eligibility, rent, or sale price limits, including limits that apply to a higher percentage of units, than the minimum conditions for an extended exemption period under RCW 84.14.020(1)(a)(ii)(B). For any multiunit housing located in an unincorporated area of a county, a property owner seeking tax incentives under this chapter must commit to renting or selling at least twenty percent of the multifamily housing units as affordable housing units to low and moderate-income households. In the case of multiunit housing intended exclusively for owner occupancy, the minimum requirement of this subsection (6) may be satisfied solely through housing affordable to moderate-income households.

Sec. 5. RCW 84.14.060 and 2012 c 194 s 6 are each amended to read as follows:

(1) The duly authorized administrative official or committee of the city or county may approve the application if it finds that:

(a) A minimum of four new units are being constructed or in the case of occupied rehabilitation or conversion a minimum of four additional multifamily units are being developed;

(b) If applicable, the proposed multiunit housing project meets the affordable housing requirements as described in RCW 84.14.020;

(c) The proposed project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

(d) The owner has complied with all standards and guidelines adopted by the city or county under this chapter; and

(e) The site is located in a residential targeted area of an urban center or urban growth area that has been designated by the governing authority in accordance with procedures and guidelines indicated in RCW 84.14.040.

(2) An application may not be approved after July 1, 2007, if any part of the proposed project site is within a campus facilities master plan, except as provided in RCW 84.14.040(1)(d).

(3) An application may not be approved for a residential targeted area in a rural county on or after January 1, 2020."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

MOTION

Senator Sheldon moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6330.

Senator Sheldon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Sheldon that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6330.

The motion by Senator Sheldon carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6330 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6330, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6330, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SECOND SUBSTITUTE SENATE BILL NO. 6330, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 2014

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 2555,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE BILL NO. 2555.

MOTION

At 11:41 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:59 p.m. by President Owen.

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Janice E Ellis, Gubernatorial Appointment No. 9096, be confirmed as a member of the Sentencing Guidelines Commission.

Senators Padden and Lias spoke in favor of passage of the motion.

MOTION

On motion of Senator Billig, Senator Hatfield was excused.

APPOINTMENT OF JANICE E ELLIS

The President declared the question before the Senate to be the confirmation of Janice E Ellis, Gubernatorial Appointment No. 9096, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Janice E Ellis, Gubernatorial Appointment No. 9096, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Hatfield

Janice E Ellis, Gubernatorial Appointment No. 9096, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Parlette moved that Jerald (Jerry) R Litt, Gubernatorial Appointment No. 9134, be confirmed as a member of the Transportation Commission.

Senator Parlette spoke in favor of the motion.

APPOINTMENT OF JERALD (JERRY) R LITT

The President declared the question before the Senate to be the confirmation of Jerald (Jerry) R Litt, Gubernatorial Appointment No. 9134, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Jerald (Jerry) R Litt, Gubernatorial Appointment No. 9134, as a member of the Transportation Commission and the appointment was

confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Hatfield

Jerald (Jerry) R Litt, Gubernatorial Appointment No. 9134, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Lenell Nussbaum, Gubernatorial Appointment No. 9153, be confirmed as a member of the Sentencing Guidelines Commission.

Senators Padden and Kline spoke in favor of passage of the motion.

APPOINTMENT OF LENELL NUSSBAUM

The President declared the question before the Senate to be the confirmation of Lenell Nussbaum, Gubernatorial Appointment No. 9153, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Lenell Nussbaum, Gubernatorial Appointment No. 9153, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Hatfield

Lenell Nussbaum, Gubernatorial Appointment No. 9153, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5048 with the following amendment(s): 5048.E AMH JUDI H4431.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.52.010 and 2011 c 336 s 369 are each reenacted and amended to read as follows:

The following definitions apply in this chapter:

(1) "Access" means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, directly or by electronic means.

(2) "Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.

(3) "Data" means a representation of information, knowledge, facts, concepts, or instructions that are being prepared or have been prepared in a formalized manner and are intended for use in a computer.

(4) "Enter." The word "enter" when constituting an element or part of a crime, shall include the entrance of the person, or the insertion of any part of his or her body, or any instrument or weapon held in his or her hand and used or intended to be used to threaten or intimidate a person or to detach or remove property.

(5) "Enters or remains unlawfully." A person "enters or remains unlawfully" in or upon premises when he or she is not then licensed, invited, or otherwise privileged to so enter or remain.

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him or her by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner. Land that is used for commercial aquaculture or for growing an agricultural crop or crops, other than timber, is not unimproved and apparently unused land if a crop or any other sign of cultivation is clearly visible or if notice is given by posting in a conspicuous manner. Similarly, a field fenced in any manner is not unimproved and apparently unused land. A license or privilege to enter or remain on improved and apparently used land that is open to the public at particular times, which is neither fenced nor otherwise enclosed in a manner to exclude intruders, is not a license or privilege to enter or remain on the land at other times if notice of prohibited times of entry is posted in a conspicuous manner.

(6) "Posting in a conspicuous manner" includes posting a sign or signs reasonably likely to come to the attention of intruders, indicating that entry is restricted or, if the property is located outside of urban growth areas and incorporated cities or towns, the placement of identifying fluorescent orange paint marks on trees or posts on property.

(a) Identifying fluorescent orange marks must be:

(i) Vertical lines not less than eight inches in length and not less than one inch in width;

(ii) Placed so that the bottom of the mark is between three and five feet from the ground; and

(iii) Placed at locations that are readily visible to any person approaching the property and no more than one hundred feet apart on forest land, as defined in RCW 76.09.020, or one thousand feet apart on land other than forest land.

(b) A landowner must use signs for posting in a conspicuous manner on access roads.

(7) "Premises" includes any building, dwelling, structure used for commercial aquaculture, or any real property."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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Senator Sheldon moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5048.

Senator Sheldon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Sheldon that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5048.

The motion by Senator Sheldon carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5048 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5048, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5048, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Conway, Dammeier, Dansel, Eide, Ericksen, Fain, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Nelson, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Darneille, Fraser, Hasegawa, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Pedersen and Ranker

ENGROSSED SENATE BILL NO. 5048, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6458 with the following amendment(s): 6458.E AMH HCW H4393.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.02.060 and 2010 c 27 s 1 are each amended to read as follows:

(1) The commissioner has the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code.

(2) The commissioner must execute his or her duties and must enforce the provisions of this code.

(3) The commissioner may:

(a) Make reasonable rules for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation. Rules are not effective prior to their being filed for public inspection in the commissioner's office.

(b) Conduct investigations to determine whether any person has violated any provision of this code.

(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.

(4) When the governor proclaims a state of emergency under RCW 43.06.010(12), the commissioner may issue an order that addresses any or all of the following matters related to insurance policies issued in this state:

- (a) Reporting requirements for claims;
- (b) Grace periods for payment of insurance premiums and performance of other duties by insureds;
- (c) Temporary postponement of cancellations and nonrenewals; and

(d) Medical coverage to ensure access to care.

(5) An order by the commissioner under subsection (4) of this section may remain effective for not more than sixty days unless the commissioner extends the termination date for the order for an additional period of not more than thirty days. The commissioner may extend the order if, in the commissioner's judgment, the circumstances warrant an extension. An order of the commissioner under subsection (4) of this section is not effective after the related state of emergency is terminated by proclamation of the governor under RCW 43.06.210. The order must specify, by line of insurance:

(a) The geographic areas in which the order applies, which must be within but may be less extensive than the geographic area specified in the governor's proclamation of a state of emergency and must be specific according to an appropriate means of delineation, such as the United States postal service zip codes or other appropriate means; and

(b) The date on which the order becomes effective and the date on which the order terminates.

(6) The commissioner may adopt rules that establish general criteria for orders issued under subsection (4) of this section and may adopt emergency rules applicable to a specific proclamation of a state of emergency by the governor.

(7) The rule-making authority set forth in subsection (6) of this section does not limit or affect the rule-making authority otherwise granted to the commissioner by law.

(8) In addition to the requirements of the administrative procedure act established in chapter 34.05 RCW, the commissioner must provide notice of proposed rule making on matters related to health care insurance to the health care committees of the legislature, the health benefit exchange established under chapter 43.71 RCW, the health care authority established under chapter 41.05 RCW, and the governor. In the event a dispute arises among the state officials and entities implementing the federal patient protection and affordable care act, the governor shall convene a meeting of the following officials and entities to resolve the dispute:

- (a) The insurance commissioner;
- (b) The health care authority;
- (c) The department of health;
- (d) The department of social and health services;
- (e) The governor's legislative affairs and policy office;
- (f) The office of financial management;
- (g) The health benefit exchange; and
- (h) Any other officials or entities the governor deems appropriate, including:

- (i) The department of corrections;
- (ii) The department of veterans affairs; and
- (iii) The department of labor and industries.

(9) The governor may utilize the governor's health leadership team established in Executive Order 13-05 as a forum to convene the meeting required in subsection (8) of this section.

(10) The governor shall report the resolution of the meeting to the appropriate committees of the legislature and the joint select committee on health care oversight."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6458.

Senator Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6458.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6458 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6458, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6458, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Lias, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, McCoy and Nelson

ENGROSSED SENATE BILL NO. 6458, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6388 with the following amendment(s): 6388-S.E AMH ENGR H4422.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the availability of affordable, fresh, and nourishing foods is essential for individuals to maintain a healthy lifestyle. The legislature also finds that new methods of purchasing and delivering fresh, nourishing foods are emerging and lowering the costs of these foods. The legislature further finds that some of the new business models for purchasing and delivering fresh, nourishing foods are being inappropriately classified as food service establishments. Therefore, it is the intent of the legislature to establish a direct seller license for businesses that sell and collect payment only through a web site for prepackaged foods obtained from a food processor either licensed or inspected, or both, by a state or federal regulatory agency and that deliver the food directly to consumers without any interim storage.

NEW SECTION. Sec. 2. A new section is added to chapter 69.04 RCW to read as follows:

(1) The department shall issue a license to operate as a direct seller to any entity that:

(a) Submits a completed application on forms approved by the department;

(b) Provides the department with a list of all leased, rented, or owned vehicles, other than vehicles that are rented for less than forty-five days, used by the applicant's business to deliver food;

(c) Maintains all records of vehicles that are rented for less than forty-five days for at least twelve months following the termination of the rental period;

(d) Maintains food temperature logs or uses a device to monitor the temperature of the packages in real time for all food while in transport; and

(e) Submits all appropriate fees to the department.

(2) The department shall develop, by rule, an annual license and renewal fee to defray the costs of administering the licensing and inspection program created by this section. All moneys received by the department under the provisions of this section must be paid into the food processing inspection account created in RCW 69.07.120 and must be used solely to carry out the provisions of this section.

(3)(a) A licensed direct seller is required to protect food from contamination while in transport. Food must be transported under conditions that protect food against physical, chemical, and microbial contamination, as well as against deterioration of the food and its container.

(b) Compliance with this subsection (3) requires, but is not limited to, the separation of raw materials in such a fashion that they avoid cross-contamination of other food products, particularly ready-to-eat food. An example of this principle includes ensuring that, during the transport of raw fish and seafood, meat, poultry, or other food which inherently contains pathogenic and spoilage microorganisms, soil, or other foreign material, the raw materials may not come into direct contact with other food in the same container or in any other cross-contaminating circumstance.

(4) In the event of a food recall or when required by the department, a federal, state, or local health authority in response to a food borne illness outbreak, a licensed direct seller shall use its client listserv to notify customers of the recall and any other relevant information.

(5) In the implementation of this section, the department shall:

(a) Conduct inspections of vehicles, food handling areas, refrigeration equipment, and product packaging used by a licensed direct seller;

(b) Conduct audits of temperature logs and other food handling records as appropriate;

(c) Investigate any complaints against a licensed direct seller for the failure to maintain food safety; and

(d) Adopt rules, in consultation with the department of health and local health jurisdictions, necessary to administer and enforce the program consistent with federal regulations.

(6) Direct sellers that have a license from the department under this section are exempt from the permitting requirements of food service rules adopted by the state board of health and any local health jurisdiction.

(7) The director may deny, suspend, or revoke any license provided under this section if the director determines that an applicant or licensee has committed any of the following:

(a) Refused, neglected, or failed to comply with the provisions of this section, the rules and regulations adopted under this section, or any order of the director;

(b) Refused, neglected, or failed to keep and maintain records required by this chapter, or refused the department access to such records;

(c) Refused the department access to any portion or area of vehicles, food handling areas, or any other areas or facilities housing equipment or product packaging used by the direct retailer in the course of performing business responsibilities; or

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(d) Failed to submit an application for a license meeting the requirements of this section or failed to pay the appropriate annual license or renewal fee.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:

(a) "Department" means the department of agriculture.

(b) "Direct seller" means an entity that receives prepackaged food from a food processor that is either licensed or inspected, or both, by a state or federal regulatory agency or the department and that delivers the food directly to consumers who only placed and paid for an order on the entity's web site, as long as:

(i) The food is delivered by the entity without opening the packaging and without dividing it into smaller packages;

(ii) There is no interim storage by the entity; and

(iii) The food is delivered by means of vehicles that are equipped with either refrigeration or freezer units, or both, and that meet the requirements of rules authorized by this chapter.

Sec. 3. RCW 69.07.120 and 2011 c 281 s 12 are each amended to read as follows:

All moneys received by the department under the provisions of this chapter, section 2 of this act, and chapter 69.22 RCW shall be paid into the food processing inspection account hereby created within the agricultural local fund established in RCW 43.23.230 and shall be used solely to carry out the provisions of this chapter, section 2 of this act, and chapters 69.22 and 69.04 RCW."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6388.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6388.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6388 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6388, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6388, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE SENATE BILL NO. 6388, as amended by the House, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6086 with the following amendment(s): 6086-S AMH SHOR H4441.1

On page 5, after line 11, insert the following:

"(3) Nothing in this section requires the department or any other state agency to breach an existing contract or dispose of stock that has been ordered or is in the possession of the department or other state agency as of the effective date of this section." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Billig moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6086.

Senators Billig and Ericksen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Billig that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6086.

The motion by Senator Billig carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6086 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6086, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6086, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE BILL NO. 6086, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 10, 2014

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 6283. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 6283-S AMH CODY MORI 097, and passed the bill as amended by the House.

On page 3, beginning on line 26 of the striking amendment, after "testing" strike all material through "department" on line 28 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6283 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6283 and ask the House to recede therefrom.

The motion by Senator Becker carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6283 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 10, 2014

MR. PRESIDENT:

The Speaker ruled that the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2613 to be beyond scope & object of the bill. The House refuses to concur in said amendment and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Bailey moved that the Senate recede from its position on Substitute House Bill No. 2613 and pass the bill without the Senate amendment(s).

Senators Bailey and Kohl-Welles spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Bailey that the Senate recede from its position on Substitute House Bill No. 2613 and pass the bill without Senate amendment(s).

The motion by Senator Bailey carried and the Senate receded from its position on Substitute House Bill No. 2613 and pass the bill without the Senate amendment(s) by voice vote.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2613 without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2613, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE HOUSE BILL NO. 2613, without the Senate amendment(s), having received the constitutional majority, was

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Belle Eliason, Mt. Rainer High School (Des Moines) senior and honorary Assistant President of the day who was seated at the rostrum and recognized by the Senate.

MESSAGE FROM THE HOUSE

March 5, 2014

MR. PRESIDENT:

The House passed SENATE BILL NO. 6141 with the following amendment(s): 6141 AMH GOE H4366.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 81.77 RCW to read as follows:

Records, subject to chapter 42.56 RCW, filed with the commission or the attorney general from any person that contain valuable commercial information, including trade secrets or confidential marketing, cost, or financial information, or customer-specific usage information, are not subject to inspection or copying under chapter 42.56 RCW: (1) Until notice to the person or persons directly affected has been given; and (2) if, within ten days of the notice, the person has obtained a superior court order protecting the records as confidential. The court must determine that the records are confidential and not subject to inspection and copying if disclosure is likely to result in private loss, including an unfair competitive disadvantage, and is not necessary for further public review and comment on the appropriate allocation of costs and revenues. When providing information to the commission or the attorney general, a person shall designate which records or portions of records contain valuable commercial information. Nothing in this section prevents the use of protective orders by the commission governing disclosure of proprietary or confidential information in contested proceedings.

Sec. 2. RCW 42.56.330 and 2012 c 68 s 4 are each amended to read as follows:

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

(1) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 or section 1 of this act that a court has determined are confidential under RCW 80.04.095 or section 1 of this act;

(2) The residential addresses and residential telephone numbers of the customers of a public utility identifiable records held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order;

(3) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service; however, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides;

(4) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons;

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(5) The personally identifying information of persons who acquire and use transit passes or other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose personally identifying information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud, or to the news media when reporting on public transportation or public safety. As used in this subsection, "personally identifying information" includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.

(a) Information regarding the acquisition or use of transit passes or fare payment media may be disclosed in aggregate form if the data does not contain any personally identifying information.

(b) Personally identifying information may be released to law enforcement agencies if the request is accompanied by a court order;

(6) Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer; however, the information may be given to other governmental agencies or the owners of the truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW 81.80.010;

(7) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; and

(8) The personally identifying information of persons who acquire and use a driver's license or identicaid that includes a radio frequency identification chip or similar technology to facilitate border crossing. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only for United States customs and border protection enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment(s) to Senate Bill No. 6141.

Senator Roach spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment(s) to Senate Bill No. 6141.

The motion by Senator Roach carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6141 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6141, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6141, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SENATE BILL NO. 6141, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5173 with the following amendment(s): 5173-S AMH JUDI H4435.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 1.16.050 and 2013 c 5 s 1 are each amended to read as follows:

The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.; the third Monday of February to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington; the last Monday of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day; the fourth Thursday in November, to be known as Thanksgiving Day; the day immediately following Thanksgiving Day; and the twenty-fifth day of December, commonly called Christmas Day.

Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, shall be entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for herein after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

Employees of the state and its political subdivisions, including employees of school districts and those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination,

church, or religious organization. This includes employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs. The employee may select the days on which the employee desires to take the two unpaid holidays after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority. If an employee prefers to take the two unpaid holidays on specific days for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, the employer must allow the employee to do so unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. Undue hardship shall have the meaning established in rule by the office of financial management under section 2 of this act.

If any of the above specified state legal holidays are also federal legal holidays but observed on different dates, only the state legal holidays shall be recognized as a paid legal holiday for employees of the state and its political subdivisions except that for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday, but in no case both, may be recognized as a paid legal holiday for employees.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be the legal holiday.

Whenever any legal holiday falls upon a Saturday, the preceding Friday shall be the legal holiday.

Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

The legislature declares that the thirteenth day of January shall be recognized as Korean-American day but shall not be considered a legal holiday for any purposes.

The legislature declares that the twelfth day of October shall be recognized as Columbus day but shall not be considered a legal holiday for any purposes.

The legislature declares that the ninth day of April shall be recognized as former prisoner of war recognition day but shall not be considered a legal holiday for any purposes.

The legislature declares that the twenty-sixth day of January shall be recognized as Washington army and air national guard day but shall not be considered a legal holiday for any purposes.

The legislature declares that the seventh day of August shall be recognized as purple heart recipient recognition day but shall not be considered a legal holiday for any purposes.

The legislature declares that the second Sunday in October be recognized as Washington state children's day but shall not be considered a legal holiday for any purposes.

The legislature declares that the sixteenth day of April shall be recognized as Mother Joseph day and the fourth day of September as Marcus Whitman day, but neither shall be considered legal holidays for any purpose.

The legislature declares that the seventh day of December be recognized as Pearl Harbor remembrance day but shall not be considered a legal holiday for any purpose.

The legislature declares that the twenty-seventh day of July be recognized as national Korean war veterans armistice day but shall not be considered a legal holiday for any purpose.

The legislature declares that the nineteenth day of February be recognized as civil liberties day of remembrance but shall not be considered a legal holiday for any purpose.

The legislature declares that the nineteenth day of June be recognized as Juneteenth, a day of remembrance for the day the

slaves learned of their freedom, but shall not be considered a legal holiday for any purpose.

The legislature declares that the thirtieth day of March be recognized as welcome home Vietnam veterans day but shall not be considered a legal holiday for any purpose.

NEW SECTION. Sec. 2. A new section is added to chapter 43.41 RCW to read as follows:

The director of the office of financial management shall by rule establish a definition of "undue hardship" for the purposes of RCW 1.16.050.

Sec. 3. RCW 28A.225.010 and 1998 c 244 s 14 are each amended to read as follows:

(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section;

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220; ((or))

(e) The child is excused from school subject to approval by the student's parent for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, for up to two days per school year without any penalty. Such absences may not mandate school closures. Students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and may not affect school district compliance with the provisions of RCW 28A.150.220; or

(f) The child is sixteen years of age or older and:

(i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

(ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.

(4) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and

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supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational- technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.10 RCW to read as follows:

Institutions of higher education must develop policies to accommodate student absences for up to two days per academic year, to allow students to take holidays for reasons of faith or conscience or for organized activities conducted under the auspices of a religious denomination, church, or religious organization, so that students' grades are not adversely impacted by the absences.

NEW SECTION. Sec. 5. A new section is added to chapter 28C.18 RCW to read as follows:

State-funded workforce training programs must develop policies to accommodate student absences for up to two days per academic year, to allow students to take holidays for reasons of faith or conscience or for organized activities conducted under the auspices of a religious denomination, church, or religious organization, so that students' grades are not adversely impacted by the absences."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hasegawa moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5173.

Senators Hasegawa, Baumgartner, Frockt, Dansel, Kline and Roach spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hasegawa that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5173.

The motion by Senator Hasegawa carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5173 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5173, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5173, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE BILL NO. 5173, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

MOTION

Senator Billig moved that the Senate advance to the ninth order of business.

Senator Billig spoke in favor of the motion.
Senator Schoesler spoke against the motion.

Senator Rolfes demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Billig that the Senate advance to the ninth order of business.

The Secretary called the roll on the motion by Senator Billig and the motion failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

SECOND READING

SENATE BILL NO. 6430, by Senators Liias, Fain, Hobbs, Litzow, Eide, Dammeier, McAuliffe, Baumgartner, Cleveland, Angel and Ericksen

Extending tax preferences for high-technology research and development.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 6430 was substituted for Senate Bill No. 6430 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

On page 2, line 12, after "program", strike "," and insert "(=)"

On page 2, line 12, after "jobs", insert "have increased in Washington state by ten percent"

On page 2, line 14, after "development", strike ", have increased" and insert "(=,have increased)"

On page 3, line 23, after "(3)" insert "(a)"

On page 3, line 28, insert "(b) The credit may not be assigned to persons domiciled outside of Washington state or for research and development conducted by persons outside of Washington state."

On page 4, line 23, after "including" insert "qualifying"

On page 4, line 34, insert "(d) "Qualifying wages" means wages for full time employees who perform research and development. Any employee performing research and development who is hired after the effective date of this section must be a Washington resident."

On page 5, line 33, after "program", strike "," and insert "(=)"

On page 5, line 33, after "jobs", insert "have increased in Washington state by ten percent"

On page 5, line 35, after "development", strike ", have increased" and insert "(=,have increased)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Hasegawa and Chase spoke in favor of adoption of the amendment.

Senators Liias and Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 2, line 12 to Substitute Senate Bill No. 6430.

The motion by Senator Hasegawa failed and the amendment was not adopted by voice vote.

MOTION

Senator Liias moved that the following striking amendment by Senators Liias and Hill be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This section is the tax preference performance statement for the tax credit and tax deferral contained in sections 2 and 3 of this act. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes these tax preferences as intended to improve industry competitiveness and create or retain jobs, as indicated in RCW 82.32.808(2) (b) and (c).

(2) It is the legislature's specific public policy objective to improve industry competitiveness and create or retain more jobs. It is the legislature's intent to provide a business and occupation tax credit for high-technology companies performing research and development and a sales and use tax deferral for certain construction and equipment purchases for new and expanding high-technology companies conducting research and development in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, or environmental technology, in order to reduce the business costs of performing research and development in specified areas and to reduce the cost of certain construction and equipment purchases used for research and development, thereby encouraging investments in research and development, thereby increasing the number of firms in the industry performing research and development activities, thereby increasing the number of jobs performing research and development in the high-technology industry.

(3) If a review finds that the number of businesses participating in the credit and deferral programs, and the overall number of jobs for businesses participating in the credit and deferral programs performing research and development, have increased compared to the number at the time of enactment, then the legislature intends to extend the expiration date of the tax preferences.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the joint legislative audit and review committee may refer to: (a) Employment data available from the employment security department; and (b) the North American industrial code system (NAICS) from the department of revenue.

Sec. 2. RCW 82.04.4452 and 2010 c 114 s 114 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for each person whose research and development spending during the year in which the credit is claimed exceeds 0.92 percent of the person's taxable amount during the same calendar year.

(2) The credit is calculated as follows:

(a) Determine the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development;

(b) Subtract 0.92 percent of the person's taxable amount from the amount determined under (a) of this subsection;

(c) Multiply the amount determined under (b) of this subsection by the following:

(i) For the period June 10, 2004, through December 31, 2006, the person's average tax rate for the calendar year for which the credit is claimed;

(ii) For the calendar year ending December 31, 2007, the greater of the person's average tax rate for that calendar year or 0.75 percent;

(iii) For the calendar year ending December 31, 2008, the greater of the person's average tax rate for that calendar year or 1.0 percent;

(iv) For the calendar year ending December 31, 2009, the greater of the person's average tax rate for that calendar year or 1.25 percent;

(v) For the calendar year ending December 31, 2010, and thereafter, 1.50 percent.

For purposes of calculating the credit, if a person's reporting period is less than annual, the person may use an estimated average tax rate for the calendar year for which the credit is claimed by using the person's average tax rate for each reporting period. A person who uses an estimated average tax rate must make an adjustment to the total credit claimed for the calendar year using the person's actual average tax rate for the calendar year when the person files its last return for the calendar year for which the credit is claimed.

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(3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development.

(4) The credit, including any credit assigned to a person under subsection (3) of this section, must be claimed against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year may not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year.

(5) For any person claiming the credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year or who is otherwise ineligible, the department must declare the taxes against which the credit was claimed to be immediately due and payable. The department must assess interest, but not penalties, on the taxes against which the credit was claimed. Interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and accrues until the taxes against which the credit was claimed are repaid. Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be claimed by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section.

(6) A person claiming the credit provided in this section must file a complete annual survey with the department under RCW 82.32.585.

(7) For the purpose of this section:

(a) "Average tax rate" means a person's total tax liability under this chapter for the calendar year for which the credit is claimed divided by the taxpayer's total taxable amount under this chapter for the calendar year for which the credit is claimed.

(b) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property.

(c) "Qualified research and development" (~~shall have~~) has the same meaning as in RCW 82.63.010.

(d) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development.

(e) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns for the calendar year for which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440.

(8) This section expires (~~January~~) October 1, 2015.

Sec. 3. RCW 82.63.030 and 2008 c 15 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department (~~shall~~) must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project.

(2) No certificate may be issued for an investment project that has already received a deferral under chapter 82.60 RCW or this chapter, except that an investment project for qualified research and development that has already received a deferral may also receive an additional deferral certificate for adapting the investment project for use in pilot scale manufacturing.

(3) This section (~~shall~~) expires (~~January~~) October 1, 2015.

NEW SECTION. Sec. 4. (1) The high-technology research and development investment work group is established. The work group consists of the following members:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The director of the department of commerce who must serve as chair of the work group;

(d) The director of the department of revenue or his or her designee;

(e) The presidents of the University of Washington and Washington State University or their designees;

(f)(i) One representative from each of the following industries appointed by the governor:

(A) Advanced computing;

(B) Advanced materials;

(C) Biotechnology;

(D) Electronic device technology; and

(E) Environmental technology.

(ii) A statewide organization representing each of the industries listed in this subsection (1)(f) must submit a list of three names to the governor. The governor must make each appointment from each list submitted or request the statewide organization to submit a new list with up to three additional names.

(2)(a) The work group must develop recommendations for the legislature to improve the competitiveness of the high-technology research and development industry through investment strategies that keep the state's tax incentives competitive and support the ongoing development of a highly trained workforce. At minimum, the recommendations must include provisions addressing the following:

(i) Ways to better align the technology transformation, research, and high-demand degree production activities of higher education institutions with industry spending to bolster increased development of a high-technology industry within the state, including:

(A) Developing and integrating technology in new or enhanced products and services, and launching those products and services in sustainable businesses in Washington state;

(B) Expanding the high-technology research and development activities at higher education institutions in a manner that will support the development and commercialization of technology into new products, processes, applications, materials, or services; and

(C) Expanding and improving the high-demand degree programs offered at higher education institutions in a manner that supports increased numbers and efficiency of high-demand degrees produced.

(ii) The design, size, and scope of high-technology research and development tax preference programs after October 1, 2015.

(b) In developing these recommendations, the work group must examine current resources devoted to high-technology research and development tax preferences and determine the best mix of funding to keep the state's high-technology research and development industry competitive and to provide a highly trained workforce to support the industry.

(c) The work group must submit its proposal to the governor and fiscal committees of the legislature by December 1, 2014.

(3) This section expires January 1, 2015.

Sec. 5. RCW 82.08.02565 and 2011 c 23 s 2 are each amended to read as follows:

(1)(a) The tax levied by RCW 82.08.020 does not apply to sales to a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation, to sales to a person engaged in testing for a manufacturer or processor for hire of machinery and equipment used directly in a testing operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment.

(b) Sellers making tax-exempt sales under this section must obtain from the purchaser an exemption certificate in a form and manner prescribed by the department by rule. The seller must retain a copy of the certificate for the seller's files.

(2) For purposes of this section and RCW 82.12.02565:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities, and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts. "Machinery and equipment" includes pollution control equipment installed and used in a manufacturing operation, testing operation, or research and development operation to prevent air pollution, water pollution, or contamination that might otherwise result from the manufacturing operation, testing operation, or research and development operation. "Machinery and equipment" also includes digital goods.

(b) "Machinery and equipment" does not include:

- (i) Hand-powered tools;
- (ii) Property with a useful life of less than one year;
- (iii) Buildings, other than machinery and equipment that is permanently affixed to or becomes a physical part of a building; and
- (iv) Building fixtures that are not integral to the manufacturing operation, testing operation, or research and development operation that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) Machinery and equipment is "used directly" in a manufacturing operation, testing operation, or research and development operation if the machinery and equipment:

- (i) Acts upon or interacts with an item of tangible personal property;
- (ii) Conveys, transports, handles, or temporarily stores an item of tangible personal property at the manufacturing site or testing site;
- (iii) Controls, guides, measures, verifies, aligns, regulates, or tests tangible personal property at the site or away from the site;
- (iv) Provides physical support for or access to tangible personal property;
- (v) Produces power for, or lubricates machinery and equipment;
- (vi) Produces another item of tangible personal property for use in the manufacturing operation, testing operation, or research and development operation;
- (vii) Places tangible personal property in the container, package, or wrapping in which the tangible personal property is normally sold or transported; or
- (viii) Is integral to research and development as defined in RCW 82.63.010.

(d) "Manufacturer" means a person that qualifies as a manufacturer under RCW 82.04.110. "Manufacturer" also includes a person that prints newspapers or other materials.

(e) "Manufacturing" means only those activities that come within the definition of "to manufacture" in RCW 82.04.120 and are taxed as manufacturing or processing for hire under chapter 82.04 RCW, or would be taxed as such if such activity were conducted in this state or if not for an exemption or deduction. "Manufacturing" also includes printing newspapers or other materials. An activity is

not taxed as manufacturing or processing for hire under chapter 82.04 RCW if the activity is within the purview of chapter 82.16 RCW.

(f) "Manufacturing operation" means the manufacturing of articles, substances, or commodities for sale as tangible personal property. A manufacturing operation begins at the point where the raw materials enter the manufacturing site and ends at the point where the processed material leaves the manufacturing site. With respect to the production of class A or exceptional quality biosolids by a wastewater treatment facility, the manufacturing operation begins at the point where class B biosolids undergo additional processing to achieve class A or exceptional quality standards. Notwithstanding anything to the contrary in this section, the term also includes that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. The term does not include the preparation of food products on the premises of a person selling food products at retail.

(g) "Cogeneration" means the simultaneous generation of electrical energy and low-grade heat from the same fuel.

(h) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010 by a manufacturer or processor for hire, if the research and development is integral to the buyer's development of prewritten computer software for sale as a product or a service described in RCW 82.04.050(6)(b), or the buyer's manufacturing operation. For purposes of this section and RCW 82.12.02565, persons engaged in the development of prewritten computer software that is not transferred to purchasers by means of a tangible storage media are deemed to be manufacturers.

(i) "Testing" means activities performed to establish or determine the properties, qualities, and limitations of tangible personal property.

(j) "Testing operation" means the testing of tangible personal property for a manufacturer or processor for hire. A testing operation begins at the point where the tangible personal property enters the testing site and ends at the point where the tangible personal property leaves the testing site. The term also includes the testing of tangible personal property for use in that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. The term does not include the testing of tangible personal property for use in the production of electricity by a light and power business as defined in RCW 82.16.010 or the preparation of food products on the premises of a person selling food products at retail.

(3) It is the intent of the legislature that this tax preference is being amended to correct a technical inconsistency, and these corrections are not intended to create a new or expanded tax preference under RCW 82.32.805."

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa to the striking amendment be adopted:

On page 1, line 29, after "programs" strike "," and insert "(;)"

On page 1, line 29, after "jobs" insert "have increased in Washington state by ten percent"

On page 2, line 1, after "development" strike ", have increased" and insert "~~(;have increased)~~"

On page 3, line 7, after "(3)" insert "(a)"

On page 3, beginning on line 12, insert "(b) The credit may not be assigned to persons domiciled outside of Washington state or for research and development conducted by persons outside of Washington state."

On page 4, line 6, after "including" insert "qualifying"

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On page 4, beginning on line 17, insert "(d) "Qualifying wages" means wages for full time employees who perform research and development. Any employee performing research and development who is hired after the effective date of this section must be a Washington resident."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Hasegawa spoke in favor of adoption of the amendment to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 1, line 29 to the striking amendment to Substitute Senate Bill No. 6430.

The motion by Senator Hasegawa failed and the amendment to the striking amendment was not adopted by voice vote.

Senator Liias spoke in favor of adoption of the striking amendment.

Senator Chase spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Liias and Hill to Substitute Senate Bill No. 6430.

The motion by Senator Liias carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "development;" strike the remainder of the title and insert "amending RCW 82.04.4452, 82.63.030, and 82.08.02565; creating new sections; and providing expiration dates."

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 6430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Hill spoke in favor of passage of the bill.

Senators Chase, Hasegawa, Nelson, Rolfes, McAuliffe and McCoy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6430.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6430 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Dansel, Eide, Ericksen, Fain, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kohl-Welles, Liias, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Conway, Darneille, Fraser, Hasegawa, Keiser, Kline, McAuliffe, McCoy, Nelson, Pedersen, Ranker and Rolfes

ENGROSSED SUBSTITUTE SENATE BILL NO. 6430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6478, by Senators Hill and Hargrove

Streamlining forest and fish agreement-related programs providing funding with accountability.

MOTION

On motion of Senator Hill, Substitute Senate Bill No. 6478 was substituted for Senate Bill No. 6478 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hill moved that the following amendment by Senator Hill be adopted:

On page 11, line 8, after "up to" strike "one" and insert "two"

On page 11, line 11, after "section." insert "All funds for the reviews required in subsection (4) of this section must be spent out of the forest and fish support account created in RCW 76.09.405."

On page 11, line 13, after "no later than" strike "October" and insert "July"

On page 11, at the beginning of line 14, strike "2016" and insert "2017"

Senator Hill spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hill on page 11, line 8 to Substitute Senate Bill No. 6478.

The motion by Senator Hill carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed Substitute Senate Bill No. 6478 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Hargrove and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6478.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6478 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson,

O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers,
Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 6478,
having received the constitutional majority, was declared passed.
There being no objection, the title of the bill was ordered to stand
as the title of the act.

MOTION

At 3:38 p.m., on motion of Senator Fain, the Senate adjourned
until 9:00 a.m. Wednesday, March 12, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTY NINTH DAY

MORNING SESSION

March 11, 2014

Senate Chamber, Olympia, Wednesday, March 12, 2014

The Senate was called to order at 9:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Hargrove and Ranker.

The Sergeant at Arms Color Guard consisting of Pages Avery Noland and Ahrif McKee, presented the Colors. Prosper Ndabishuriye from Bujumbura, Burundi offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 11, 2014

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2493,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2519,
 SECOND SUBSTITUTE HOUSE BILL NO. 2616,
 ENGROSSED HOUSE BILL NO. 2789,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 2014

MR. PRESIDENT:

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2519 and passed the bill as amended by the Senate. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 2014

MR. PRESIDENT:

The House has passed:
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6570,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 6129 and passed the bill without the House amendment. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 2014

MR. PRESIDENT:

The House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5045 and passed the bill without the House amendment. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 2014

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117,
 SECOND SUBSTITUTE HOUSE BILL NO. 1651,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2580,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626,
 SECOND SUBSTITUTE HOUSE BILL NO. 2627,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 2014

MR. PRESIDENT:

The Speaker has signed:
 SENATE BILL NO. 5310,
 SUBSTITUTE SENATE BILL NO. 5360,
 SENATE BILL NO. 5956,
 SECOND SUBSTITUTE SENATE BILL NO. 5958,
 ENGROSSED SENATE BILL NO. 5964,
 SUBSTITUTE SENATE BILL NO. 5969,
 SENATE BILL NO. 5999,
 SENATE BILL NO. 6035,
 SUBSTITUTE SENATE BILL NO. 6046,
 SUBSTITUTE SENATE BILL NO. 6074,
 SENATE BILL NO. 6093,
 SENATE BILL NO. 6115,
 SUBSTITUTE SENATE BILL NO. 6124,
 SENATE BILL NO. 6201,
 SUBSTITUTE SENATE BILL NO. 6216,
 SENATE BILL NO. 6219,
 SUBSTITUTE SENATE BILL NO. 6226,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6272,
 SUBSTITUTE SENATE BILL NO. 6273,

SENATE BILL NO. 6284,
 SENATE BILL NO. 6321,
 SENATE BILL NO. 6328,
 SUBSTITUTE SENATE BILL NO. 6333,
 SENATE BILL NO. 6405,
 SUBSTITUTE SENATE BILL NO. 6442,
 SUBSTITUTE SENATE BILL NO. 6446,
 SENATE BILL NO. 6514,
 SENATE BILL NO. 6522,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8007,
 SENATE CONCURRENT RESOLUTION NO. 8409,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 2014

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1254,
 SUBSTITUTE HOUSE BILL NO. 1292,
 HOUSE BILL NO. 1360,
 SUBSTITUTE HOUSE BILL NO. 1669,
 HOUSE BILL NO. 1724,
 SECOND SUBSTITUTE HOUSE BILL NO. 1773,
 HOUSE BILL NO. 2099,
 SUBSTITUTE HOUSE BILL NO. 2102,
 HOUSE BILL NO. 2115,
 SUBSTITUTE HOUSE BILL NO. 2125,
 HOUSE BILL NO. 2130,
 SUBSTITUTE HOUSE BILL NO. 2146,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2155,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,
 SUBSTITUTE HOUSE BILL NO. 2171,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2246,
 HOUSE BILL NO. 2276,
 HOUSE BILL NO. 2296,
 SUBSTITUTE HOUSE BILL NO. 2310,
 SUBSTITUTE HOUSE BILL NO. 2318,
 HOUSE BILL NO. 2359,
 SUBSTITUTE HOUSE BILL NO. 2363,
 HOUSE BILL NO. 2398,
 SUBSTITUTE HOUSE BILL NO. 2430,
 SUBSTITUTE HOUSE BILL NO. 2433,
 SUBSTITUTE HOUSE BILL NO. 2454,
 HOUSE BILL NO. 2575,
 HOUSE BILL NO. 2700,
 HOUSE BILL NO. 2708,
 HOUSE BILL NO. 2723,
 SUBSTITUTE HOUSE BILL NO. 2739,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6583 by Senator Baumgartner

AN ACT Relating to intercollegiate sports; adding a new section to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 6584 by Senators Mullet, Frockt, Hobbs and Liias

AN ACT Relating to authorized health care providers prescribing epinephrine autoinjectors in the name of authorized entities; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

The President assumed the chair.

MOTION

Senator O'Ban moved adoption of the following resolution:

SENATE RESOLUTION
8713

By Senators O'Ban, Nelson, Mullet, Dammeier, Hasegawa, Fraser, Conway, Darneille, Hatfield, Eide, Billig, Hewitt, Holmquist Newbry, Honeyford, Kohl-Welles, McCoy, Roach, Cleveland, Keiser, Chase, Schoesler, Rolfes, Rivers, Parlette, Brown, Braun, Ericksen, Liias, Frockt, Pedersen, Angel, King, Hobbs, and Padden

WHEREAS, Medal of Honor and Purple Heart recipient, Staff Sergeant Ty Michael Carter, began his distinguished military career by enlisting in the United States Marine Corps in October 1998; and

WHEREAS, In January 2008, Sergeant Ty Michael Carter continued his military service by enlisting in the United States Army as a cavalry scout, receiving his training at Fort Knox, Kentucky; and

WHEREAS, Beginning in May 2009, Sergeant Carter spent a year stationed in Afghanistan as a soldier in the 3rd Squadron, 61st Cavalry Regiment, 4th Infantry Division; and

WHEREAS, On October 3, 2009, while serving in the Kamdesh district of the Nuristan Province, Sergeant Carter was forced to think on his feet while responding to a barrage of enemy fire, making difficult decisions while under attack during the Battle of Kamdesh; and

WHEREAS, During the attack, more than 300 enemy combatants opened fire, prompting Sergeant Carter to move 100 meters across open ground from his station to a Humvee located at the south battle position, then turn around and run back to retrieve machine gun oil and ammunition and — once more — traverse the distance to gain access to additional supplies; and

WHEREAS, Despite sustaining wounds and facing incalculable odds against hundreds of enemy fighters, Sergeant Carter returned fire using his excellent marksmanship skills to force out the

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individuals who continued to attack Sergeant Carter and his squadron; and

WHEREAS, Sergeant Carter skillfully maneuvered under the camp's perimeter fence to retrieve additional weapons and ammunition to bring back to his station, then traveled an additional 30 meters to help treat the wounds of a fallen soldier and carry him back to the Humvee. During the remainder of the battle, which lasted late into the evening, Sergeant Carter remained calm through the extreme stress of discovering the bodies of fallen soldiers, while searching for a radio in order to signal for help, and finally returning to the Humvee to seek cover; and

WHEREAS, With the assistance of a fellow soldier, Sergeant Carter carried a wounded soldier a 100-meter distance to a first-aid station and helped to keep his comrade alive until reinforcements arrived to assist in evacuation efforts; and

WHEREAS, As a result of his bravery, Sergeant Carter was awarded the Medal of Honor on August 26, 2013, and was instated into the Pentagon Hall of Heroes on August 27th; and

WHEREAS, Sergeant Carter was stationed at Joint Base Lewis-McChord, in his home state of Washington, in October 2010, becoming assigned to the position of Stryker gunner with the 8th Squadron, 1st Cavalry Regiment, 2nd Stryker Combat Team, 2nd Infantry Division. Sergeant Carter received a second deployment to Afghanistan in October 2012, before returning to Joint Base Lewis-McChord where he continues to serve today; and

WHEREAS, In addition to displays of heroism and gallantry in the United States Army, Sergeant Carter has worked with dedication and a profound sense of hope toward providing further understanding of Posttraumatic Stress Disorder and is working toward greater public understanding of the condition in honor of those who fought bravely in the military and face PTSD-related issues every day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate offer its sincere gratitude and appreciation to Medal of Honor recipient, Staff Sergeant Ty Michael Carter, who bravely risked his life and fought with unwavering gallantry and fortitude, and give him thanks for his continued service and dedication to the United States of America; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to United States Army Staff Sergeant Ty Michael Carter.

Senators O'Ban and Hobbs spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8713.

The motion by Senator O'Ban carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Staff Sergeant Ty Michael Carter, 7th Infantry Division, Joint Base Lewis-McChord, U. S. Army who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Staff Sgt. Carter to address the Senate.

REMARKS BY STAFF SERGEANT TY MICHAEL CARTER

Staff Sgt. Ty Michael Carter: "Thank you. Well, I appreciate the kind words of the two gentlemen that spoke today and I thank everyone here for allowing myself and of course my comrades to show up. I am still active duty and because I can't really carry a rifle anymore one of my primary goals has been to educate not only the services but the American people on the unseen wounds

of war. Part of that is also removing the stigma from the military and of course any type of organization that would see somebody seeking help for difficulties in their life as a weakness. What I try to do is remove that. One of the things that has been a big deal for me is, in the education is removing the 'D' from post-traumatic stress disorder. And when I normally speak about it I comment that post-traumatic stress is an instinctive reflexive reaction of our body and mind to recall the traumatic incident so you can avoid repeating it. And the simple fact is the most common form of post-traumatic stress is a car accident. So, it's not a soldier thing, it's not a man thing, it's not a woman thing, it's a people thing. The sooner we understand this the sooner we can allow ourselves to believe it is okay to talk to a friend, talk to a family member, talk to a professional, if we are having difficulty in our lives. The sooner we can get this into our heads and educate ourselves and everybody around us the sooner we can reduce the possibility of suicide, we can increase the product ability of our professional organization, be it the military or a corporation and the sooner we can all actually improve the quality of life of our own lives. So, I'm actually asking in a way that anytime you hear about the post-traumatic stress being a disorder or anytime you see somebody that may need assistance, speak up about it and hopefully we can change the way that not only our services see what's going but also the entire United State of America. So, for that I say thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Captain R. Cynthia Maluta, 7th Infantry Division., Joint Base Lewis-McChord; U. S. Army; Sergeant First Class Chad Smith, 7th Infantry Division, Joint Base Lewis-McChord, U. S. Army; and Ms. Alfie Alvarado-Ramos, Director, Washington State Department of Veteran Affairs who were present in the gallery and recognized by the Senate.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Elizabeth Chen, Gubernatorial Appointment No. 9251, be confirmed as a member of the State Board for Community and Technical Colleges.

Senators Bailey and Keiser spoke in favor of passage of the motion.

MOTION

On motion of Senator Billig, Senators Hargrove and Ranker were excused.

APPOINTMENT OF ELIZABETH CHEN

The President declared the question before the Senate to be the confirmation of Elizabeth Chen, Gubernatorial Appointment No. 9251, as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Elizabeth Chen, Gubernatorial Appointment No. 9251, as a member of the

State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Hargrove and Ranker

Elizabeth Chen, Gubernatorial Appointment No. 9251, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Alberta B Clarkson, Gubernatorial Appointment No. 9253, be confirmed as a member of the Board of Trustees, South Puget Sound Community College District No. 24.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF ALBERTA B CLARKSON

The President declared the question before the Senate to be the confirmation of Alberta B Clarkson, Gubernatorial Appointment No. 9253, as a member of the Board of Trustees, South Puget Sound Community College District No. 24.

The Secretary called the roll on the confirmation of Alberta B Clarkson, Gubernatorial Appointment No. 9253, as a member of the Board of Trustees, South Puget Sound Community College District No. 24 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Hargrove and Ranker

Alberta B Clarkson, Gubernatorial Appointment No. 9253, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, South Puget Sound Community College District No. 24.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Carmen W Gayton, Gubernatorial Appointment No. 9268, be confirmed as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

Senator Kohl-Welles spoke in favor of the motion.

APPOINTMENT OF CARMEN W GAYTON

The President declared the question before the Senate to be the confirmation of Carmen W Gayton, Gubernatorial Appointment No. 9268, as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Carmen W Gayton, Gubernatorial Appointment No. 9268, as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Hargrove and Ranker

Carmen W Gayton, Gubernatorial Appointment No. 9268, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle, and North Seattle Community Colleges District No. 6.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Anne Hamilton, Gubernatorial Appointment No. 9271, be confirmed as a member of the Board of Trustees, Lake Washington Institute of Technology Technical College District No. 26.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF ANNE HAMILTON

The President declared the question before the Senate to be the confirmation of Anne Hamilton, Gubernatorial Appointment No. 9271, as a member of the Board of Trustees, Lake Washington Institute of Technology Technical College District No. 26.

The Secretary called the roll on the confirmation of Anne Hamilton, Gubernatorial Appointment No. 9271, as a member of the Board of Trustees, Lake Washington Institute of Technology Technical College District No. 26 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Hargrove and Ranker

Anne Hamilton, Gubernatorial Appointment No. 9271, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lake Washington Institute of Technology Technical College District No. 26.

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SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SUBSTITUTE HOUSE BILL NO. 1254,
- SUBSTITUTE HOUSE BILL NO. 1292,
- HOUSE BILL NO. 1360,
- SUBSTITUTE HOUSE BILL NO. 1669,
- HOUSE BILL NO. 1724,
- SECOND SUBSTITUTE HOUSE BILL NO. 1773,
- HOUSE BILL NO. 2099,
- SUBSTITUTE HOUSE BILL NO. 2102,
- HOUSE BILL NO. 2115,
- SUBSTITUTE HOUSE BILL NO. 2125,
- HOUSE BILL NO. 2130,
- SUBSTITUTE HOUSE BILL NO. 2146,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2155,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,
- SUBSTITUTE HOUSE BILL NO. 2171,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2246,
- HOUSE BILL NO. 2276,
- HOUSE BILL NO. 2296,
- SUBSTITUTE HOUSE BILL NO. 2310,
- SUBSTITUTE HOUSE BILL NO. 2318,
- HOUSE BILL NO. 2359,
- SUBSTITUTE HOUSE BILL NO. 2363,
- HOUSE BILL NO. 2398,
- SUBSTITUTE HOUSE BILL NO. 2430,
- SUBSTITUTE HOUSE BILL NO. 2433,
- SUBSTITUTE HOUSE BILL NO. 2454,
- HOUSE BILL NO. 2575,
- HOUSE BILL NO. 2700,
- HOUSE BILL NO. 2708,
- HOUSE BILL NO. 2723,
- SUBSTITUTE HOUSE BILL NO. 2739.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SECOND SUBSTITUTE SENATE BILL NO. 5064,
- SENATE BILL NO. 5141,
- SENATE BILL NO. 5775,
- SUBSTITUTE SENATE BILL NO. 5859,
- SUBSTITUTE SENATE BILL NO. 5977,
- SUBSTITUTE SENATE BILL NO. 6014,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6016,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6041,
- SUBSTITUTE SENATE BILL NO. 6054,
- SUBSTITUTE SENATE BILL NO. 6095,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6126,
- SENATE BILL NO. 6128,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6137,
- SUBSTITUTE SENATE BILL NO. 6145,
- SECOND SUBSTITUTE SENATE BILL NO. 6163,
- SUBSTITUTE SENATE BILL NO. 6199,
- SENATE BILL NO. 6208,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6228,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6242,
- SUBSTITUTE SENATE BILL NO. 6279,

- SENATE BILL NO. 6413,
- SENATE BILL NO. 6415,
- SENATE BILL NO. 6424,
- SUBSTITUTE SENATE BILL NO. 6431,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6436,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6479,
- ENGROSSED SENATE BILL NO. 6501,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6517,
- ENGROSSED SENATE BILL NO. 6553.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- ENGROSSED SENATE BILL NO. 5048,
- SUBSTITUTE SENATE BILL NO. 5467,
- SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,
- ENGROSSED SENATE BILL NO. 6031,
- ENGROSSED SENATE BILL NO. 6034,
- SECOND SUBSTITUTE SENATE BILL NO. 6062,
- SENATE BILL NO. 6065,
- SECOND SUBSTITUTE SENATE BILL NO. 6330,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6511.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Conway moved that Mary B Moss, Gubernatorial Appointment No. 9299, be confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

Senator Conway spoke in favor of the motion.

APPOINTMENT OF MARY B MOSS

The President declared the question before the Senate to be the confirmation of Mary B Moss, Gubernatorial Appointment No. 9299, as a member of the Board of Trustees, Clover Park Technical College District No. 29.

The Secretary called the roll on the confirmation of Mary B Moss, Gubernatorial Appointment No. 9299, as a member of the Board of Trustees, Clover Park Technical College District No. 29 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Baumgartner

Excused: Senators Hargrove and Ranker

Mary B Moss, Gubernatorial Appointment No. 9299, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator King moved that Robert Ozuna, Gubernatorial Appointment No. 9303, be confirmed as a member of the Board of Trustees, Yakima Valley Community College District No. 16. Senator King spoke in favor of the motion.

APPOINTMENT OF ROBERT OZUNA

The President declared the question before the Senate to be the confirmation of Robert Ozuna, Gubernatorial Appointment No. 9303, as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

The Secretary called the roll on the confirmation of Robert Ozuna, Gubernatorial Appointment No. 9303, as a member of the Board of Trustees, Yakima Valley Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Hargrove and Ranker

Robert Ozuna, Gubernatorial Appointment No. 9303, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Parlette moved that Philip G Rasmussen, Gubernatorial Appointment No. 9308, be confirmed as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

Senator Parlette spoke in favor of the motion.

APPOINTMENT OF PHILIP G RASMUSSEN

The President declared the question before the Senate to be the confirmation of Philip G Rasmussen, Gubernatorial Appointment No. 9308, as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

The Secretary called the roll on the confirmation of Philip G Rasmussen, Gubernatorial Appointment No. 9308, as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Hill

Excused: Senators Hargrove and Ranker

Philip G Rasmussen, Gubernatorial Appointment No. 9308, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Kiana M Scott, Gubernatorial Appointment No. 9321, be confirmed as a member of the Board of Regents, University of Washington.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF KIANA M SCOTT

The President declared the question before the Senate to be the confirmation of Kiana M Scott, Gubernatorial Appointment No. 9321, as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Kiana M Scott, Gubernatorial Appointment No. 9321, as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Hargrove

Kiana M Scott, Gubernatorial Appointment No. 9321, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

MOTION

At 10:08 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:04 p.m. by the President Pro Tempore, Senator Sheldon presiding.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8695

By Senator Schoesler

WHEREAS, Restless Legs Syndrome is a neurological disorder characterized by unpleasant sensations in the legs and a distressing, irresistible urge to move them; and

WHEREAS, An estimated 10 million adults in the United States—3 percent of our country—and millions of others worldwide have been affected by Restless Legs Syndrome, a disease for which there is no known cure; and

WHEREAS, The diagnostic accuracy of Restless Legs Syndrome is an issue among clinicians; of those meeting the criteria for Restless Legs Syndrome in the Restless Legs Syndrome Epidemiology, Symptoms, and Treatment study, only 6.2 percent of patients received a diagnosis of Restless Legs Syndrome; and

WHEREAS, Symptoms typically include an urge to move the legs caused by uncomfortable and unpleasant sensations in the legs, presenting or worsening in the evening or night, and as daytime symptoms of Restless Legs Syndrome have been established; and

WHEREAS, Restless Legs Syndrome has an impact on sleep, concentration, and work productivity; with 68.6 percent of patients needing more than 30 minutes (generally regarded as pathologic) to initiate sleep and 60.1 percent waking 3 or more times per night; with 49.7 percent of patients reporting that symptoms adversely affect next day concentration; and with patients with moderate-to-severe Restless Legs Syndrome having an overall mean loss of workplace productivity of 1 day per 40-hour work week; and

WHEREAS, Increased awareness and expanded knowledge of the realities of life with Restless Legs Syndrome will allow the community at large to better support people who struggle with the challenges of this condition; and

WHEREAS, The Restless Legs Syndrome Foundation is a nonprofit organization; and

WHEREAS, The Restless Legs Syndrome Foundation and other groups around our country have joined together to promote Restless Legs Syndrome awareness and support—including improved education, diagnosis, research, and treatment; and

WHEREAS, The Restless Legs Syndrome Foundation is urging patients and their supporters, health care providers, and the general public to demonstrate their caring by sharing the road patients walk, the facts about Restless Legs Syndrome, and ever-growing awareness about the etiology of this disorder and treatments; and

WHEREAS, The community's focus on Restless Legs Syndrome and its impact on patients' lives will help give hope for a better future for people with Restless Legs Syndrome;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the needs of these chronically ill people and urge all of our citizens to support the search for a cure and assist those individuals and families who deal with this condition on a daily basis.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8695.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

Senator O'Ban moved adoption of the following resolution:

By Senators O'Ban, Nelson, Mullet, Dammeier, Hasegawa, Fraser, Conway, Darneille, Hatfield, Eide, Billig, Hewitt, Holmquist Newbry, Honeyford, Kohl-Welles, McCoy, Roach, Cleveland, Keiser, Chase, Schoesler, Rolfes, Rivers, Parlette, Brown, Braun, Ericksen, Liias, Frockt, Pedersen, Angel, King, Hobbs, Padden, and Bailey

WHEREAS, For selfless acts and going above and beyond the call of duty, Sergeant Leroy Arthur Petry was awarded the Medal of Honor in 2011; and

WHEREAS, Sergeant Leroy Arthur Petry enlisted in the United States Army in 1999 and remains on active duty. During his time in the military, he has won such prestigious honors as a Purple Heart, the Bronze Star Medal, the Army Good Conduct Medal with four Good Conduct Loops, the Global War on Terrorism Service Medal, and many others for his noble service; and

WHEREAS, Sergeant Leroy Arthur Petry was educated in the military at the Basic Airborne Course, Combat Lifesaver Course, Warrior Leader Course, Jumpmaster Course, Advanced Leader Course, Senior Leader Course, and Combative Level One Course. During his training, Sergeant Petry displayed commitment, loyalty, and expertise in defending the United States of America; and

WHEREAS, Sergeant Petry was stationed at Joint Base Lewis-McChord where he was assigned to the 2nd Battalion, 75th Ranger Regiment, and then undertook eight deployments - two in Iraq during Operation Iraqi Freedom and six in Afghanistan during Operation Enduring Freedom. His positions in the battle included grenadier, squad automatic rifleman, fire-team leader, squad leader, operations sergeant, and weapons squad leader. In total, he spent more than two years deployed in both Iraq and Afghanistan; and

WHEREAS, On May 26, 2008, then Staff Sergeant Petry and his unit were in the Paktia Province of Afghanistan on a mission to capture a target from the Taliban. Sergeant Petry's mission was to serve as a senior noncommissioned officer at that site for the rest of the mission, but after landing at the site, Sergeant Petry's unit came under fire and he was forced to use his instincts and combat skills to fight against members of the Taliban; and

WHEREAS, Despite nearly insurmountable obstacles, Sergeant Petry remained quick on his feet, moving strategically to help clear the courtyard of the building he and his team had been assigned to enter. He and Private First Class Lucas Robinson bravely fought with members of the Taliban and Sergeant Petry was wounded in the legs while Robinson was targeted and fired upon from the side; and

WHEREAS, Continuing to think quickly and displaying acts of courage and heroism, Sergeant Petry helped move PFC Robinson away from the site of the attack until they were joined by Sergeant Daniel Higgins who helped treat their wounds; and

WHEREAS, While Sergeant Petry and the rest of his unit resisted the continued attacks against them, a Taliban fighter threw a grenade at them which detonated just 10 meters from their unit. Sergeant Higgins and PFC Robinson suffered additional wounds from the explosion. Sensing the danger to their fellow soldiers, Staff Sergeant James Roberts and Specialist Christopher Gathercole moved in to assist the members of their unit; and

WHEREAS, As Sergeant Petry's unit attempted to strategize their next move, members of the Taliban seized the opportunity to throw another grenade in their direction. With little regard for his own safety, the courageous and heroic Sergeant Petry moved in, picked up the grenade, and attempted to throw it out of the area where he and his fellow fighters had sought refuge. As Sergeant Petry picked up the grenade, it exploded in his hand; and

WHEREAS, As a result of his acts of valor and heroism and courageously risking his life, Sergeant Petry helped shield his fellow soldiers, saving the lives of his team. His efforts also provided his team with the opportunity to return fire at the enemy fighters while safely withdrawing from the combat area; and

WHEREAS, Sergeant Petry was treated for his wounds at an Army hospital in Germany and later transferred to the Carl R. Darnall Army Medical Center in Fort Hood, Texas. Despite receiving a prosthetic limb to replace his right hand, Sergeant Petry then redeployed to Afghanistan. As a result of his bravery, Sergeant Petry was recommended for the Medal of Honor and later promoted to the rank of Sergeant First Class; and

WHEREAS, Sergeant Petry received the Medal of Honor on July 12, 2011, from President Obama. The following year a statue was built of Sergeant Petry in Pojaque, New Mexico, honoring his sacrifices. Sergeant Petry still has the names of his fallen comrades engraved on his prosthetic hand to honor and remember their dedication and bravery; and

WHEREAS, Sergeant Petry currently resides in Washington State, where he is stationed at Joint Base Lewis-McChord and serves as a liaison officer for United States Special Operations Command's Care Coalition Northwest Region. He works with sick and injured Army Rangers and their families. Sergeant Petry and Staff Sergeant Ty Carter are the only Medal of Honor Recipients still on active duty;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate gratefully pay tribute to Sergeant Petry for his service and sacrifice to the United States of America. He and his fellow soldiers continue to display acts of kindness, bravery, and valor on a daily basis. With sincere thanks and humility, we offer recognition of his fifteen years of service to the United States; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to United States Army Sergeant Leroy Arthur Petry.

Senator O'Ban spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8714.

The motion by Senator O'Ban carried and the resolution was adopted by voice vote.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION 8720

By Senators Kohl-Welles, Pedersen, Frockt, Nelson, Kline, Hasegawa, Fraser, Chase, Bailey, Roach, Hill, Parlette, Brown, Tom, and Keiser

WHEREAS, Washington State is blessed with a vibrant arts and cultural heritage that entertains, challenges, and uplifts our community and helps define Washington's character and attraction; and

WHEREAS, Ben Moore established himself as an outstanding leader and organizer in the arts and cultural community, his genuine passion for the arts and artists and his spirit of camaraderie and continual encouragement influencing over two generations of his colleagues in Washington and across the country; and

WHEREAS, Ben Moore operated Seattle Repertory Theatre with no accumulated deficit in 26 of 27 years as Managing Director and spearheaded an endowment campaign which eventually raised over 15 million dollars, making it one of the most consistently

financially stable arts organizations in the country and allowing it to sustain artistic excellence through challenging economic times, including the Great Recession; and

WHEREAS, Ben Moore also lead Seattle Repertory Theatre through compliance for a National Arts Stabilization grant, two Wallace Foundation grants, and the fund-raising for and construction of the Leo Kreielsheimer Theatre, a \$10 million, 282-seat second theatre space; and

WHEREAS, Under Ben Moore's leadership, the Seattle Repertory Theatre received the Tony Award for Outstanding Regional Theatre, awarded to an arts organization that has displayed a continuous level of artistic achievement contributing to the growth of theatre nationally; and

WHEREAS, Ben Moore has established himself as an exceptional collaborator, having led a consortium of Seattle theatres in producing Peter Brook's *Hamlet*, organized a consortium of five local theatres to develop technological advances in customer relationship management, and been instrumental in the building of the Cultural Resource Collective, a community database that aggregates patrons from more than two dozen arts and cultural organizations; and

WHEREAS, Ben Moore has served two terms on the Washington State Arts Commission and served as the chair of the Seattle Arts Commission, a member of the boards of the Theatre Communications Group and the Seattle Chamber of Commerce, a peer panelist and evaluator for the NEA, and a consultant for The Bush Foundation in Minneapolis. He is also a member of the Executive Committee for the Cultural Access Fund Coalition, and was honored with an award for Outstanding Achievement in the Arts at ArtsFund's 25th Annual Celebration;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commend Ben Moore for his outstanding accomplishments as managing director of the Seattle Repertory Theatre, his contributions to the arts, and his dedication to promoting high ideals and excellence in his community.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8720.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

Senator O'Ban moved adoption of the following resolution:

SENATE RESOLUTION 8721

By Senators O'Ban and Dammeier

WHEREAS, Jermaine Kearshe was born on February 6, 1990, in Lakewood, Washington, and is the only member of the 2013-2014 Seattle Seahawks team to call the great state of Washington home; and

WHEREAS, Jermaine Kearshe attended high school in Lakewood where teacher Darrellene Canada – a self-described nonsports fan who still remembers him fondly – watched the Super Bowl game on Sunday, February 2, 2014, if only to see her former student, Kearshe, make her and his alma mater proud; and

WHEREAS, Kearshe attended the University of Washington – indeed, where else would he attend if he hoped to receive a solid education? – and played for a fine football program; and

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WHEREAS, Because of Jermaine Kearsse's dedication to the game and to his education, working tirelessly to achieve success, he is considered a role model to countless individuals; and

WHEREAS, Jermaine Kearsse was signed by the Seattle Seahawks on April 28, 2012, as a free agent, and since that time has continued to help propel the Seahawks to victory after victory during the 2013-2014 season; and

WHEREAS, Jermaine Kearsse helped lead the Seattle Seahawks to a Super Bowl win by making four catches totaling 65 yards, including a 23-yard catch in the third quarter of the game, in which he cleverly eluded numerous Bronco defenders through a series of brilliant spin moves that made more than a few Broncos look just plain silly; and

WHEREAS, At the young age of 23, Kearsse is already a Super Bowl Champion and he will undoubtedly enjoy a marvelously successful career in the NFL; and

WHEREAS, We celebrate today the success of Lakewood, Washington football champion Jermaine Kearsse with hopes that he has many more successful years playing in Super Bowl games with the Seattle Seahawks;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and recognize Jermaine Kearsse for the outstanding young man, competitive athlete, and hometown hero that he is.

Senator O'Ban spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8721.

The motion by Senator O'Ban carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Fain: "I was just going to ask the President who his assistant was up there today? He's doing such a magnificent job."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "A distinguished gentleman, who has provided great assistance. And we've had an interesting conversation. It is your father, Senator." [Mr. Dick Fain, Sr., was present at the rostrum.]"

MOTION

At 12:16 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:27 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5048,
 SUBSTITUTE SENATE BILL NO. 5123,
 SUBSTITUTE SENATE BILL NO. 5467,
 SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,

ENGROSSED SENATE BILL NO. 6031,
 ENGROSSED SENATE BILL NO. 6034,
 SECOND SUBSTITUTE SENATE BILL NO. 6062,
 SENATE BILL NO. 6065,
 SECOND SUBSTITUTE SENATE BILL NO. 6330,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6511,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5064,
 SENATE BILL NO. 5141,
 SENATE BILL NO. 5775,
 SUBSTITUTE SENATE BILL NO. 5859,
 SUBSTITUTE SENATE BILL NO. 5977,
 SUBSTITUTE SENATE BILL NO. 6014,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6016,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6041,
 SUBSTITUTE SENATE BILL NO. 6054,
 SUBSTITUTE SENATE BILL NO. 6095,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6126,
 SENATE BILL NO. 6128,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6137,
 SUBSTITUTE SENATE BILL NO. 6145,
 SECOND SUBSTITUTE SENATE BILL NO. 6163,
 SUBSTITUTE SENATE BILL NO. 6199,
 SENATE BILL NO. 6208,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6228,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6242,
 SUBSTITUTE SENATE BILL NO. 6279,
 SENATE BILL NO. 6413,
 SENATE BILL NO. 6415,
 SENATE BILL NO. 6424,
 SUBSTITUTE SENATE BILL NO. 6431,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6436,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6479,
 ENGROSSED SENATE BILL NO. 6501,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6517,
 ENGROSSED SENATE BILL NO. 6553,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2493,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2519,
 SUBSTITUTE HOUSE BILL NO. 2613,
 SECOND SUBSTITUTE HOUSE BILL NO. 2616,
 ENGROSSED HOUSE BILL NO. 2789,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The Speaker has signed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117, ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1129, SECOND SUBSTITUTE HOUSE BILL NO. 1651, SECOND SUBSTITUTE HOUSE BILL NO. 1709, SUBSTITUTE HOUSE BILL NO. 1791, ENGROSSED HOUSE BILL NO. 2108, ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111, SECOND SUBSTITUTE HOUSE BILL NO. 2163, SECOND SUBSTITUTE HOUSE BILL NO. 2251, HOUSE BILL NO. 2253, ENGROSSED SUBSTITUTE HOUSE BILL NO. 2315, SECOND SUBSTITUTE HOUSE BILL NO. 2457, ENGROSSED SUBSTITUTE HOUSE BILL NO. 2463, ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2569, ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2580, SUBSTITUTE HOUSE BILL NO. 2612, ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626, SECOND SUBSTITUTE HOUSE BILL NO. 2627, SUBSTITUTE HOUSE BILL NO. 2724, and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5045, SUBSTITUTE SENATE BILL NO. 5173, SUBSTITUTE SENATE BILL NO. 6086, SUBSTITUTE SENATE BILL NO. 6129, SENATE BILL NO. 6141, ENGROSSED SUBSTITUTE SENATE BILL NO. 6388, ENGROSSED SENATE BILL NO. 6458, ENGROSSED SUBSTITUTE SENATE BILL NO. 6570.

MESSAGE FROM THE HOUSE

March 4, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6002 with the following amendment(s): 6002-S.E AMH ENGR H4473.E

Strike everything after the enacting clause and insert the following:

"PART I GENERAL GOVERNMENT

Sec. 101. 2013 2nd sp.s. c 4 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES General Fund--State Appropriation (FY 2014)(((\$30,789,000))

.....\$30,923,000 General Fund--State Appropriation (FY 2015)(((\$31,075,000))\$31,207,000 Motor Vehicle Account--State Appropriation\$1,765,000 TOTAL APPROPRIATION(((\$63,629,000))\$63,895,000

Sec. 102. 2013 2nd sp.s. c 4 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE General Fund--State Appropriation (FY 2014)(((\$21,150,000))\$21,240,000 General Fund--State Appropriation (FY 2015)(((\$23,405,000))\$23,495,000 Motor Vehicle Account--State Appropriation\$1,514,000 TOTAL APPROPRIATION(((\$46,069,000))\$46,249,000

Sec. 103. 2013 2nd sp.s. c 4 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE General Fund--State Appropriation (FY 2014)\$62,000 General Fund--State Appropriation (FY 2015)(((\$111,000))\$113,000 Performance Audits of Government Account--State Appropriation.....\$5,641,000 Medical Aid Account--State Appropriation\$332,000 Accident Account--State Appropriation\$332,000 TOTAL APPROPRIATION(((\$6,478,000))\$6,480,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2013-15 work plan as necessary to efficiently manage workload.

(2) \$332,000 of the medical aid account--state appropriation and \$332,000 of the accident account--state appropriation are provided for the purposes of chapter 37, Laws of 2011 (workers' compensation).

(3) \$323,000 of the performance audits of government account--state appropriation is provided for consultant and staff costs related to the economic analysis of tax preferences as directed by chapter 43.136 RCW.

(4) The joint legislative audit and review committee shall conduct an audit of Washington's state research universities. The purpose of the audit is to identify cost and profit centers within, and in partnership with, the research universities. The audit must focus on public funds; student fees, in particular tuition; and auxiliary enterprises, which for the purposes of the audit at the University of Washington includes University of Washington medical center, the internal lending program, the W fund, and the center for commercialization. The audit at each university must achieve the following:

(a) Assess the university's policies and practices for tracking per-student expenditures for instruction and identify the average amount per student that the university has spent on instruction for undergraduate students in each of the past five fiscal years;

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(b) Obtain the university's definition of auxiliary enterprises and determine the number of auxiliary enterprises, including the University of Washington medical center, the University of Washington internal lending program, the W fund, and the center for commercialization, that exist in the university system, the methods the university uses to track revenue and expenditures of auxiliary enterprises, and the policies and practices the university has in place to ensure that state funding is not used to supplement or guarantee projects or programs authorized by auxiliary enterprises;

(c) Identify how much money is being spent on undergraduate education and to what extent undergraduate education is subsidizing graduate education; and

(d) Determine how tuition funds are being used and to what extent they are being used to fund the University of Washington medical center, the University of Washington internal lending program, the W fund, and the center for commercialization and to back bonds authorized by the university.

(5) The committee shall conduct a study of the current methods of collecting legal financial obligations and compare those methods with other debt collection methods, including contracting for debt collection of legal financial obligations. The study shall include analysis of the costs and revenues of current methods and compare those to alternatives, and include analysis of the impact of current methods and alternatives to revenues received by the state. Included shall be an examination of costs and revenue generation before and after the implementation of chapter 379, Laws of 2003 (SSB 5990) and chapter 362, Laws of 2005 (SSB 5256) and analysis of whether these changes met the legislative goals of reducing costs and increasing collections. A report on the results of the analysis shall be presented to the appropriate committees of the legislature by December 2014.

(6) The committee shall conduct a study of economic development programs and projects supported by the state general fund in the department of commerce. The study shall first review the extent to which these programs: (a) Included specific economic development targets; (b) monitored economic development targets; (c) required for programs which provided support or services through contracts, whether the contracts were structured such that if economic development targets were not met, contracts were reviewed or revised; and (d) changed the economic development targets of associate development organizations relative to funding increases since 2007. The study will include the feasibility of determining how to isolate other factors, such as general economic trends, from the impacts of economic development programs. The costs and options for conducting future analysis of the outcomes specific to economic development programs shall be included and a briefing report shall be provided to the appropriate committees of the legislature by December 1, 2013. A complete report with study data and conclusions shall be provided to the appropriate committees of the legislature by December 1, 2014.

(7) The committee shall analyze the incidence and level of taxation and business incentives available to the financial services industry in Washington State, and identify the relative differences in taxes and business incentives compared to California. A report shall be provided to the appropriate committees of the legislature by December 1, 2014.

(8) The committee shall conduct an analysis of how school districts use school days. The analysis must include:

(a) How school districts define classroom time, nonclassroom time, instructional time, noninstructional time, and any other definitions of how the school day is divided or used;

(b) Estimates of time in each category;

(c) How noninstructional time is distributed over the annual number of school days;

(d) When noninstructional hours occur;

(e) How noninstructional hours are used, including how much noninstructional time is devoted to professional development for the purposes of teacher and principal evaluation training or common core state standards training; and

(f) The extent to which the use of each category of time is identified or defined in collective bargaining agreements.

To the extent data is not available at the statewide level, the committee may use case studies or other methods to conduct the analysis. The committee shall submit a report of its findings to the education committees of the legislature by December 1, 2014.

(9) The committee shall review funding enhancement formulas that provide minimum staffing unit funding to small school districts and districts with school plants that have been judged by the state board of education to be remote and necessary. The committee will make an assessment of the current formulas and report any recommended adjustments to the legislative fiscal committees of the senate and the house of representatives by November 1, 2014. In assessing the current formulas, the committee may consider: Enhancements being made to basic education funding in the 2013-2015 omnibus appropriations act and committed to under Engrossed Substitute House Bill No. 2261 (chapter 548, Laws of 2009) and Substitute House Bill No. 2776 (chapter 236, Laws of 2010); developments in technology or educational service delivery since the formulas were established; practices in other states; districts' ability to provide students with access to a program of education; and inter-district equity.

~~((42))~~ (10) In carrying out the report required by RCW 44.28.157, the committee shall include by December 2014, an analysis of the impacts of using the Washington health benefit exchange established in chapter 43.71 RCW as a mechanism for providing health insurance for part-time certificated and classified K-12 public school employees. The analysis shall be conducted in coordination with the health care authority and shall include a review of how the exchange, federal health premium tax credits and subsidies for out-of-pocket expenses administered through the exchange, and Medicaid expansion have impacted, or could impact, health care costs for individuals, school districts, and the state. The analysis shall also include a review of the cost of stand-alone dental plans.

(11) Within the appropriations in this section, the joint legislative audit and review committee shall review the tax exemption provided under Engrossed House Bill No. 2447 (small business incubators) and its actual fiscal impact on state revenues to determine if the fiscal impact to state revenues reasonably conforms to the fiscal estimate in the fiscal note for this legislation.

Sec. 104. 2013 2nd sp.s. c 4 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2014)	\$1,653,000
General Fund--State Appropriation (FY 2015)	.....
.....	.....(((\$1,811,000))
.....	.....\$1,812,000
TOTAL APPROPRIATION	.....(((\$3,464,000))
.....	.....\$3,465,000
.....

Sec. 105. 2013 2nd sp.s. c 4 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2014)	.....(((\$8,004,000))
.....	.....\$8,126,000
General Fund--State Appropriation (FY 2015)	.....
.....	.....(((\$7,973,000))

.....\$8,095,000
 TOTAL APPROPRIATION.....(((\$15,977,000))
\$16,221,000

Sec. 106. 2013 2nd sp.s. c 4 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY
 Department of Retirement Systems Expense
 Account--State Appropriation.....(((\$3,529,000))
\$3,543,000

Sec. 107. 2013 2nd sp.s. c 4 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE
 General Fund--State Appropriation (FY 2014).....
(((\$3,895,000))
\$3,903,000
 General Fund--State Appropriation (FY 2015).....
(((\$4,102,000))
\$4,110,000
 TOTAL APPROPRIATION.....(((\$7,997,000))
\$8,013,000

Sec. 108. 2013 2nd sp.s. c 4 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES
 General Fund--State Appropriation (FY 2014).....
(((\$3,686,000))
\$3,708,000
 General Fund--State Appropriation (FY 2015).....
(((\$3,684,000))
\$3,708,000
 TOTAL APPROPRIATION.....(((\$7,370,000))
\$7,416,000

Sec. 109. 2013 2nd sp.s. c 4 s 110 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT
 General Fund--State Appropriation (FY 2014).....
(((\$6,911,000))
\$7,048,000
 General Fund--State Appropriation (FY 2015).....
(((\$6,836,000))
\$6,970,000
 TOTAL APPROPRIATION.....(((\$13,747,000))
\$14,018,000

Sec. 110. 2013 2nd sp.s. c 4 s 111 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY
 General Fund--State Appropriation (FY 2014).....
(((\$1,481,000))
\$1,484,000
 General Fund--State Appropriation (FY 2015).....
(((\$1,468,000))
\$1,474,000
 TOTAL APPROPRIATION.....(((\$2,949,000))
\$2,958,000

Sec. 111. 2013 2nd sp.s. c 4 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT
 General Fund--State Appropriation (FY 2014).....
(((\$1,068,000))
\$1,071,000
 General Fund--State Appropriation (FY 2015).....
(((\$994,000))
\$1,006,000
 TOTAL APPROPRIATION.....(((\$2,062,000))
\$2,077,000

Sec. 112. 2013 2nd sp.s. c 4 s 113 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS
 General Fund--State Appropriation (FY 2014).....
(((\$15,691,000))
\$15,865,000
 General Fund--State Appropriation (FY 2015).....
(((\$15,685,000))
\$15,980,000
 TOTAL APPROPRIATION.....(((\$31,376,000))
\$31,845,000

Sec. 113. 2013 2nd sp.s. c 4 s 114 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS
 General Fund--State Appropriation (FY 2014).....
(((\$51,085,000))
\$51,542,000
 General Fund--State Appropriation (FY 2015).....
(((\$50,771,000))
\$51,747,000
 General Fund--Federal Appropriation.....\$2,125,000
 General Fund--Private/Local Appropriation.....
\$658,000
 Judicial Information Systems Account--State
 Appropriation.....(((\$46,611,000))
\$53,634,000
 Judicial Stabilization Trust Account--State
 Appropriation.....\$6,691,000
 TOTAL APPROPRIATION.....(((\$157,941,000))
\$166,397,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the judicial information systems account--state appropriation is provided solely for development and implementation of the information network hub project.

(2) \$2,138,000 of the judicial information systems account--state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades.

~~((4))~~ (3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

~~((5))~~ (4) \$1,199,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

~~((6))~~ (5) ~~(\$108,000 of the general fund--state appropriation for fiscal year 2014 and)~~ \$108,000 of the general fund--state appropriation for fiscal year 2015 ~~(are)~~ is provided solely for the implementation of chapter 210, Laws of 2013 (Senate Bill No. 5052) (superior court judges Whatcom county). The funds provided in this subsection shall be expended only if the fourth superior court judge position in Whatcom county is appointed and serving on the bench.

~~((7))~~ (6) ~~(\$108,000 of the general fund--state appropriation for fiscal year 2014 and)~~ \$108,000 of the general fund--state appropriation for fiscal year 2015 ~~(are)~~ is provided solely for the implementation of chapter 142, Laws of 2013 (House Bill No. 1175) (superior court judges Benton/Franklin counties). The funds provided in this subsection shall be expended only if the seventh superior court judge position in Benton and Franklin counties jointly is appointed and serving on the bench.

((8)) \$11,300,000 of the judicial information systems account--state appropriation is provided solely for continued implementation of the superior court case management system

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project. The administrative office of the courts, in consultation with the judicial information systems committee, the superior court case management system project steering committee, and the office of the chief information officer shall develop a revised charter to implement the next phases of the superior court case management system. The revised charter shall insure that the superior court case management system project steering committee continues to provide contract oversight, in collaboration with the judicial information system committee, through the implementation period and various phases of the project. Oversight responsibilities throughout the various phases of the project must include, but are not limited to, vendor management, contract and deliverable management, and assuring satisfaction of the business and technical needs at the local level. The superior court case management system project steering committee may solicit input from user groups as deemed appropriate. The revised charter shall be approved by the judicial information systems committee) (7) \$16,606,000 of the judicial information systems account--state appropriation is provided solely for continued implementation of the superior court case management system project. The administrative office of the courts, in consultation with the judicial information systems committee and the office of the chief information officer shall develop a revised superior court case management steering committee charter to implement the next phases of the superior court case management system. The steering committee members shall be appointed by the judicial information systems committee and shall consist of two members representing each of the following groups: Court administrators, superior court judges, county clerks, and the administrative office of the courts. The revised charter shall insure that voting members of the steering committee represent the administrative office of the courts and those courts that have implemented, or have committed to implement, the statewide superior court vendor solution as selected by the judicial information systems committee. The revised charter shall also insure that the superior court case management system project steering committee continues to provide contract oversight in collaboration with the judicial information system committee through the implementation period. Oversight responsibilities of the steering committee throughout the various phases of the project must include, but are not limited to, vendor management, contract and deliverable management, assuring reasonable satisfaction of the business and technical needs at the local level, receipt of stakeholder feedback, and communication between the various stakeholder groups and the judicial information systems committee. Issues of significant scope, schedule or budget changes, and risk mitigation strategies must be escalated to the judicial information systems committee for consideration. In the event that a majority of the steering committee members cannot reach a decision, the issue must be escalated to the judicial information systems committee for consideration. The superior court case management system project steering committee may solicit input from user groups as deemed appropriate. The revised charter shall be approved by the judicial information systems committee.

~~((9))~~ (8) \$1,399,000 of the general fund--state appropriation for fiscal year 2014 and \$1,399,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal

service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

~~((40))~~ (9)(a) \$7,313,000 of the general fund--state appropriation for fiscal year 2014 and \$7,313,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2013-2015 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

~~((4))~~ (10) \$274,000 of the general fund--state appropriation for fiscal year 2014 and \$274,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of public guardianship to continue guardianship services for those low-income incapacitated persons who were receiving services on June 30, 2013.

~~((42) \$333,000)~~ (11) \$1,426,000 of the judicial information systems account--state appropriation is provided solely for the content management system for the appellate courts.

(12) The administrative office of the courts and the judicial information systems committee shall develop statewide superior court data collection and exchange standards. Upon implementation, these standards must be met by each superior court in order to continue to receive judicial information systems account funding or equipment and services funded by the account. For those courts that do not use the statewide superior court vendor solution as chosen by the judicial information systems committee, judicial information systems account funds may not be allocated for (a) the costs to meet the data collection and exchange standards developed by administrative office of the courts and judicial information systems committee, and (b) the costs to develop and implement local court case management systems.

Sec. 114. 2013 2nd sp.s. c 4 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2014)	.....(((\$30,410,000))
	.....\$30,662,000
General Fund--State Appropriation (FY 2015)	.....(((\$33,719,000))
	.....\$33,722,000
Judicial Stabilization Trust Account--State	
Appropriation.....	\$3,648,000
General Fund--Federal Appropriation.....	.....(((\$152,000))
	.....\$304,000
TOTAL APPROPRIATION	(((\$67,929,000))
	.....\$68,336,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$3,378,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to expand the parents representation program into Asotin, Columbia, Garfield, King, Whatcom, and Whitman counties.

Sec. 115. 2013 2nd sp.s. c 4 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID	
General Fund--State Appropriation (FY 2014).....	\$10,862,000
.....	
General Fund--State Appropriation (FY 2015).....	((10,870,000))
.....	
.....	\$11,149,000
Judicial Stabilization Trust Account--State	
Appropriation.....	\$1,454,000
TOTAL APPROPRIATION.....	((23,186,000))
.....	
.....	\$23,465,000

The appropriations in this section are subject to the following conditions and limitations: An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2014 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2015 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

Sec. 116. 2013 2nd sp.s. c 4 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR	
General Fund--State Appropriation (FY 2014).....	((5,509,000))
.....	
.....	\$5,565,000
General Fund--State Appropriation (FY 2015)	
.....	((5,217,000))
.....	
.....	\$5,277,000
Economic Development Strategic Reserve Account--State	
Appropriation.....	\$4,000,000
TOTAL APPROPRIATION.....	((14,726,000))
.....	
.....	\$14,842,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,000,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

(2) \$684,000 of the general fund--state appropriation for fiscal year 2014 and \$684,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the education ombudsman.

(3) \$258,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5802 (greenhouse gas emissions). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(4) \$35,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the implementation of Second Substitute House Bill No. 1709 (foreign language interpreters). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the office of the education ombuds to provide special education ombuds services. Beginning in fiscal year 2015, the superintendent of public instruction must enter into an interagency agreement with the office of the education ombuds to

provide support for additional special education ombuds services.

(6) Within appropriated funds, the office of the education ombuds shall develop a scope of work and proposed plan for a task force on success for students with special needs that will: (a) Define and assess barriers that students placed or qualified to be placed in special education and students with a plan for accommodation under section 504 of the federal rehabilitation act of 1973 face in earning a high school diploma and fully accessing the educational program provided by the public schools; and (b) outline recommendations for systemic changes and successful models for education and service delivery, including improved coordination of early learning through postsecondary education and career preparation. With input from interested parents, educators, state agencies, and organizations representing students placed or qualified to be placed in special education and students with a section 504 plan, the office of the education ombuds shall invite representative individuals to participate in the task force. The office of the education ombuds shall submit the scope of work and proposed task force plan to the education and fiscal committees of the legislature by December 1, 2014, along with a request for additional funds necessary to implement the plan. To the extent possible within appropriated funds, the office of the education ombuds may convene the task force and commence its work before June 30, 2015.

Sec. 117. 2013 2nd sp.s. c 4 s 118 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR	
General Fund--State Appropriation (FY 2014).....	
.....	\$654,000
General Fund--State Appropriation (FY 2015).....	((658,000))
.....	
.....	\$665,000
General Fund--Private/Local Appropriation	
.....	\$90,000
TOTAL APPROPRIATION.....	((1,402,000))
.....	
.....	\$1,409,000

Sec. 118. 2013 2nd sp.s. c 4 s 119 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION	
General Fund--State Appropriation (FY 2014).....	((2,082,000))
.....	
.....	\$2,087,000
General Fund--State Appropriation (FY 2015)	
.....	((2,015,000))
.....	
.....	\$2,189,000
TOTAL APPROPRIATION.....	((4,097,000))
.....	
.....	\$4,276,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the implementation of Engrossed Third Substitute House Bill No. 1005 (campaign report filing). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 119. 2013 2nd sp.s. c 4 s 120 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE	
General Fund--State Appropriation (FY 2014).....	
.....	((11,356,000))
.....	
.....	\$11,827,000
General Fund--State Appropriation (FY 2015)	
.....	((9,535,000))
.....	
.....	\$9,628,000
General Fund--Federal Appropriation.....	
.....	((7,419,000))
.....	
.....	\$7,450,000
General Fund--Private/Local Appropriation.....	

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.....	\$20,000
Public Records Efficiency, Preservation, and Access	
Account--State Appropriation(\$7,361,000))
.....	\$7,538,000
Charitable Organization Education Account--State	
Appropriation.....	\$364,000
Local Government Archives Account--State	
Appropriation.....	..(\$8,467,000))
.....	\$8,510,000
Election Account--Federal Appropriation	
.....	\$12,016,000
Washington State Heritage Center Account--State	
Appropriation.....	\$8,860,000
TOTAL APPROPRIATION .....	..(\$65,378,000))
.....	\$66,213,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$3,301,000)~~) \$3,767,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,847,000 of the general fund--state appropriation for fiscal year 2014 and \$1,926,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2013-2015 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) It is the intent of the legislature to consider during the 2014 legislative session funding for the publication and distribution of a primary election voters pamphlet.

(5) \$771,000 of the general fund--state appropriation for fiscal year 2014 and \$772,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the state library to purchase statewide on-line access to the information technology academy to allow public access to on-line courses and learning resources through public libraries.

(6) \$44,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Substitute House Bill No. 2552 (signature gathering). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(7) The legislature finds that the volume of state records retained in paper format continues to grow, increasing the records storage costs for the state. The secretary of state shall convene a work group to study methods for retaining records in electronic formats and for shorter periods of time, with the goal of reducing the volume of stored paper records by ten percent by the end of 2016, and an additional ten percent by the end of 2018. The following state agencies shall participate in the work group, which shall report back to the appropriate committees of the legislature by December 31, 2014, and December 31, 2015:

- (a) Office of the secretary of state;
- (b) Office of the attorney general;
- (c) Office of the state auditor;
- (d) Office of financial management;
- (e) Department of corrections;
- (f) Department of social and health services;
- (g) Department of health; and
- (h) Department of transportation.

Sec. 120. 2013 2nd sp.s. c 4 s 121 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS	
General Fund--State Appropriation (FY 2014) .....	..(\$253,000))
.....	\$249,000
General Fund--State Appropriation (FY 2015) .....	..(\$248,000))
.....	\$255,000
TOTAL APPROPRIATION .....	..(\$501,000))
.....	\$504,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 121. 2013 2nd sp.s. c 4 s 122 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS	
General Fund--State Appropriation (FY 2014) .....	..(\$213,000))
.....	\$210,000
General Fund--State Appropriation (FY 2015) .....	..(\$207,000))
.....	\$213,000
TOTAL APPROPRIATION .....	..(\$420,000))
.....	\$423,000

Sec. 122. 2013 2nd sp.s. c 4 s 123 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State	
Appropriation.....	(((\$14,924,000))
.....	\$14,945,000

The appropriation in this section is subject to the following conditions and limitations: \$150,000 of the state treasurer's service account--state appropriation is provided solely for legal fees related to additional legal assistance due to changes in federal financial regulations and an increase in complex and high profile litigation.

Sec. 123. 2013 2nd sp.s. c 4 s 124 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR	
General Fund--State Appropriation (FY 2014)	
.....	(((\$728,000))
.....	\$755,000
General Fund--State Appropriation (FY 2015)	
.....	(((\$733,000))
.....	\$763,000
State Auditing Services Revolving Account--State	
Appropriation.....	(((\$9,573,000))
.....	\$9,580,000
(Performance Audits of Government Account--State	
Appropriation.....	\$56,000))
TOTAL APPROPRIATION.....	(((\$11,090,000))
.....	\$11,098,000

The appropriations in this section are subject to the following conditions and limitations: ((~~(\$728,000)~~) \$755,000 of the general fund--state appropriation for fiscal year 2014 and ((~~(\$733,000)~~) \$763,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

Sec. 124. 2013 2nd sp.s. c 4 s 125 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS	
General Fund--State Appropriation (FY 2014)	
.....	(((\$141,000))
.....	\$138,000
General Fund--State Appropriation (FY 2015)	
.....	(((\$171,000))
.....	\$175,000
TOTAL APPROPRIATION.....	(((\$312,000))
.....	\$313,000

Sec. 125. 2013 2nd sp.s. c 4 s 126 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL	
General Fund--State Appropriation (FY 2014)	
.....	(((\$10,456,000))
.....	\$11,019,000
General Fund--State Appropriation (FY 2015)	
.....	(((\$10,132,000))
.....	\$10,764,000
General Fund--Federal Appropriation.....	\$7,114,000
New Motor Vehicle Arbitration Account--State	
Appropriation.....	\$997,000
Legal Services Revolving Account--State	
Appropriation.....	(((\$191,286,000))
.....	\$199,707,000
Tobacco Prevention and Control Account--State	
Appropriation.....	\$271,000
Medicaid Fraud Penalty Account--State Appropriation	

.....	\$2,279,000
Public Services Revolving Account--State	
Appropriation.....	\$2,093,000
TOTAL APPROPRIATION.....	(((\$224,628,000))
.....	\$234,244,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) The executive ethics board shall: (a) Develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices; (b) coordinate and work with the commission on judicial conduct and the legislative ethics board; (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington state quality award feedback reports, and publish an annual report on the results to the public; and (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector.

(5) \$424,000 of the legal services revolving account--state appropriation is provided solely for replacement of a portion of the agency's personal computers. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer and section 945 of this act, personal computer acquisition and replacement.

(6) \$609,000 of the legal services revolving account--state appropriation is provided solely for upgrades to software programs. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(7) \$150,000 of the legal services revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5405 (extended foster care). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Engrossed Substitute House Bill No. 1341 (wrongful

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imprisonment). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(9) \$189,000 of the legal services revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1420 (transportation improvement projects). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(10) \$2,093,000 of the public service revolving account--state appropriation is provided solely for the work of the public counsel section of the office of the attorney general.

(11) \$353,000 of the general fund--state appropriation for fiscal year 2014 and \$353,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

(12) \$69,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Substitute House Bill No. 2171 (veterans, military personnel). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(13) \$141,000 of the legal services revolving account--state appropriation is provided solely for implementation of Substitute House Bill No. 2331 (public works payroll records). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(14) \$120,000 of the legal services revolving account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2149 (medical marijuana). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(15) \$259,000 of the legal services revolving account--state appropriation is provided solely for implementation of Substitute House Bill No. 2146 (labor and industries appeal bonds). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 126. 2013 2nd sp.s. c 4 s 127 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL	
General Fund--State Appropriation (FY 2014)	.....(((\$1,260,000))
.....	.....\$1,211,000
General Fund--State Appropriation (FY 2015)	.....
.....	.....(((\$1,230,000))
.....	.....\$1,216,000
TOTAL APPROPRIATION	.....(((\$2,490,000))
.....	.....\$2,427,000

Sec. 127. 2013 2nd sp.s. c 4 s 128 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE	
General Fund--State Appropriation (FY 2014)	.....
.....	.....(((\$63,076,000))
.....	.....\$61,549,000
General Fund--State Appropriation (FY 2015)	.....
.....	.....(((\$60,151,000))
.....	.....\$63,485,000
General Fund--Federal Appropriation	.....
.....	.....(((\$265,004,000))
.....	.....\$266,894,000
General Fund--Private/Local Appropriation	.....
.....	.....(((\$5,638,000))
.....	.....\$5,620,000
Public Works Assistance Account--State	
Appropriation	.....(((\$3,036,000))
.....	.....\$3,136,000
Drinking Water Assistance Administrative	.....

Account--State Appropriation	.....(((\$445,000))
.....	.....\$443,000
Lead Paint Account--State Appropriation	.....
.....	.....\$147,000
Building Code Council Account--State Appropriation	..\$13,000
Home Security Fund Account--State Appropriation	.....
.....	.....(((\$25,452,000))
.....	.....\$25,468,000
Affordable Housing for All Account--State	
Appropriation	.....(((\$11,915,000))
.....	.....\$11,910,000
Financial Fraud and Identity Theft Crimes Investigation and	
Prosecution Account--	
State Appropriation	.....(((\$969,000))
.....	.....\$1,166,000
Low-Income Weatherization Assistance Account--State	.....
Appropriation	.....(((\$1,882,000))
.....	.....\$1,879,000
Community and Economic Development Fee Account--State	
Appropriation	.....(((\$5,303,000))
.....	.....\$5,300,000
Washington Housing Trust Account--State	
Appropriation	.....(((\$19,592,000))
.....	.....\$18,633,000
Prostitution Prevention and Intervention Account--State	
Appropriation	.....\$98,000
Public Facility Construction Loan Revolving	
Account--State Appropriation	.....(((\$758,000))
.....	.....\$773,000
Washington Community Technology Opportunity Account--	
Private/Local Appropriation	.....\$10,000
Liquor Revolving Account--State Appropriation	
.....	.....\$5,605,000
TOTAL APPROPRIATION	.....(((\$469,094,000))
.....	.....\$472,129,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$306,000 of the general fund--state appropriation for fiscal year 2014 and \$306,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund--state appropriation for fiscal year 2014 and \$375,000 of the general fund--state appropriation for fiscal year 2015 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(7) \$5,000,000 of the home security fund--state appropriation is for the operation, repair, and staffing of shelters in the homeless family shelter program.

(8) \$198,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$198,000)~~ \$398,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington new Americans program.

(9) \$2,949,000 of the general fund--state appropriation for fiscal year 2014 and \$2,949,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for associate development organizations. During the 2013-2015 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(10) \$234,000 of the general fund--state appropriation for fiscal year 2014 and \$233,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington asset building coalitions.

(11) \$5,605,000 of the liquor revolving account--state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(12) \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the purposes of purchasing contracted services to expand and promote the tourism industry in the state of Washington.

(a) The department must contract with the Washington tourism alliance. Expenditure of state moneys is contingent upon the contractor providing a dollar for dollar cash or in-kind match. Funding must be provided for the following services:

(i) Serving as a central point of contact through developing and maintaining a web portal for Washington tourism, operating a call center, and mailing travel guides;

(ii) Promoting Washington as a tourism destination to national and international markets, with emphasis on markets in Europe and Asia;

(iii) Providing information to businesses and local communities on tourism opportunities that could expand local revenues; and

(iv) Conducting tourism-related research, including market research and measuring the return on investment of funded activities.

(b) The department may not use more than 4 percent of the funds to administer, monitor, and report the outcomes of the services. The department must electronically submit performance metrics by January 1, 2014, and report the outcomes of the services by January 1, 2015, to the economic development committees of the legislature.

(c) The department has the authority to designate one or more alternative contractors if necessary due to performance or other significant issues. Such change must only be made after consultation with the Washington tourism alliance, the governor's office, and the chairs and ranking members of the economic development committees of the legislature.

(13) \$72,000 of the prostitution prevention and intervention account is provided solely for implementation of Engrossed Substitute House Bill No. 1291 (sex trade victims). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(14) \$49,000 of the general fund--state appropriation for fiscal year 2014 and \$49,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of House Bill No. 1818 (business and government streamlining). If the bill is

not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(15) \$36,000 of the general fund--state appropriation for fiscal year 2014 and \$37,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to develop an economic cluster strategy to leverage the state's unique maritime assets, geography, history, and infrastructure. Goals include growing employment, targeted economic activity, environmental considerations, tax revenue to state and local governments, and quality of life associated with the maritime sector by working with the industry to understand workforce needs, parity considerations with Oregon and British Columbia, and tax structure and regulatory barriers. The department will report its findings to the appropriate committees of the legislature no later than December 1, 2014.

(16) \$2,000,000 of the Washington housing trust account--state appropriation is provided solely for the department of commerce for services to homeless families through the Washington families fund.

(17) \$5,000,000 of the home security account--state appropriation is provided solely for the department of commerce to provide emergency assistance to homeless families in the temporary assistance for needy families program.

(18) \$75,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the economic development commission to retain one current administrative position. The department shall convene a work group, chaired by the current chair of the economic development commission, of representatives of associate development organizations and the economic development commission to recommend: (1) Changes to the economic development commission's purpose and source and amount of funding; (2) objective benchmarks and outcome-based performance measures for evaluating state investments in economic development; (3) high priority regulatory reforms to foster a favorable business climate for long-term private sector job creation and competitiveness; and (4) organizational roles responsibilities and structures to strengthen cohesive planning, streamline execution, and improve outcomes. The work group shall be comprised of representatives from no less than eight associate development organizations representing both urban and rural counties and counties on both sides of the Cascade range. The department shall submit a report of the work group's recommendation to the fiscal and economic development policy committees of the legislature by December 15, 2013.

(19) ~~(\$4,000,000)~~ \$2,515,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$850,000)~~ \$3,779,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for purposes of creating and operating a community health care and education and innovation center at the Pacific Medical Center in Seattle. Amounts provided in this subsection must be used for lease, maintenance, operations, and other required related expenses for Seattle community colleges allied health programs and other related uses identified by the department of commerce. The department is authorized to enter into a thirty-year lease for the Pacific Medical Center property.

(20) Within the appropriations in this section, the department shall, by December 1, 2013, develop a comprehensive start-up Washington strategy to facilitate the growth of start-ups and enhance the state's competitiveness in recruiting and retaining businesses that start up in Washington. This shall include but is not limited to: Business and occupation tax relief, capital investment, regulatory burdens, workforce and infrastructure needs and support. Start-up businesses interactions with state government and other public entities as a customer shall also be considered.

(21) \$700,000 of the general fund--state appropriation for fiscal year 2014 and \$700,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align

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existing economic development programs and priorities. The department must consider Washington's position as the most trade dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. For each dollar expended the department must receive a one hundred percent match. The match may be provided by the department through nongeneral fund sources, or any partnering governments or organizations. The department must develop performance metrics and milestones. The department must electronically submit the performance metrics and performance-to-date by January 1, 2014, to the economic development committees of the legislature.

(22) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(23) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(24) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the economic impact and infrastructure cost study for Covington town center.

(25) The department is directed to work with innovation partnership zone administrators to review the existing grant program, including the criteria for designation as an innovation partnership zone and the grant funding criteria. The department shall submit its report to the legislature by December 1, 2013.

(26) \$250,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the implementation of Second Substitute House Bill No. 1072 (agricultural labor skills and safety). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(27) \$26,000 of the home security fund account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2415 (homeless status certify). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(28) \$67,000 of the general fund--federal appropriation, \$111,000 of the public works assistance account--state appropriation, \$129,000 of the Washington housing trust account--state appropriation, and \$18,000 of the public facility construction loan revolving account--state appropriation are provided solely for the implementation of Substitute House Bill No. 2331 (public works payroll records). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(29) \$466,000 of the Washington housing trust account--state appropriation is provided solely for the department to provide one-time funding to the Tacoma housing authority to offset expenses associated with remediating units of low-income housing that have been contaminated by the manufacture or use of methamphetamine. The Tacoma housing authority must be required to provide sufficient documentation to verify the costs associated with remediating units of low-income housing that have been contaminated by the manufacture or use of methamphetamine for which they request support. The department may make full or partial payment once sufficient documentation has been provided.

(30) If Engrossed Substitute House Bill No. 2368 (homeless housing surcharge) is not enacted by June 30, 2014, the department must, within the amounts appropriated in this section, conduct a study on the impacts in the 2015-2017 and 2017-2019 fiscal biennia of the scheduled reduction of the local homeless housing and

assistance document surcharge from \$40 in the current biennium to \$30 in 2015, and to \$10 in 2017. The study must look at a variety of areas including but not limited to estimated impacts on local housing programs, rates of homelessness, criminal justice systems, and private rental markets. The department must submit a report on the findings of this study, to the extent it is required in this subsection, by December 1, 2014.

Sec. 128. 2013 2nd sp.s. c 4 s 129 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2014)	.....(((\$764,000))
	.....\$758,000
General Fund--State Appropriation (FY 2015)	.....(((\$802,000))
	.....\$818,000
Lottery Administrative Account--State Appropriation...	\$50,000
TOTAL APPROPRIATION.....	(((\$1,616,000))
	.....\$1,626,000

Sec. 129. 2013 2nd sp.s. c 4 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2014).....	(((\$18,414,000))
	.....\$17,949,000
General Fund--State Appropriation (FY 2015).....	(((\$17,542,000))
	.....\$18,054,000
General Fund--Federal Appropriation.....	(((\$31,340,000))
	.....\$34,340,000
General Fund--Private/Local Appropriation	\$370,000
Economic Development Strategic Reserve Account--State	
Appropriation.....	\$289,000
Personnel Service Fund--State Appropriation	
.....	(((\$8,656,000))
	.....\$8,642,000
Data Processing Revolving Account--State	
Appropriation.....	(((\$6,015,000))
	.....\$6,580,000
Higher Education Personnel Services Account--State	
Appropriation.....	\$1,497,000
Performance Audits of Government Account--State	
Appropriation.....	\$4,000,000
TOTAL APPROPRIATION.....	(((\$88,123,000))
	.....\$91,721,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management shall prepare a report outlining alternative methods of procuring health benefits for home care workers, including individual providers and agency providers. In preparing the report, the office of financial management shall consult with the department of social and health services, representatives of individual home care providers, and agency home care providers.

Along with a summary of the current method of providing benefits, the report must include an analysis of the policy and fiscal implications of accessing health benefits through the Washington health benefits exchange. The report must also provide an analysis of a medicaid section 1115 waiver with the federal centers for medicare and medicaid services that would provide additional medicaid matching funds for individual provider home care workers who are provided with health care benefits through a collective

bargaining agreement negotiated with the state under chapter 74.39A RCW, but would otherwise be eligible for medicaid under the federal expanded eligibility provisions that take effect January 1, 2014.

The report must be submitted to the appropriate fiscal committees of the legislature by January 6, 2014.

(2) \$350,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5802 (greenhouse gas emissions). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(3) \$536,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for a study of the state's medical and public assistance eligibility systems and infrastructure with the goal of simplifying procedures, improving customer service, and reducing state expenditures. The study must also examine which state entities play various roles in the eligibility and data verification processes in order to determine if eligibility processes can be further streamlined in light of changes related to the federal affordable care act. The study must identify how costs will be allocated between state and federal funding sources and options for maximizing federal participation. The office of financial management shall provide a report on its findings and recommendations to the relevant policy and fiscal committees of the legislature by January 1, 2014.

(4)(a) The legislature finds that the state's nationally recognized student achievement initiative has led to significant improvements at two-year institutions of higher education. With the goal of creating such efficiencies within the four-year institutions of higher education, the office of financial management shall convene, in coordination with the joint committee on higher education and the student achievement council, a technical incentive funding model task force to propose an incentive funding model for the four-year institutions of higher education. The model will provide new incentive funding to four-year institutions of higher education that demonstrate improvement on existing performance measures and control resident undergraduate tuition growth. Participation in the program is voluntary; however, funding appropriated for this program shall only be available to those institutions that have chosen to participate in the program.

(b) The task force must include the following members:

(i) One representative from the student achievement council;

(ii) One representative from the education data center created in RCW 43.41.400; and

(iii) One representative from each of the four-year institutions of higher education.

(c) The program shall include, but shall not be limited to:

(i) A system for allocating new incentive funding to participating institutions based on an institution's:

(A) Performance in specific metrics;

(B) Control and reduction where possible of resident undergraduate and graduate tuition; and

(C) Efficient utilization of classrooms, laboratories, and online and other high technology instructional methods;

(ii) A methodology for allocating funding for performance as specified in (c)(i)(A) of this subsection that is based on performance metrics reported in the accountability monitoring and reporting system established in RCW 28B.77.090 and that recognizes each institution's unique mission by measuring each institution's performance in these metrics against its past performance;

(iii) A methodology for investing any unallocated incentive funds to the state need grant program created in chapter 28B.92 RCW to expand access to low-income and underserved student populations; and

(iv) A methodology for establishing a baseline level of state funding that:

(A) Fully supports the state's need for an increasing portion of its citizens to gain post-secondary education and qualifications;

(B) Recognizes the acute need of the state's high-technology economy for a sufficient number of graduates in high employer demand programs of study;

(C) Achieves a more equitable share of support between the state and students and their families; and

(D) Provides for funding enhancements based on demonstrated improvements in institutional performance within the educational achievement and tuition reduction incentive program.

(d) The workgroup shall submit a final report containing an incentive funding model to the governor and higher education and fiscal committees of the legislature by December 31, 2013.

(5) \$121,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the implementation of Substitute House Bill No. 2651 (higher education transparency) and Substitute House Bill No. 2336 (higher education department budgets). If neither of the bills is enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(6) \$37,000 of the data processing revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2192 (state agency permitting). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(7) \$262,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the implementation of Substitute House Bill No. 2739 (student success in schools). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(8) \$300,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for an analysis of statewide jail needs and how operational costs are incurred among local governments. The analysis must examine, among other things, how regional capacity is currently being utilized at the state and local level and the financial impact to counties of providing felon and juvenile detention. A report of findings must be provided to the governor and legislative fiscal committees by November 1, 2014.

(9) The office of the chief information officer shall survey and review agency security policies and standards including, but not limited to, compliance with employee information technology security training policies and agency standards and policies for decommissioning personal computers. The office must report to the legislature by December 1, 2014 with findings and recommendations from the survey and review.

(10) The office of financial management and the office of the chief information officer shall survey and review agency policies and standards for hardware, software, and information technology equipment recycle or replacement. The review will include information on the frequency of replacement, financing methods, extent that funds used to recycle/refresh equipment are in the base budgets for agencies, and the extent that agencies are meeting their policies and standards. The office of financial management and the office of the chief information officer must report to the legislature with findings and recommendations from the review by December 1, 2014.

(11) The office of financial management shall direct state agencies to include an information technology request summary table with each agency budget submission. The table must provide summary information on each budget request that has an information technology component, and must include: The agency's priority ranking of the request among all the agency's information technology requests; the amount of funding being requested in the budget; the estimated total costs and time to complete the item; and a categorization of the request as high, medium, or low priority.

(12) \$300,000 of the general fund--state appropriation for fiscal

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year 2015 is provided solely for an evidence-based comprehensive study and progress report of staffing ratios and safety assessments in department of corrections facilities. For the purposes of this study, "department of corrections facilities" means facilities operated by the department of corrections to house persons convicted of a criminal offense who are in full confinement.

(a) The office of financial management shall contract with consultants with expertise related to the subject matters included in this study. The office of financial management and the consultants shall consult with (i) the department of corrections, (ii) stakeholder groups that represent the people served in these institutions, (iii) labor organizations that represent employees who work in these institutions; and (iv) other persons or entities with expertise in the areas being studied.

(b) In conducting this study, the consultants shall consider the following factors as appropriate: (i) The number and type of staff at each of the department of corrections facilities; (ii) the adequacy and costs of current staffing at department of corrections facilities; (iii) the need, availability, and costs of improving staffing at department of corrections facilities; (iv) the geographic factors associated with staffing department of corrections facilities, including the impact of staffing on the local economy and the economic impact of reducing or increasing staffing at department of corrections facilities; (v) the safety of employees at department of corrections facilities including all reported incidents of assault or other crimes committed against such employees; (vi) a review of all the security-related policies and procedures at department of corrections facilities; (vii) the implementation and consistent application of policy recommendations resulting from the national institute of corrections review of prison safety and the statewide security advisory committee regarding security issues in department of corrections facilities as provided for in chapter 252 Laws of 2011, (ESB 5907).

(c) The office of financial management shall submit a final report to the governor, the house of representatives and the appropriate policy and fiscal committees of the legislature by December 1, 2014. The report shall provide any recommendations and a plan, if necessary, to improve staffing ratios and employee safety at department of corrections facilities. The report shall include an individual assessment of staffing and safety at each department of corrections facility, and any costs or savings associated with each recommendation. The office of financial management shall submit a report on the progress by the department of corrections of implementing the recommendations and plan to the same committees of the legislature no later than December 1, 2015.

Sec. 130. 2013 2nd sp.s. c 4 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS
Administrative Hearings Revolving Account--State
Appropriation.....(((\$37,772,000))
.....\$38,212,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$151,000 of the administrative hearings revolving account--state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(2) \$93,000 of the administrative hearings revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2146 (labor and industries appeal bonds). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 131. 2013 2nd sp.s. c 4 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY
Lottery Administrative Account--State
Appropriation.....(((\$25,696,000))
.....\$25,782,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$596,000 of the lottery administrative account--state appropriation is provided solely for the replacement of the lottery's gaming systems vendor contract.

(2) No portion of this appropriation may be used for acquisition of gaming system capabilities that violates state law.

Sec. 132. 2013 2nd sp.s. c 4 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS
General Fund--State Appropriation (FY 2014)
.....(((\$238,000))
.....\$235,000
General Fund--State Appropriation (FY 2015)
.....(((\$235,000))
.....\$243,000
TOTAL APPROPRIATION.....(((\$473,000))
.....\$478,000

Sec. 133. 2013 2nd sp.s. c 4 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN
AFFAIRS
General Fund--State Appropriation (FY 2014)
.....(((\$233,000))
.....\$238,000
General Fund--State Appropriation (FY 2015).....
.....(((\$224,000))
.....\$238,000
TOTAL APPROPRIATION.....(((\$457,000))
.....\$476,000

Sec. 134. 2013 2nd sp.s. c 4 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT
SYSTEMS--OPERATIONS
General Fund--State Appropriation (FY 2015)
.....\$594,000
Department of Retirement Systems Expense
Account--State Appropriation.....(((\$50,728,000))
.....\$50,889,000
TOTAL APPROPRIATION.....\$51,483,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the department of retirement systems to investigate options for private sector retirement accounts. The department of retirement systems is authorized to explore alternatives for retirement savings accounts for employees of private sector and nonprofit organizations, especially workers in small and medium-sized firms. This may include work to develop a plan or plans for submittal to the United States internal revenue service for approval under the tax code. In developing plans, the department shall minimize financial and other liability to the state, as well as the cost of the plan. The department of retirement systems may: (a) Consult with service organizations that promote retirement savings; and (b) partner with any other state, local, or federal agencies engaged in similar efforts to develop retirement savings programs for employees of private and nonprofit sector organizations. The department shall inform the office of financial management of the results of its work under this section by June 30, 2015. The

department shall not implement or accept enrollments in any state-run or sponsored retirement savings plan under this subsection without prior legislative approval.

(2) \$344,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of House Bill No. 2474 (save toward retirement plan). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(3) \$71,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2018 (individual employer contribution rates). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 135. 2013 2nd sp.s. c 4 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2014)	.....(((\$107,985,000))
.....	.....\$108,332,000
General Fund--State Appropriation (FY 2015).....	.....(((\$106,301,000))
.....	.....\$107,152,000
Timber Tax Distribution Account--State	
Appropriation.....	.....(((\$6,102,000))
.....	.....\$6,113,000
Waste Reduction/Recycling/Litter Control--State	
Appropriation.....	.....\$132,000
State Toxics Control Account--State Appropriation .....	.....\$93,000
((Master License Fund--State Appropriation .....	.....
.....	.....\$17,082,000))
Business License Account Appropriation .....	.....
.....	.....\$17,103,000
Data Processing Revolving Account--State Appropriation.....	.....
.....	.....\$6,751,000
TOTAL APPROPRIATION.....	.....(((\$244,446,000))
.....	.....\$245,676,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of revenue is authorized to increase the master application fee to nineteen dollars and the renewal fee to eleven dollars consistent with RCW 19.02.075.

(2) \$6,751,000 of the data processing revolving account--state appropriation and \$4,853,000 of the master license fund--state appropriation are provided solely for the replacement of the department's legacy business systems. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) \$495,000 of the general fund--state appropriation for fiscal year 2014 and \$431,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of House Bill No. 1971 or Senate Bill No. 5873 (communications services reform). If neither bill is enacted by June 30, 2013, the amounts provided in the subsection shall lapse.

(4) \$641,000 of the general fund--state appropriation for fiscal year 2014 and \$297,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Senate Bill No. 5882 or House Bill No. 2081 (tax preferences and transparency). If neither bill is enacted by June 30, 2013, the amounts provided in the subsection shall lapse.

(5) \$65,000 of the general fund--state appropriation for fiscal year 2014 and \$93,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Second Substitute House Bill No. 1170 (property tax relief programs). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(6) \$292,000 of the general fund--state appropriation for fiscal

year 2015 is provided solely for implementation of Substitute House Bill No. 2201 (state tax preference). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(7) \$78,000 of the general fund--state appropriation for fiscal year 2014 and \$262,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Second Engrossed Substitute House Bill No. 1467 (unpaid wage collection). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(8) \$6,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Engrossed Substitute House Bill No. 2306 (farm and agricultural land/current use). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(9) \$8,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Second Engrossed Second Substitute House Bill No. 2493 (land use/horticulture). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(10) \$14,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Engrossed Substitute House Bill No. 1287 (Indian tribes/property tax). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(11) \$25,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Substitute House Bill No. 1634 (property tax levy limit). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(12) The department must consult with counties it determines to be directly affected by the United States open golf championship held in June 2015 in Washington state for the purpose of establishing metrics to estimate the additional state sales tax revenue attributable to that event. The department must report the additional state sales tax revenue attributable to the United States open golf championship to the fiscal committees of the legislature not later than December 1, 2015.

Sec. 136. 2013 2nd sp.s. c 4 s 137 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2014)	.....(((\$1,217,000))
.....	.....\$1,203,000
General Fund--State Appropriation (FY 2015).....	.....(((\$1,178,000))
.....	.....\$1,201,000
TOTAL APPROPRIATION.....	.....(((\$2,395,000))
.....	.....\$2,404,000

Sec. 137. 2013 2nd sp.s. c 4 s 138 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation	.....(((\$4,077,000))
.....	.....\$3,500,000

The appropriation in this section is subject to the following conditions and limitations: (((\$200,000 of the minority and women's business enterprises account--state appropriation is provided for implementation of a certification program for small business enterprises.)) The agency will collaborate with the department of transportation to certify small businesses as small business enterprises. Funding for this work is provided through interagency agreement with the state department of transportation.

Sec. 138. 2013 2nd sp.s. c 4 s 139 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--State Appropriation (FY 2014)	
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.....	\$300,000
General Fund--State Appropriation (FY 2015).....	
.....	\$100,000
General Fund--Federal Appropriation.....	\$4,495,000
Health Benefit Exchange Account--State Appropriation.....	
.....	\$676,000
Insurance Commissioners Regulatory Account--State	
Appropriation.....	(((\$49,555,000))
.....	\$50,183,000
TOTAL APPROPRIATION.....	(((\$55,126,000))
.....	\$55,754,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$676,000 of the health benefit exchange account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1947 (Washington health benefit exchange). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(2) The office of the insurance commissioner shall not curtail functions relating to solvency, rates and forms, and consumer protection.

(3) \$498,000 of the insurance commissioners regulatory account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2461 (insurance company solvency). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 139. 2013 2nd sp.s. c 4 s 140 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State	
Appropriation.....	(((\$36,035,000))
.....	\$36,059,000

Sec. 140. 2013 2nd sp.s. c 4 s 141 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

Dedicated Marijuana Fund--State Appropriation	
.....	\$7,726,000
Liquor Revolving Account--State Appropriation.....	
.....	(((\$65,146,000))
.....	\$55,951,000
General Fund--Federal Appropriation.....	\$945,000
General Fund--Private/Local Appropriation	
.....	\$25,000
TOTAL APPROPRIATION.....	(((\$66,116,000))
.....	\$64,647,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((\$2,494,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to implement Initiative Measure No. 502.

(2))(a) The liquor control board must work with the department of health and the department of revenue to develop recommendations for the legislature regarding the interaction of medical marijuana regulations and the provisions of Initiative Measure No. 502. At a minimum, the recommendations must include provisions addressing the following:

- (i) Age limits;
- (ii) Authorizing requirements for medical marijuana;
- (iii) Regulations regarding health care professionals;
- (iv) Collective gardens;
- (v) Possession amounts;
- (vi) Location requirements;
- (vii) Requirements for medical marijuana producing, processing, and retail licensing;

(viii) Taxation of medical marijuana in relation to recreational marijuana; and

(ix) The state agency that should be the regulatory body for medical cannabis.

(b) The board must submit its recommendations to the appropriate committees of the legislature by January 1, 2014.

(2) For the purposes of RCW 43.88.110(7), any initial cash deficit in the dedicated marijuana fund must be liquidated over the remainder of the 2013-2015 fiscal biennium.

(3) \$376,000 of the dedicated marijuana fund--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2149 (medical marijuana). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 141. 2013 2nd sp.s. c 4 s 142 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--Federal Appropriation.....	\$150,000
General Fund--Private/Local Appropriation	
.....	(((\$11,228,000))
.....	\$11,230,000
Public Service Revolving Account--State	
Appropriation.....	(((\$29,893,000))
.....	\$29,946,000
Pipeline Safety Account--State Appropriation.....	
.....	(((\$4,411,000))
.....	\$4,414,000
Pipeline Safety Account--Federal Appropriation	
.....	\$1,938,000
TOTAL APPROPRIATION.....	(((\$47,620,000))
.....	\$47,678,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall work with the Idaho public utilities commission and the public utility commission of Oregon to identify common regulatory functions that can be performed jointly, with the goal of formalizing an agreement that protects essential services while increasing regulatory effectiveness and efficiencies through economies of scale. The commission is authorized to enter into an agreement with such other state public utility commissions to work jointly in administering specified respective regulatory functions.

(2) Up to \$200,000 of the total appropriation is provided for the commission to continue to evaluate the regulatory processes for energy companies and identify and implement administrative actions to improve those processes. The commission shall develop and adopt a schedule for such administrative actions.

Sec. 142. 2013 2nd sp.s. c 4 s 143 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2014)	
.....	(((\$1,880,000))
.....	\$1,862,000
General Fund--State Appropriation (FY 2015).....	
.....	(((\$1,846,000))
.....	\$1,839,000
General Fund--Federal Appropriation	
.....	(((\$140,135,000))
.....	\$140,213,000
Enhanced 911 Account--State Appropriation	
.....	(((\$58,514,000))
.....	\$58,397,000
Disaster Response Account--State Appropriation.....	
.....	(((\$14,531,000))
.....	\$20,292,000

Disaster Response Account--Federal Appropriation.....	
.....(((\$53,253,000))	
.....	\$69,625,000
Military Department Rent and Lease Account--State	
Appropriation.....	\$615,000
Worker and Community Right-to-Know Account--State	
Appropriation.....	\$2,794,000
TOTAL APPROPRIATION.....(((\$273,568,000))	
.....	\$295,637,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$14,531,000)~~ \$20,292,000 of the disaster response account--state appropriation and ~~(\$53,253,000)~~ \$69,625,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2014-2015 biennium based on current revenue and expenditure patterns.

(2) ~~(\$75,000,000)~~ \$60,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate.

(3) \$7,000 of the general fund--state appropriation for fiscal year 2014 and \$30,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2347 (oil transportation safety). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(4) \$160,000 of the general fund--federal appropriation is provided solely for a grant to the Spokane regional health district for operation of the biosafety level three laboratory in fiscal year 2015.

Sec. 143. 2013 2nd sp.s. c 4 s 144 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2014)	
.....(((\$1,977,000))	
.....	\$1,993,000
General Fund--State Appropriation (FY 2015)	
.....(((\$2,036,000))	
.....	\$2,079,000
Higher Education Personnel Services Account--State	
Appropriation.....(((\$521,000))	
.....	\$522,000
Personnel Service Account--State Appropriation.....	
.....(((\$3,300,000))	
.....	\$3,334,000
TOTAL APPROPRIATION.....(((\$7,834,000))	
.....	\$7,928,000

Sec.144. 2013 2nd sp.s. c 4 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY
Certified Public Accountants' Account--State

Appropriation.....(((\$2,699,000))	
.....	\$2,705,000

Sec. 145. 2013 2nd sp.s. c 4 s 147 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State	
Appropriation.....(((\$3,552,000))	
.....	\$3,475,000

The appropriation in this section is subject to the following conditions and limitations: Pursuant to RCW 43.135.055, the commission is authorized to increase licensing fees by up to five percent in fiscal year 2014 and up to five percent in fiscal year 2015; and background check fees by up to one dollar in fiscal year 2014, and up to one dollar in fiscal year 2015.

Sec. 146. 2013 2nd sp.s. c 4 s 148 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund--State Appropriation (FY 2014)	
.....(((\$3,654,000))	
.....	\$3,661,000
General Fund--State Appropriation (FY 2015)	
.....(((\$3,628,000))	
.....	\$3,637,000
Building Code Council Account--State Appropriation	
.....(((\$1,227,000))	
.....	\$1,228,000
Data Processing Revolving Account--State	
Appropriation.....	\$7,062,000
Enterprise Services Account--State Appropriation.....	
.....	\$2,400,000
TOTAL APPROPRIATION.....(((\$8,509,000))	
.....	\$17,988,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,287,000 of the general fund--state appropriation for fiscal year 2014 and \$3,286,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2014 and 2015 as necessary to meet the actual costs of conducting business.

(3) The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in compliance with the standards established in executive order 10-06. No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action. The building code council shall comply with chapter 19.85 RCW, known as the regulatory fairness

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act, by including with all proposed substantial code amendments an analysis addressing cost effectiveness, net benefits, payback periods, and life-cycle costs.

~~((5))~~ (4) The department of enterprise services shall purchase flags needed for ceremonial occasions on the capitol campus in order to fully represent the countries that have an international consulate in Washington state.

~~((6))~~ (5) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services.

~~((7))~~ (6) \$2,400,000 of the ~~((data processing revolving account))~~ enterprise services account--state appropriation is provided solely for the implementation of a pilot program to implement a strategy and action plan to modernize the state's enterprise financial and administrative systems. The department, the office of financial management, and the office of the chief information officer, will lead the planning effort and establish advisory committees composed of key stakeholders. The plan will include an assessment of the readiness of state government to conduct a business transformation and system replacement project of this scale. The plan shall incorporate the objectives of lean management and should include recommendations on: Project scope, phasing and timeline, expected outcomes and measures of success, product strategy, budget and financing strategy options, risk mitigation, staffing and organization, and strategies to close readiness gaps. The department shall submit the implementation plan to the fiscal committees of the legislature by December 15, ~~((2013))~~ 2014.

The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

~~((8))~~ ~~(\$8,013,000)~~ (7) \$7,062,000 of the data processing revolving account--state appropriation is provided solely for the implementation of a pilot program to implement a time, leave, and attendance enterprise system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

~~((9))~~ (8) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$2,039,000 in fiscal year 2014 and \$2,038,000 in fiscal year 2015.

~~((10))~~ (9) The legislature intends to review for purchase parcel number one and surrounding property on McNeil Island. The department shall coordinate with the federal government to obtain an appraisal determining the fair market value and shall provide an estimate to the legislative fiscal committees by October 1, 2013.

(10) Pursuant to chapter 39.94 RCW, the department is authorized to enter into a financing contract for up to \$69,000,000 plus financing expenses and required reserves to construct a new office building at 1063 Capitol Way South, Olympia.

Sec. 147. 2013 2nd sp.s. c 4 s 149 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS
Volunteer Firefighters' and Reserve Officers'
Administrative Account--State Appropriation
.....(((\$1,044,000))
.....\$967,000

Sec. 148. 2013 2nd sp.s. c 4 s 150 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND
HISTORIC PRESERVATION
General Fund--State Appropriation (FY 2014)
.....(((\$1,293,000))

.....	\$1,271,000
General Fund--State Appropriation (FY 2015)	.....(((\$1,242,000))
.....	\$1,452,000
General Fund--Federal Appropriation.....	\$1,950,000
General Fund--Private/Local Appropriation	\$14,000
.....	\$14,000
TOTAL APPROPRIATION	(((\$4,499,000))
.....	\$4,687,000

The appropriations in this section are subject to the following conditions and limitations: \$120,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for costs associated with the relocation of the department's operations from 1063 Capitol Way to the Lord mansion in Olympia.

NEW SECTION. Sec. 149. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE GAMBLING COMMISSION

Pursuant to RCW 43.135.055, the commission is authorized to increase license fees by up to five percent in fiscal year 2015.

(End of part)

**PART II
HUMAN SERVICES**

Sec. 201. 2013 2nd sp.s. c 4 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority and the department are authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under the Washington medicaid integration partnership (WMIP) and the medicare integrated care project (MICP), the health care authority and the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 213 of this act as may be necessary to finance a unified health care plan for the WMIP and the MICP program enrollment. The WMIP pilot projects shall

not exceed a daily enrollment of 6,000 persons, nor expand beyond one county during the 2013-2015 fiscal biennium. The amount of funding assigned from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. In implementing the WMIP and the MICP, the health care authority and the department may: (i) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for enrolled individuals; and (ii) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs.

(b) If Washington has been selected to participate in phase two of the federal demonstration project for persons dually-eligible for both medicare and medicaid, the department and the authority may initiate the MICP. Participation in the project shall be limited to persons who are eligible for both medicare and medicaid and to counties in which the county legislative authority has agreed to the terms and conditions under which it will operate. The purpose of the project shall be to demonstrate and evaluate ways to improve care while reducing state expenditures for persons enrolled both in medicare and medicaid. To that end, prior to initiating the project, the department and the authority shall assure that state expenditures shall be no greater on either a per person or total basis than the state would otherwise incur. Individuals who are solely eligible for medicaid may also participate if their participation is agreed to by the health care authority, the department, and the county legislative authority.

(4) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(5) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in section 213 of this act. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(6) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for the medicaid expansion but are enrolled in coverage that will be eliminated in the transition to the medicaid expansion.

(7)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2014, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2014 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided

in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2014 caseload forecasts and utilization assumptions in the long-term care, foster care, adoptions support, medicaid personal care, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 202. 2013 2nd sp.s. c 4 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)(((\$296,676,000))	
.....	\$297,587,000
General Fund--State Appropriation (FY 2015)(((\$297,641,000))	
.....	\$298,458,000
General Fund--Federal Appropriation.....(((\$489,939,000))	
.....	\$493,990,000
General Fund--Private/Local Appropriation	\$1,354,000
Home Security Fund Account--State Appropriation.....	
.....	\$10,741,000
Domestic Violence Prevention Account--State	
Appropriation.....	\$1,240,000
Child and Family Reinvestment Account--State	
Appropriation.....(((\$6,491,000))	
.....	\$2,647,000
Education Legacy Trust Account--State Appropriation.....	\$446,000
TOTAL APPROPRIATION (((\$1,104,082,000))	
.....	\$1,106,463,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(2) \$668,000 of the general fund--state appropriation for fiscal year 2014 and \$668,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(3) \$538,500 of the general fund--state appropriation for fiscal year 2014, \$539,500 of the general fund--state appropriation for fiscal year 2015, \$656,000 of the general fund--private/local appropriation, and \$253,000 of the general fund--federal

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appropriation are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the transition to performance based contracts. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

(4) \$10,741,000 of the home security fund--state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220. The department shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW. The reductions to appropriations in this subsection related to semi-secure crisis residential centers reflect a reduction to the number of beds for semi-secure crisis residential centers and not a reduction in rates. Any secure crisis residential center or semi-secure crisis residential center bed reduction shall not be based solely upon bed utilization. The department is to exercise its discretion in reducing the number of beds but to do so in a manner that maintains availability and geographic representation of semi-secure and secure crisis residential centers.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2014 and \$125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a community-based organization that has innovated, developed, and replicated a foster care delivery model that includes a licensed hub home. The community-based organization will provide training and technical assistance to the children's administration to develop five hub home models in region 2 that will improve child outcomes, support foster parents, and encourage the least restrictive community placements for children.

(6) \$73,000 of the general fund--state appropriation for fiscal year 2014, \$20,000 of the general fund--state appropriation for fiscal year 2015, and \$31,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1566 (youth in out-of-home care). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(7) \$88,000 of the general fund--state appropriation for fiscal year 2014, \$2,000 of the general fund--state appropriation for fiscal year 2015, and \$28,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1774 (child welfare system). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(8) \$1,698,000 of the general fund--state appropriation for fiscal year 2014, \$2,788,000 of the general fund--state appropriation for fiscal year 2015, and \$1,894,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5405 (extended foster care). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(9) \$579,000 of the general fund--state appropriation for fiscal year 2014, \$579,000 of the general fund--state appropriation for fiscal year 2015, and \$109,000 of the general fund--federal

appropriation are provided solely for a receiving care center east of the Cascade mountains.

(10)(a) \$446,000 of the general fund--state appropriation for fiscal year 2014 and \$446,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a contract with a nongovernmental entity or entities to establish one demonstration site in a school district or group of school districts in western Washington.

(b) The children's administration and the nongovernmental entity or entities shall collaboratively select the demonstration site. The demonstration site should be a school district or group of school districts with a significant number of students who are dependent pursuant to chapter 13.34 RCW.

(c) The demonstration site established under this subsection must be selected by September 1, 2013.

(d) The purpose of the demonstration site is to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW by providing individualized education services and monitoring and supporting dependent youths' completion of educational milestones, remediation needs, and special education needs.

(e) The demonstration site established under this subsection must facilitate the educational progress and graduation of dependent youth. The contract must be performance-based with a stated goal of improving the graduation rates of foster youth by two percent per year over five school year periods, starting with the 2014-15 school year and ending with the 2019-20 school year. The demonstration site must develop and provide services aimed at improving the educational outcomes of foster youth. These services must include:

(i) Direct advocacy for foster youth to eliminate barriers to educational access and success;

(ii) Consultation with department of social and health services case workers to develop educational plans for and with participating youth;

(iii) Monitoring education progress of participating youth;

(iv) Providing participating youth with school and local resources that may assist in educational access and success; and

(v) Coaching youth, caregivers, and social workers to advocate for dependent youth in the educational system.

(f) The contracted nongovernmental entity or entities must report demonstration site outcomes to the department of social and health services and the office of public instruction by June 30, 2014, for the 2013-14 school year, and by June 30, 2015, for the 2014-15 school year.

(g) The children's administration must proactively refer all students fifteen years or older, within the demonstration site area, to the selected nongovernmental entity for educational services.

(h) The children's administration must report quarterly to the legislature on the number of eligible youth and number of youth referred for services beginning at the close of the second quarter of fiscal year 2014 and through the final quarter of fiscal year 2015.

(i) The contracted nongovernmental entity or entities shall report to the legislature by June 30, 2015, on the effectiveness of the demonstration site in increasing graduation rates for dependent youth.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2014, and \$50,000 of the general fund--state appropriation for fiscal year 2015, and \$256,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5315 (Powell fatality team). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(12) \$670,000 of the general fund--state appropriation for fiscal year 2014 and \$670,000 of the general fund--state appropriation for

fiscal year 2015 are provided solely for services provided through children's advocacy centers.

(13)(a) \$22,695,000 of the general fund--state appropriation for fiscal year 2014, \$22,695,000 of the general fund--state appropriation for fiscal year 2015, and \$28,450,000 of the general fund--federal appropriation are provided solely for services for children and families. Prior to approval of contract services pursuant to RCW 74.13B.020, the amounts provided in this section shall be allotted on a monthly basis and expenditures shall not exceed allotments based on a three-month rolling average without approval of the office of financial management following notification to the legislative fiscal committees.

(b) The department shall provide these services to safely reduce the number of children in out-of-home care, the time spent in out-of-home care prior to achieving permanency, and the number of children returning to out-of-home care following permanency.

(14) \$244,000 of the general fund--state appropriation for fiscal year 2014, ((\$1,783,000)) \$5,832,000 of the general fund--state appropriation for fiscal year 2015, (\$6,491,000)) \$2,647,000 of the child and family reinvestment account--state appropriation, and \$8,274,000 of the general fund--federal appropriation, are provided solely for the implementation and operations of the family assessment response program.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2015 and \$60,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1675 (adoption process). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(16) \$15,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to implement Second Substitute House Bill No. 2616 (parents with developmental disabilities). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(17) \$150,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for training, technical assistance, and fidelity oversight for an open source parenting program developed by a university-based child welfare research entity. Expenditure of the amount provided in this subsection is contingent upon the availability of private funds necessary for the research entity to develop the open source parenting curriculum. The children's administration must make the open source parenting program available to parents with an open child welfare case beginning in the last six months of fiscal year 2015.

(18) Effective January 2015, in addition to the youth eligible for extended foster care services under RCW 13.34.267 and 74.13.031, the department is authorized to provide extended foster care services to nonminor dependents who are engaged in employment for eighty hours or more per month. \$83,000 of the general fund--state appropriation for fiscal year 2015 and \$23,000 of the general fund--federal appropriation are provided solely for such services.

(19) Within amounts appropriated in this section, the advisory committee convened by the department in RCW 74.13.096 shall consult with the governor's office of Indian affairs, the Washington state commission on African-American affairs, the Washington state commission on Asian Pacific American affairs, and the Washington state commission on Hispanic affairs to develop membership rules by August 1, 2014. The membership rules must be included in the annual secretary's report required under RCW 74.13.096(6).

(20) \$446,000 of the education legacy trust account--state appropriation and \$65,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2377 (early care and education). This funding is provided for costs related to the 2 percent quality payments and tiered reimbursement rate increases.

Sec. 203. 2013 2nd sp.s. c 4 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2014) ..((\$89,967,000))	
.....	\$89,982,000
General Fund--State Appropriation (FY 2015) ..((\$90,255,000))	
.....	\$89,889,000
General Fund--Federal Appropriation	\$3,464,000
General Fund--Private/Local Appropriation	\$1,981,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation.....	\$196,000
Reinvesting in Youth--State Appropriation.....	\$383,000
Juvenile Accountability Incentive Account--Federal	
Appropriation.....	\$2,801,000
TOTAL APPROPRIATION	(\$189,047,000))
.....	\$188,696,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund--state appropriation for fiscal year 2014 and \$331,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,716,000 of the general fund--state appropriation for fiscal year 2014 and \$2,716,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,482,000 of the general fund--state appropriation for fiscal year 2014 and \$3,482,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,130,000 of the general fund--state appropriation for fiscal year 2014 and \$1,130,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,123,000 of the general fund--state appropriation for fiscal year 2014 and \$3,123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation

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administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,537,000 of the general fund--state appropriation for fiscal year 2014 and \$1,537,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit-cost finding in the institute's report. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) The juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal

staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(c) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile rehabilitation administration and Washington state institute for public policy. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(9) \$445,000 of the general fund--state appropriation for fiscal year 2014 and \$445,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for funding of the teamchild project.

(10) \$178,000 of the general fund--state appropriation for fiscal year 2014 and \$178,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the juvenile detention alternatives initiative.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant program focused on criminal street gang prevention and intervention. The Washington state partnership council on juvenile justice may award grants under this subsection. The council shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to implement Engrossed Substitute House Bill No. 2164 (juvenile firearms offenders). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(13) \$500,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for competitive grants to community-based organizations to provide at-risk youth intervention services, including but not limited to, case management, employment services, educational services, and street outreach intervention programs. Projects funded should focus on preventing, intervening, and suppressing behavioral problems and violence while linking at-risk youth to pro-social activities. The costs of administration may not exceed four percent of appropriated funding for each grant recipient. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services upon the youth and the community.

Sec. 204. 2013 2nd sp.s. c 4 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2014) ((\$327,467,000))	\$328,527,000
General Fund--State Appropriation (FY 2015) ((\$308,723,000))	\$329,211,000
General Fund--Federal Appropriation.....((\$561,394,000))	\$666,113,000
General Fund--Private/Local Appropriation	\$17,864,000
TOTAL APPROPRIATION ((\$1,215,448,000))	\$1,341,715,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$104,999,000 of the general fund--state appropriation for fiscal year 2014 and ((~~\$85,895,000~~)) \$88,895,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. This is a reduction in flexible nonmedicaid funding of \$4,343,000 for fiscal year 2014 and ((~~\$23,446,000~~)) \$20,446,000 for fiscal year 2015. This reduction reflects offsets in state funding related to services that will now be funded with federal dollars through the affordable care act medicaid expansion. This reduction shall be distributed ((as follows:

(i) ~~The \$4,343,000 reduction in fiscal year 2014 and \$11,723,000 of the reduction in fiscal year 2015 must be distributed~~) among regional support networks based on a formula that equally weights each regional support networks proportion of individuals who become newly eligible and enroll in medicaid under the expansion provisions of the affordable care act ((in fiscal year 2014)) and each regional support network's spending of flexible nonmedicaid funding on services that would be reimbursable for federal medicaid matching funds if provided to medicaid enrollees in the 2011-2013 fiscal biennium.

((ii) The remaining \$11,723,000 reduction in fiscal year 2015 must be distributed among regional support networks based on each regional support network's proportion of individuals who become newly eligible and enroll in medicaid under the expansion provisions of the affordable care act through fiscal year 2015.))

(b) \$6,590,000 of the general fund--state appropriation for fiscal year 2014, \$6,590,000 of the general fund--state appropriation for

fiscal year 2015, and \$7,620,000 of the general fund--federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(a) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) \$5,850,000 of the general fund--state appropriation for fiscal year 2014, \$5,850,000 of the general fund--state appropriation for fiscal year 2015, and \$1,300,000 of the general fund--federal appropriation are provided solely for the western Washington regional support networks to provide either community- or hospital campus-based services for persons who require the level of care previously provided by the program for adaptive living skills (PALS) at western state hospital.

(d) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 557 per day.

(e) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(f) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(g) \$750,000 of the general fund--state appropriation for fiscal year 2014 and \$750,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(h) \$1,125,000 of the general fund--state appropriation for fiscal year 2014 and \$1,125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at

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eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(i) \$1,529,000 of the general fund--state appropriation for fiscal year 2014 and \$1,529,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(j) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(k) \$3,436,000 of the general fund--state appropriation for fiscal year 2014 and \$2,291,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(l) \$523,000 of the general fund--state appropriation for fiscal year 2014, \$775,000 of the general fund--state appropriation for fiscal year 2015, and \$854,000 of the general fund--federal appropriation are provided solely for implementation of sections 3 through 5 of chapter 289, Laws of 2013 (E2SHB 1114). Regional support networks must use this funding for the development of intensive community programs that allow individuals to be diverted or transitioned from the state hospitals in accordance with plans approved by the department.

(m) \$5,986,000 of the general fund--state appropriation for fiscal year 2014, \$11,592,000 of the general fund--state appropriation for fiscal year 2015, and \$10,160,000 of the general fund--federal appropriation are provided solely for implementation of chapter 335, Laws of 2013 (ESSB 5480). Regional support networks must use this funding for the development of intensive community programs that allow individuals to be diverted or transitioned from the state hospitals in accordance with plans approved by the department.

(n) Due to recent approval of federal medicaid matching funds for the disability lifeline and the alcohol and drug abuse treatment support act programs, the department shall charge regional support networks for only the state share rather than the total cost of community psychiatric hospitalization for persons enrolled in those programs.

(o) The legislature finds that the circumstances of the Chelan-Douglas regional support network (CD-RSN) make it necessary for CD-RSN to undergo restructuring in order to provide mental health services essential to the health and wellness of the citizens within its service area. The legislature intends to provide additional temporary financial relief to the CD-RSN while it undergoes internal restructuring or negotiates a merger with another regional support network.

The department shall negotiate relief for outstanding fiscal year 2013 reimbursements owed by CD-RSN to the state provided that the CD-RSN has a plan in place that is approved by the department by August 1, 2013, that demonstrates how CD-RSN will maintain financial viability and stability or will merge with another regional support network.

For the period of July 1, 2013, through December 31, 2013, the department may alter collection of reimbursement from CD-RSN

for overuse of state hospital beds. To receive a reduction to the required reimbursement for overuse of state hospital beds, CD-RSN must continue to prioritize services that reduce its utilization and census at eastern state hospital and be actively implementing an approved plan to maintain financial viability or pursuing a future merger with another regional support network. Up to \$298,000 of the general fund--state appropriation for fiscal year 2014 is for the department to provide payments to regional support networks in eastern Washington which have used less than their allocated or contracted patient days of care at the state hospital to replace the share of the reimbursements from CD-RSN that the regional support networks would have received under RCW 71.24.320.

(p) \$266,000 of the general fund--state appropriation for fiscal year 2014 ~~(is)~~ and \$1,500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to maintain services for the King county regional support network as it works to transition services to settings that are eligible for federal participation for individuals covered under the medicaid program.

(q) Within the amounts appropriated in this section, funding is provided for the department to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(r) \$7,281,000 of the general fund--state appropriation for fiscal year 2015 and \$4,589,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 2725 (involuntary commitment) and enhancement of community mental health services. The department must contract these funds for the operation of the following community programs that allow individuals to be diverted or transitioned from the state hospitals: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King regional support network, the Spokane regional support network outside of Spokane county, and the Thurston Mason regional support network; (ii) one new full program of an assertive community treatment team in the King regional support network and two new half programs of assertive community treatment teams in the Spokane regional support network and the Pierce regional support network; and (iii) three new recovery support services programs in the Grays Harbor regional support network, the Greater Columbia regional support network, and the North Sound regional support network. In contracting for community evaluation and treatment services, the department may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the department is unable to come to a contract agreement with a designated regional support network for any of the services identified above, it may consider contracting for that service in another regional support network that has the need for such service.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014)(((\$135,246,000))	
.....	\$141,113,000
General Fund--State Appropriation (FY 2015)(((\$131,863,000))	
.....	\$130,819,000
General Fund--Federal Appropriation.....(((\$150,863,000))	
.....	\$159,324,000
General Fund--Private/Local Appropriation.....(((\$63,097,000))	
.....	\$58,848,000
TOTAL APPROPRIATION.....(((\$481,069,000))	
.....	\$490,104,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2014 and \$231,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2014 and \$45,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$20,000,000 of the general fund--state appropriation for fiscal year 2014 and \$20,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to maintain staffed capacity to serve an average daily census in forensic wards at western state hospital of 270 patients per day.

(e) ~~(\$2,068,000)~~ \$6,194,000 of the general fund--state appropriation for fiscal year 2014, \$2,066,000 of the general fund--state appropriation for fiscal year 2015, and \$240,000 of the general fund--federal appropriation are provided solely for the state psychiatric hospitals to plan, procure, and implement the core elements of an electronic medical record system that is compliant with the international classification of diseases (ICD-10) by October 1, 2014. These funds must only be used for an electronic medical record system that meets federal criteria for electronic sharing of patient information and clinical care summaries with doctors' offices, hospitals, and health systems which use federally certified electronic health record systems. The procurement and implementation shall be conducted to allow for these services to be expanded to the department of corrections. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2014).....	(\$1,609,000))
.....	\$1,612,000
General Fund--State Appropriation (FY 2015).....	(\$1,610,000))
.....	\$1,613,000
General Fund--Federal Appropriation.....	\$6,286,000
TOTAL APPROPRIATION.....	(\$9,505,000))
.....	\$9,511,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,161,000 of the general fund--state appropriation for fiscal year 2014 and \$1,161,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for children's evidence-based mental health services.

(b) \$446,000 of the general fund--state appropriation for fiscal year 2014, \$446,000 of the general fund--state appropriation for fiscal year 2015, and \$178,000 of the general fund--federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The institute and the department must submit this plan to the office of financial management and the fiscal committees of the legislature by December 1, 2013.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2014).....	(\$5,287,000))
.....	\$6,153,000

General Fund--State Appropriation (FY 2015).....	(\$4,777,000))
.....	\$7,486,000
General Fund--Federal Appropriation.....	(\$7,711,000))
.....	\$9,443,000
General Fund--Private/Local Appropriation.....	\$502,000
TOTAL APPROPRIATION.....	(\$18,277,000))
.....	\$23,584,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2014 and 2015 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(b) \$74,000 of the general fund--state appropriation for fiscal year 2014, \$74,000 of the general fund--state appropriation for fiscal year 2015, and \$78,000 of the general fund--federal appropriation are provided solely for implementation of chapter 335, Laws of 2013 (ESSB 5480).

(c) \$160,000 of the general fund--state appropriation for fiscal year 2014 and \$80,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 284, Laws of 2013 (ESSB 5551).

(d) In developing the new medicaid managed care rates under which the public mental health managed care system will operate, the department must seek to estimate the reasonable and necessary cost of efficiently and effectively providing a comparable set of medically necessary mental health benefits to persons of different acuity levels regardless of where in the state they live. The department must report to the office of financial management and to the relevant fiscal and policy committees of the legislature on its proposed new mental health managed care rate-setting approach by August 1, 2013, and again at least sixty days prior to implementation of new capitation rates.

(e) \$349,000 of the general fund--state appropriation for fiscal year 2014, \$212,000 of the general fund--state appropriation for fiscal year 2015, and \$302,000 of the general fund--federal appropriation are provided solely to implement chapter 320, Laws of 2013 (ESHB 1519) and chapter 338, Laws of 2013 (2SSB 5732).

(f) The department shall work cooperatively with the health care authority to explore the feasibility of incentivizing small, rural hospitals to convert, in part or fully, some of their beds to psychiatric treatment beds. No later than December 31, 2014, the department shall report to the appropriate fiscal committees of the legislature on the feasibility of such conversion. The report shall consider rate enhancements and the ability to claim federal medicaid matching funds on converted beds.

(g) \$75,000 of the general fund--state appropriation for fiscal year 2014 and \$21,000 of the general fund--federal appropriation are provided for implementation of section 9, chapter 197, Laws of 2013 (ESHB 1336). The department must utilize these funds for mental health first aid training targeted at teachers and educational staff in accordance with the training model developed by the department of psychology in Melbourne, Australia.

(h) Within the amounts appropriated in this section, funding is provided for the department to continue to develop the child adolescent needs and strengths assessment tool and build workforce

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capacity to provide evidence based wraparound services for children, consistent with the (~~(anticipated)~~) settlement agreement in *T.R. v. Dreyfus and Porter*.

(i) \$610,000 of the general fund--state appropriation for fiscal year 2014, \$1,193,000 of the general fund--state appropriation for fiscal year 2015, and \$971,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2639 (mental health, chemical dependency) and Engrossed Substitute House Bill No. 2315 (suicide prevention). If Second Substitute House Bill No. 2639 (mental health, chemical dependency) is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(j) \$70,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the department to contract with the criminal justice training commission for training officers on working with individuals with mental health issues.

Sec. 205. 2013 2nd sp.s. c 4 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2014)	(\$439,963,000)
.....	\$445,988,000
General Fund--State Appropriation (FY 2015)	(\$458,131,000)
.....	\$474,995,000
General Fund--Federal Appropriation.....	(\$820,769,000)
.....	\$838,228,000
General Fund--Private/Local Appropriation	(\$21,000)
.....	\$776,000
TOTAL APPROPRIATION	(\$1,718,884,000)
.....	\$1,759,987,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be increased to \$225 per bed beginning in fiscal year 2014 and \$225 per bed beginning in fiscal year 2015. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(ii) The current annual renewal license fee for assisted living facilities shall be increased to \$106 per bed beginning in fiscal year 2014 and \$106 per bed beginning in fiscal year 2015.

(iii) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2014 and \$359 per bed beginning in fiscal year 2015.

(c) (~~(\$13,301,000)~~) \$13,267,000 of the general fund--state appropriation for fiscal year 2014, (~~(\$20,607,000)~~) \$20,754,000 of the general fund--state appropriation for fiscal year 2015, and (~~(\$33,910,000)~~) \$34,024,000 of the general fund federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw through an interest arbitration

decision under the provisions of chapters 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium.

(d) \$6,244,000 of the general fund--state appropriation for fiscal year 2014 and \$6,244,000 of the general fund--state appropriation for fiscal year 2015 are appropriated solely for the individual and family support program. Within these amounts, the department shall expand the current number of clients receiving services and focus on extending services to individuals with developmental disabilities who are not otherwise receiving paid services from the department.

(~~(\$1,547,000)~~) (e) \$774,000 of the general fund--state appropriation for fiscal year 2015, and (~~(\$4,790,000)~~) \$2,395,000 of the general fund--federal appropriation are provided solely for a payment system that satisfies medicaid requirements regarding time reporting for W-2 providers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(~~(\$3)~~) (f) \$1,707,000 of the general fund--state appropriation for fiscal year 2014, \$2,670,000 of the general fund--state appropriation for fiscal year 2015, and \$4,376,000 of the general fund--federal appropriation are provided solely for the homecare agency parity impacts of the service employees international union healthcare 775nw arbitration award.

(~~(\$4)~~) (g) The department is authorized to establish limited exemption criteria in rule to address RCW 74.39A.325 when a landline phone is not available to the employee.

(h) \$242,000 of the general fund--federal appropriation and \$241,000 of the general fund--local appropriation are provided solely to implement Second Substitute House Bill No. 1574 (residential services and supports). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse. In accordance with Second Substitute House Bill No. 1574, the department is authorized to increase supported living fees as necessary to support the actual costs of conducting the certification, inspection, and regulatory programs. The certification fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the certification fee attributed to medicaid clients. The annual certification fee for supported living shall be \$128 per client beginning in fiscal year 2015.

(i) \$91,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to implement Substitute House Bill No. 2310 (provider safety equipment). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(j) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant.

(k) The department of social and health services shall increase the benchmark rates for community residential service businesses providing supported living, group home, and licensed staff residential services for people with developmental disabilities by thirty cents starting July 1, 2014.

(l) It is the intent of the legislature to use savings from the community first choice option to make needed investments in home and community-based services for seniors and people with disabilities, including potential investments recommended by the joint legislative executive committee on aging and disability and a development and implementation council that the department of social and health services must convene prior to submitting the proposed community first choice option to the centers for medicare

and medicaid services. At a minimum, the final report to the legislature from the joint legislative executive committee on aging and disability must explore the cost and benefit of rate enhancements for providers of long-term services and supports, restoration of hours for in-home clients, additional investment in the family caregiver support program, and additional investment in the individual and family services program or other medicaid services to support individuals with developmental disabilities.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014) ..(((\$85,261,000))	
.....	\$85,962,000
General Fund--State Appropriation (FY 2015) ..(((\$84,980,000))	
.....	\$85,812,000
General Fund--Federal Appropriation	(((\$160,021,000))
.....	\$161,630,000
General Fund--Private/Local Appropriation	\$23,041,000
TOTAL APPROPRIATION	(((\$353,303,000))
.....	\$356,445,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$721,000 of the general fund--state appropriation for fiscal year 2014 and \$721,000 of the general fund--state appropriation for fiscal year 2015 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2014) ....(((\$1,943,000))	
.....	\$1,975,000
General Fund--State Appropriation (FY 2015) ....(((\$1,993,000))	
.....	\$2,025,000
General Fund--Federal Appropriation	(((\$1,957,000))
.....	\$2,068,000
TOTAL APPROPRIATION	(((\$5,893,000))
.....	\$6,068,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2014) ....(((\$1,400,000))	
.....	\$1,403,000
General Fund--State Appropriation (FY 2015) ....(((\$1,400,000))	
.....	\$1,403,000
General Fund--Federal Appropriation	(((\$1,200,000))
.....	\$1,206,000
TOTAL APPROPRIATION	(((\$4,000,000))
.....	\$4,012,000

Sec. 206. 2013 2nd sp.s. c 4 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2014) (((\$869,628,000))	
.....	\$860,212,000
General Fund--State Appropriation (FY 2015) (((\$923,218,000))	
.....	\$915,709,000
General Fund--Federal Appropriation	(((\$1,934,089,000))
.....	\$1,902,764,000
General Fund--Private/Local Appropriation	(((\$30,122,000))
.....	\$33,707,000
Traumatic Brain Injury Account--State Appropriation	
.....	\$3,393,000
Skilled Nursing Facility Safety Net Trust Account--State	
Appropriation	(((\$88,000,000))
.....	\$110,681,000

TOTAL APPROPRIATION	(((\$3,848,450,000))
.....	\$3,826,466,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$171.35 for fiscal year 2014 and shall not exceed ~~(((\$171.58))~~ \$178.82 for fiscal year 2015, including the rate add-ons described in (a) ~~((and))~~ (b), (g), (h), and (i) of this subsection. However, if the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment is for any reason disapproved, the weighted average nursing facility payment rate shall not exceed \$162.43 for fiscal year 2014 and shall not exceed \$163.58 for fiscal year 2015. There will be no adjustments for economic trends and conditions in fiscal years 2014 and 2015. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) For fiscal year 2014 within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. For fiscal year 2015 within funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed the industry weighted average rate of \$4.22. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$17 in calendar year 2012, according to cost report data. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) The department shall do a comparative analysis of the facility-based payment rates calculated on July 1, 2013, using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the low wage worker add-on, the direct care add-on found in subsection (1)(g) of this section, the support services add-on found in subsection (1)(h) of this section, the therapy care add-on found in subsection (1)(i) of this section, the comparative add-on, acuity add-on, and safety net reimbursement, to the facility-based payment rates in effect June 30, 2010. If the facility-based payment rate calculated on July 1, 2013, is smaller than the facility-based payment rate on June 30, 2010, then the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in subsection (b) of this section, if it is found that the direct care rate for any facility calculated using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the low wage worker add-on, the direct care add-on found in subsection (1)(g) of this section, the support services add-on found

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in subsection (1)(h) of this section, the therapy care add-on found in subsection (1)(i) of this section, the comparative add-on, acuity add-on, and safety net reimbursement, is greater than the direct care rate in effect on June 30, 2010, then the facility shall receive a ten percent direct care rate add-on to compensate that facility for taking on more acute clients than they have in the past.

(d) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(e) The rate add-on provided in (c) of this subsection is subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(f) If the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment is for any reason disapproved, (b), (c), ~~((and))~~ (d), (g), (h), and (i) of this subsection do not apply.

(g) For fiscal year 2015, the department shall provide a direct care rate add-on of \$3.63 per patient day. This subsection (g) is subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(h) For fiscal year 2015, the department shall provide a support services rate add-on of \$0.85 per patient day. This subsection (h) is subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(i) For fiscal year 2015, the department shall provide a therapy care rate add-on of \$0.05 per patient day. This subsection (i) is subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(2) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2014 and no new certificates of capital authorization for fiscal year 2015 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2014 and 2015.

(3) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be increased to \$225 per bed beginning in fiscal year 2014 and \$225 per bed beginning in fiscal year 2015. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(b) The current annual renewal license fee for assisted living facilities shall be increased to \$106 per bed beginning in fiscal year 2014 and \$106 per bed beginning in fiscal year 2015.

(c) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2014 and \$359 per bed beginning in fiscal year 2015.

(4) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(5) ~~((30,640,000))~~ \$29,996,000 of the general fund--state appropriation for fiscal year 2014, ~~((48,633,000))~~ \$49,061,000 of the general fund--state appropriation for fiscal year 2015, and ~~((79,273,000))~~ \$79,058,000 of the general fund--federal appropriation are provided solely for the implementation of the

agreement reached between the governor and the service employees international union healthcare 775nw through an interest arbitration decision under the provisions of chapters 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium.

(6) \$1,840,000 of the general fund--state appropriation for fiscal year 2014 and \$1,877,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(7) ~~((4,894,000))~~ \$2,447,000 of the general fund--state appropriation for fiscal year 2015, and ~~((15,150,000))~~ \$7,575,000 of the general fund--federal appropriation are provided solely for a payment system that satisfies medicaid requirements regarding time reporting for W-2 providers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(8) The department is authorized to establish limited exemption criteria in rule to address RCW 74.39A.325 when a landline phone is not available to the employee.

(9) Within the amounts appropriated in this section, in a report to the appropriate fiscal committees of the legislature that must be submitted by December 1, 2013, the department of social and health services must describe the process for establishing medicaid rates for assisted living and adult family homes. The report must include information about licensing and physical plant standards, contracting provisions, and per capita and biennial expenditures for assisted living and adult family homes.

(10) \$10,800,000 of the general fund--state appropriation for fiscal year 2014, \$17,768,000 of the general fund--state appropriation for fiscal year 2015, and \$28,567,000 of the general fund--federal appropriation are provided solely for the homecare agency parity impacts of the service employees international union healthcare 775nw arbitration award.

(11) \$33,000 of the general fund--state appropriation for fiscal year 2014, \$17,000 of the general fund--state appropriation for fiscal year 2015, and \$50,000 of the general fund--federal appropriation are provided solely for staffing and other expenses associated with the work of the joint legislative executive committee on planning for aging and disability issues that is established by this subsection.

(a) A joint legislative executive committee on aging and disability is established, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members. Four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee; and

(v) The director of the department of retirement systems or his or her designee.

(b) The committee must convene by September 1, 2013. At the first meeting, the committee will select co-chairs from among its members who are legislators. All meetings of the committee are open to the public.

(c) The purpose of the committee is to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but not limited to, the following tasks:

(i) Establish a profile of Washington's current population of older people and people with disabilities and a projection of population growth through 2030;

(ii) Establish an inventory of services and supports currently available to older people and people with disabilities from the health care and long-term services and support systems and other community resources such as housing, transportation, income support, and protection for vulnerable adults;

(iii) Identify state budget and policy options to more effectively use state, federal and private resources to, over time, reduce the growth rate in state expenditures that would otherwise occur by continuing current policy in light of significant population growth;

(iv) Identify strategies to better serve the health care needs of an aging population and people with disabilities, and promote healthy living;

(v) Identify policy options to create financing mechanisms for long-term services and supports that will promote additional private responsibility for individuals and families to meet their needs for service;

(vi) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans; and

(vii) Identify policy options to help communities adapt to the aging demographic in planning for housing, land use and transportation.

(d) The committee shall consult with the office of the insurance commissioner, the caseload forecast council, health care authority, and other appropriate entities with specialized knowledge of the needs and growth trends of the aging population and people with disabilities.

(e) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(f) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(g) The committee shall issue an interim report to the legislature by December 10, 2013, and issue final recommendations to the governor and relevant standing committees of the legislature by December 10, 2014.

(12) \$240,000 of the general fund--state appropriation for fiscal year 2014, \$1,342,000 of the general fund--state appropriation for fiscal year 2015, and \$1,468,000 of the general fund--federal appropriation are provided solely to implement chapter 320, Laws of 2013 (ESHB 1519) and chapter 338, Laws of 2013 (2SSB 5732).

(13) The department shall review the capital add-on rate established by RCW 74.39A.320 for effectiveness in incentivizing assisted living facilities to serve Medicaid eligible clients. Upon completing its review, the department shall submit its findings along with recommendations for alternatives to the office of financial management and the fiscal committees of the legislature by December 1, 2013. The department is encouraged to engage stakeholders in developing alternatives.

(14) \$239,000 of the general fund--state appropriation for fiscal year 2014, \$160,000 of the general fund--state appropriation for fiscal year 2015, and \$398,000 of the general fund--federal appropriation are provided solely to implement chapter 300, Laws of 2013 (SSB 5630).

(15) \$237,000 of the general fund--federal appropriation and \$236,000 of the general fund--local appropriation are provided solely to implement Second Substitute House Bill No. 1574 (residential services and supports). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse. In accordance with Second Substitute House Bill No. 1574, the department is authorized to increase supported living fees as necessary to support the actual costs of conducting the certification, inspection, and regulatory programs. The certification fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the certification fee attributed to medicaid clients. The annual certification fee for supported living shall be \$128 per client beginning in fiscal year 2015.

(16) \$3,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to implement Substitute House Bill No. 2310 (provider safety equipment). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(17) \$296,000 of the general fund--state appropriation for fiscal year 2015, and \$296,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 2746 (medicaid personal care). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(18) \$500,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the department to contract for an independent feasibility study and actuarial modeling of public and private options for leveraging private resources to help individuals prepare for long-term services and supports needs. The study should model at least three options, including a public long-term care insurance benefit funded through a payroll deduction that would provide a time-limited long-term care insurance benefit, regulatory changes necessary to encourage the development and growth of new products on the market that combine features of life insurance, long-term care insurance and annuities or medicaid life settlements, and a public-private option such as facilitating a new marketplace through the Washington health plan finder for private long-term care insurance policies that would provide a time-limited benefit, an age defined individual mandate for purchasing these policies and subsidies to ensure affordability for lower-income individuals. The report should include an evaluation of each option based on (a) the expected costs and benefits for participants, (b) the total anticipated number of participants, and (c) the projected savings to the state medicaid program. The aging and disability joint legislative executive committee shall provide oversight and direction for this analysis and will convene interested stakeholders to provide input on the study design. The department shall provide a report on its findings and recommendations to the relevant policy and fiscal committees of the legislature by November 1, 2014.

(19) \$15,000 of the general fund--state appropriation for fiscal year 2015 and \$15,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 2634 (residential enforcement standards). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(20) \$5,094,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(21) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant.

(22) It is the intent of the legislature to use savings from the community first choice option to make needed investments in home and community-based services for seniors and people with

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disabilities, including potential investments recommended by the joint legislative executive committee on aging and disability and the development and implementation council that the department of social and health services must convene prior to submitting the proposed community first choice option to the centers for medicare and medicaid services. At a minimum, the final report to the legislature from the joint legislative executive committee on aging and disability must explore the cost and benefit of rate enhancements for providers of long-term services and supports, restoration of hours for in-home clients, additional investment in the family caregiver support program, and additional investment in the individual and family services program or other medicaid services to support individuals with developmental disabilities.

Sec. 207. 2013 2nd sp.s. c 4 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)((\$402,504,000)	
.....	\$377,188,000
General Fund--State Appropriation (FY 2015)((\$405,019,000)	
.....	\$392,445,000
General Fund--Federal Appropriation.....((\$1,211,774,000)	
.....	\$1,235,336,000
General Fund--Private/Local Appropriation .....((\$30,594,000)	
.....	\$36,450,000
Education Legacy Trust Account--State Appropriation..\$4,996,000	
TOTAL APPROPRIATION.....((\$2,049,891,000)	
.....	\$2,046,415,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) (~~(\$178,757,000)~~) \$154,439,000 of the general fund--state appropriation for fiscal year 2014, (~~(\$172,999,000)~~) \$154,241,000 of the general fund--state appropriation for fiscal year 2015, \$4,996,000 of the education legacy trust account appropriation, and (~~(\$732,881,000)~~) \$771,147,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting the new structure. The secretary of the department of social and health services, working with WorkFirst partner agencies and in collaboration with the WorkFirst oversight task force, shall develop a plan for maximizing the following outcomes and shall report back to the legislature by November 1, 2013. The outcomes to be measured are: (i) Increased employment; (ii) completion of education or post-secondary training; (iii) completion of barrier removal activity including drug and alcohol or mental health treatment; (iv) housing stability; (v) child care or education stability for the children of temporary assistance for needy families recipients; (vi) reduced rate of return after exit from the WorkFirst program; and (vii) work participation requirements.

(b) (~~(\$406,818,000)~~) \$374,937,000 of the amounts in (a) of this subsection are provided solely for assistance to clients, including grants, diversion cash assistance, and additional diversion

emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Within these amounts, funding is for implementation of House Bill No. 2585 (TANF benefits for a child).

(c) (~~(\$168,019,000)~~) \$179,529,000 of the amounts in (a) of this subsection are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures.

(d) (~~(\$367,676,000)~~) \$358,992,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135. The working connections child care program is capped at 30,000 households per month. \$4,632,000 of the education legacy trust account--state appropriation in subsection (1)(a) is provided solely for implementation of Engrossed Second Substitute House Bill No. 2377 (early care and education).

(e) (~~(\$142,124,000)~~) \$171,363,000 of the amounts in (a) of this subsection are provided solely for WorkFirst and working connections child care administration and overhead. \$364,000 of the education legacy trust account appropriation in (a) of this subsection is provided solely for implementation of Engrossed Second Substitute House Bill No. 2377 (early care and education).

(f) The amounts in (b) through (d) of this subsection shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between (b) through (d) of this subsection, but only if the funding is available or necessary to transfer solely due to utilization, caseload changes, or underperformance in terms of client outcomes. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(2) \$1,657,000 of the general fund--state appropriation for fiscal year 2014 and \$1,657,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On December 1, 2013, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be no less than seventy-five percent of the federal supplemental nutrition assistance program benefit amount.

(6) \$18,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of section 1, chapter 337, Laws of 2013 (SSSB 5595).

(7) \$4,729,000 of the general fund--state appropriation for fiscal year 2014 and \$4,729,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of the telephone assistance program and the Washington information network 211 organization pursuant to Substitute House Bill No. 1971 (communication services). Of these funds, \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operational support of the Washington information network 211 organization. If Substitute House Bill No. 1971 (communication services) is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(8) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(9) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$1,500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Substitute House Bill No. 2069 (safety net benefits). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(11) \$65,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for 211 call system networks in the eastern Washington region and the peninsula region.

Sec. 208. 2013 2nd sp.s. c 4 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2014) ..(((\$72,650,000))	
.....	\$73,021,000
General Fund--State Appropriation (FY 2015) ..(((\$61,855,000))	
.....	\$63,567,000
General Fund--Federal Appropriation.....(((\$277,248,000))	
.....	\$279,072,000
General Fund--Private/Local Appropriation .....(((\$13,554,000))	
.....	\$16,316,000
Criminal Justice Treatment Account--State	
Appropriation.....(((\$14,568,000))	
.....	\$14,285,000
Problem Gambling Account--State Appropriation....	\$1,450,000
TOTAL APPROPRIATION	(((\$441,325,000))
.....	\$447,711,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the department by request; (b) program modifications needed to maximize access to federal medicaid matching funds will be phased in over the course of the 2013-2015

fiscal biennium; and (c) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible, pregnant and parenting women, disability lifeline, and alcoholism and drug addiction treatment and support act, and medical care services clients.

(3) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to adopt fees for the review and approval of treatment programs in fiscal years 2014 and 2015 as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(4) \$3,500,000 of the general fund--federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) \$2,600,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the department to transition 128 beds from settings that are considered institutions for mental diseases to facilities with no more than 16 beds that are able to claim federal match for services provided to medicaid clients or individuals covered under the department's section 1115 medicaid waiver. The department may conduct a request for proposal process to fulfill this requirement and adopt rates that are comparable to the pilot projects implemented in the 2011-13 fiscal biennium. The department may use these funds to assist with the costs of providers in setting up or converting to 16-bed facilities. This funding may also be used for providers that are developing new capacity for clients who will become eligible for services under the affordable care act medicaid expansion. The number of beds available for pregnant and parenting women must not be reduced.

(6) \$283,000 of the ~~((criminal justice treatment account))~~ general fund--state appropriation is provided solely for transitional funding for the family drug court in Pierce county.

(7) Within the amounts appropriated in this section, the department shall review differential rates paid for alcohol and substance abuse assessment and treatment services for medicaid and nonmedicaid clients and the impact to providers as previously uninsured clients become eligible for services through the medicaid expansion under the federal patient protection and affordable care act. By December 1, 2014, the department must submit a report to the legislature which provides: (a) The estimated impact on providers for each type of medicaid reimbursable service as newly eligible clients shift from nonmedicaid to medicaid rates; (b) identification of which types of providers will be most significantly impacted by these shifts; (c) identification of the estimated annual costs for increasing rates for each level of service; and (d) a summary of federal requirements that must be considered in determining how any future rate increase must be implemented.

Sec. 209. 2013 2nd sp.s. c 4 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2014) ..(((\$16,478,000))	
.....	\$16,568,000

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General Fund--State Appropriation (FY 2015) ..(((\$16,459,000))	
.....	\$11,477,000
General Fund--Federal Appropriation.....(((\$99,413,000))	
.....	\$99,397,000
TOTAL APPROPRIATION.....(((\$132,350,000))	
.....	\$127,442,000

The appropriations in this section are subject to the following conditions and limitations: \$5,006,000 of the general fund--state appropriation for fiscal year 2014 ((and \$5,094,000 of the general fund--state appropriation for fiscal year 2015 are)) is provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

Sec. 210. 2013 2nd sp.s. c 4 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2014) ..(((\$36,420,000))	
.....	\$37,796,000
General Fund--State Appropriation (FY 2015) ..(((\$35,813,000))	
.....	\$37,017,000
TOTAL APPROPRIATION.....(((\$72,233,000))	
.....	\$74,813,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of social and health services shall transfer the stewardship of McNeil Island to the department of corrections industries program, effective September 1, 2013. The transferred responsibilities shall include marine operations, waste water treatment, water treatment, road maintenance, and any other general island maintenance that is not site specific to the operations of the special commitment center or the Pierce county secure community transition facility. Facility maintenance within the perimeter of the special commitment center shall remain the responsibility of the department of social and health services. Capital repairs and maintenance necessary to maintain the special commitment center on McNeil Island shall be managed by the department of social and health services. The legislature directs both departments to enter into an interagency agreement by August 1, 2013. The office of financial management shall oversee the negotiations of the interagency agreement. The interagency agreement must describe equipment that will transfer between the departments, warehouse space that will be shared by the departments, and occupancy requirements for any shops outside the perimeter of the special commitment center. The office of financial management will make the final determination on any disagreements between the departments on the details of the interagency agreement.

(2) (((\$3,120,000)) \$3,042,000 of the general fund--state appropriation for fiscal year 2014 and (((\$3,120,000)) \$3,024,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operational costs specific to island operations of the special commitment center and the Pierce county secure community transition facility. The department shall establish an accounting structure that enables it to track and report on costs specific to island operations.

(3) All employees of the department of social and health services engaged in performing the powers, functions, and duties transferred to the department of corrections industries program under this subsection, are transferred to the department of corrections.

(4) All classified employees of the department of social and health services assigned to the department of corrections under this subsection whose positions are within an existing bargaining unit description at the department of corrections shall become a part of the existing bargaining unit at the department of corrections and

shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

(5) By November 1, 2014, the department of social and health services shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that evaluates the department's costs for certain medical and pharmacy costs for its residents within the special commitment center. The department as part of its evaluation shall consult with the health care authority, the health benefits exchange, and the department of corrections. At a minimum, the report should look at the following items: (a) Obtaining medicaid eligibility for residents; (b) feasibility of obtaining insurance for residents through the health benefit exchange; (c) utilizing multistate consortiums for the purchase of pharmaceuticals to reduce costs; and (d) consolidating contracts for medical inpatient and outpatient services with western state hospital.

Sec. 211. 2013 2nd sp.s. c 4 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2014) ..(((\$30,127,000))	
.....	\$29,773,000
General Fund--State Appropriation (FY 2015) ..(((\$29,333,000))	
.....	\$28,989,000
General Fund--Federal Appropriation.....(((\$37,150,000))	
.....	\$37,157,000
General Fund--Private/Local Appropriation	\$654,000
TOTAL APPROPRIATION.....(((\$97,264,000))	
.....	\$96,573,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$395,000 of the general fund--state appropriation for fiscal year 2014, \$228,000 of the general fund--state appropriation for fiscal year 2015, and \$335,000 of the general fund--federal appropriation are provided solely to implement chapter 320, Laws of 2013 (ESHB 1519) and chapter 338, Laws of 2013 (2SSB 5732).

(2) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(3) \$82,000 of the general fund--state appropriation for fiscal year 2014, \$44,000 of the general fund--state appropriation for fiscal year 2015, and \$28,000 of the general fund--federal appropriation are provided solely to develop a report on state efforts to prevent and control diabetes. The department, the health care authority, and the department of health shall submit a coordinated report to the governor and the appropriate committees of the legislature by December 31, 2014, on the following:

(a) The financial impacts and reach that diabetes of all types and undiagnosed gestational diabetes are having on the programs administered by each agency and individuals, including children with mothers with undiagnosed gestational diabetes, enrolled in those programs. Items in this assessment must include: (i) The number of lives with diabetes and undiagnosed gestational diabetes impacted or covered by the programs administered by each agency; (ii) the number of lives with diabetes, or at risk for diabetes, and family members impacted by prevention and diabetes control programs implemented by each agency; (iii) the financial toll or impact diabetes and its complications, and undiagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs in comparison to other chronic diseases and conditions; and (iv) the

financial toll or impact diabetes and its complications, and diagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs;

(b) An assessment of the benefits of implemented and existing programs and activities aimed at controlling all types of diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to each agency for the programs and activities aimed at reaching those with diabetes of all types;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all types of diabetes and its complications;

(d) The development or revision of detailed policy-related action plans and budget recommendations for battling diabetes and undiagnosed gestational diabetes that includes a range of actionable items for consideration by the legislature. The plans and budget recommendations must identify proposed action steps to reduce the impact of diabetes, prediabetes, related diabetes complications, and undiagnosed gestational diabetes. The plans and budget recommendations must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing all types of diabetes; and

(e) An estimate of savings, efficiencies, costs, and budgetary savings and resources required to implement the plans and budget recommendations identified in (d) of this subsection (5).

Sec. 212. 2013 2nd sp.s. c 4 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2014) ..(((\$60,470,000))	
.....	\$62,399,000
General Fund--State Appropriation (FY 2015) ..(((\$60,511,000))	
.....	\$63,540,000
General Fund--Federal Appropriation ..(((\$55,264,000))	
.....	\$57,061,000
TOTAL APPROPRIATION ..(((\$176,245,000))	
.....	\$183,000,000

Sec. 213. 2013 2nd sp.s. c 4 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2014)	
.....(((\$2,131,026,000))	
.....	\$2,145,141,000
General Fund--State Appropriation (FY 2015)	
.....(((\$2,114,731,000))	
.....	\$2,168,224,000
General Fund--Federal Appropriation ..(((\$7,245,749,000))	
.....	\$7,909,707,000
General Fund--Private/Local Appropriation ..(((\$57,780,000))	
.....	\$56,407,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation	\$15,082,000
Hospital Safety Net Assessment Fund--State	
Appropriation.....	\$669,381,000
Health Benefit Exchange Account--State Appropriation	
.....(((\$17,277,000))	
.....	\$16,207,000
State Health Care Authority Administration Account--	
State Appropriation.....(((\$34,809,000))	
.....	\$31,463,000
Medical Aid Account--State Appropriation	\$528,000
Medicaid Fraud Penalty Account--State Appropriation	
.....	\$21,206,000

TOTAL APPROPRIATION	(((\$12,307,569,000))
.....	\$13,033,346,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (((\$1,143,994,000)) \$1,900,484,000 of the general fund--federal appropriation is provided solely to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII), subject to the conditions and limitations in this subsection. If the federal medical assistance percentage for the medicaid expansion falls below the percentages in section 1905(y) of the social security act as of July 1, 2013, the authority shall ensure that the state does not incur any additional state costs above what would have been incurred had the federal medical assistance percentages remained at the percentages in section 1905(y) as of July 1, 2013. The director is authorized to make any necessary program adjustments to comply with this requirement, including adding or adjusting premiums, modifying benefits, or reducing optional programs. To the extent a waiver is needed to accomplish this, the director shall promptly apply for such waiver. If a necessary waiver is not approved, the medicaid expansion program shall be terminated upon appropriate notification to the legislature and enrollees.

(2) The requirements of this subsection apply to the basic health plan. This subsection is null and void and has no further effect upon implementation of the medicaid expansion under subsection (1) of this section.

(a) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(b) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(c) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(d) Enrollment in the subsidized basic health plan shall be limited to only include persons who qualify as subsidized enrollees as defined in RCW 70.47.020 and who (a) qualify for services under 1115 medicaid demonstration project number 11-W-00254/10; or (b) are foster parents licensed under chapter 74.15 RCW.

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(3) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(5) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(6) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(7) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(8) \$4,261,000 of the general fund--state appropriation for fiscal year 2014, \$4,261,000 of the general fund--state appropriation for fiscal year 2015, and \$8,522,000 of the general fund--federal appropriation are provided solely for low-income disproportionate share hospital payments.

(9) \$400,000 of the general fund--state appropriation for fiscal year 2014, ~~(\$400,000)~~ \$200,000 of the general fund--state appropriation for fiscal year 2015, and ~~(\$800,000)~~ \$600,000 of the general fund--federal appropriation are provided solely for disproportionate share hospital payments to rural hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011 that do not participate in the certified public expenditures program. The authority shall discontinue these payments on January 1, 2015.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$100,000)~~ \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for grants to rural hospitals in Clallam county that were certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011. The authority shall discontinue these payments on January 1, 2015.

(11) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(12) \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way

offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(13) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2013-2015 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2013, and by November 1, 2014, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2014 and fiscal year 2015, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2013-2015 biennial operating appropriations act and in effect on July 1, 2013, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2013-2015 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this

subsection, the hospital must repay the excess amounts to the state when requested. (~~(\$3,860,000)~~) \$11,928,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$1,137,000)~~) \$14,821,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for state grants for the participating hospitals.

(14) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(15) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(16) \$170,000 of the general fund--state appropriation for fiscal year 2014, \$121,000 of the general fund--state appropriation for fiscal year 2015, and \$292,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1519 (service coordination organizations) and Second Substitute Senate Bill No. 5732 (behavioral health services). If neither of the bills is enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(17) \$57,000 of the general fund--state appropriation for fiscal year 2014, \$40,000 of the general fund--state appropriation for fiscal year 2015, and \$55,000 of the general fund--federal appropriation are provided solely to develop a report on state efforts to prevent and control diabetes. The authority, the department of social and health services, and the department of health shall submit a coordinated report to the governor and the appropriate committees of the legislature by December 31, 2014, on the following:

(a) The financial impacts and reach that diabetes of all types and undiagnosed gestational diabetes are having on the programs administered by each agency and individuals, including children with mothers with undiagnosed gestational diabetes, enrolled in those programs. Items in this assessment must include: (i) The number of lives with diabetes and undiagnosed gestational diabetes impacted or covered by the programs administered by each agency; (ii) the number of lives with diabetes, or at risk for diabetes, and family members impacted by prevention and diabetes control programs implemented by each agency; (iii) the financial toll or impact diabetes and its complications, and undiagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs in comparison to other chronic diseases and conditions; and (iv) the financial toll or impact diabetes and its complications, and diagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs;

(b) An assessment of the benefits of implemented and existing programs and activities aimed at controlling all types of diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to each agency for the programs and activities aimed at reaching those with diabetes of all types;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging

on managing, treating, or preventing all types of diabetes and its complications;

(d) The development or revision of detailed policy-related action plans and budget recommendations for battling diabetes and undiagnosed gestational diabetes that includes a range of actionable items for consideration by the legislature. The plans and budget recommendations must identify proposed action steps to reduce the impact of diabetes, prediabetes, related diabetes complications, and undiagnosed gestational diabetes. The plans and budget recommendations must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing all types of diabetes; and

(e) An estimate of savings, efficiencies, costs, and budgetary savings and resources required to implement the plans and budget recommendations identified in (d) of this subsection (17).

(18) Within the amounts appropriated in this section, the authority shall identify strategies to improve patient adherence to treatment plans for diabetes and implement these strategies as a pilot through one health home program to be identified by the authority. The authority shall report to the governor and the legislature in December 2014 on the progress of strategy implementation. The authority shall report to the governor and legislature in December 2015 on patient outcomes and cost savings derived from new adherence strategies in the health home model and make recommendations for improving the strategies.

(19) Effective January 1, 2014, managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(20) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--federal appropriation are provided solely for the development of recommendations for funding integrated school nursing and outreach services. The authority shall collaborate with the office of the superintendent of public instruction to develop recommendations for increasing federal financial participation for providing nursing services in schools with the goals of integrating nursing and outreach services and supporting one nurse for every four hundred fifty students in elementary schools and one nurse for every seven hundred fifty students in secondary schools. In developing these recommendations, the authority shall inquire with the federal centers for medicare and medicaid services about state plan amendment or waiver options for receiving additional federal matching funds for school nursing services provided to children enrolled in apple health for kids. The recommendations shall include proposals for funding training and reimbursement for nurses that provide outreach services to help eligible students enroll in apple health for kids and other social services programs. The authority and the office of the superintendent of public instruction shall provide these recommendations to the governor and the legislature by December 1, 2013.

(21) \$430,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--federal appropriation are provided solely to complete grant requirements for the health information exchange.

(22) \$143,000 of the medicaid fraud penalty account--state appropriation and \$423,000 of the general fund--federal appropriation are provided solely for the rebasing of outpatient and inpatient payment methods.

(23) \$1,163,000 of the medicaid fraud penalty account--state appropriation and \$9,710,000 of the general fund--federal appropriation are provided solely to implement the conversion to the

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tenth version of the world health organization's international classification of diseases.

(24) \$111,000 of the general fund--state appropriation for fiscal year 2014, \$35,000 of the general fund--state appropriation for fiscal year 2015, and \$359,000 of the general fund--federal appropriation are provided solely to update the medicaid information technology architecture state self-assessment and to develop the five year road map for the medicaid information technology architecture architect.

(25) \$62,000 of the general fund--state appropriation for fiscal year 2014, \$62,000 of the general fund--state appropriation for fiscal year 2015, and \$126,000 of the general fund--federal appropriation are provided solely to support the Robert Bree collaborative's efforts to disseminate evidence-based best practices for preventing and treating health problems.

(26) Within the amounts appropriated in this section, the authority shall increase reimbursement rates for primary care services provided by independent nurse practitioners to medicare levels for the period from July 1, 2013, to December 31, 2014.

(27) The authority shall seek a medicaid state plan amendment to create a professional services supplemental payment managed care program for professional services delivered to managed care recipients by University of Washington medicine and other public professional providers. This program shall be effective as soon as administratively possible and shall operate concurrently with the existing professional services supplemental payment program. The authority shall apply federal rules for identifying the difference between average commercial rates and fee-for-service medicaid payments. This difference will be multiplied by the number of managed care encounters and incorporated into the managed care plan capitation rates by a certified actuary. The managed care plans will pay the providers the difference attributable to the increased capitation rate. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating providers. Participating providers shall retain the full amount of supplemental payments provided under this program, net of any costs related to the program that are disallowed due to audits or litigation against the state.

(28) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit beginning January 1, 2014.

(29) To the extent allowed under federal law, the authority shall require an adult client to enroll in full medicaid coverage instead of family planning-only coverage unless the client is at risk of domestic violence.

(30) The authority shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the authority and its contractors. Prior to open enrollment, the authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for the medicaid expansion but are enrolled in coverage that will be eliminated in the transition to the medicaid expansion.

(31) \$90,000 of the general fund--state appropriation for fiscal year 2014, \$90,000 of the general fund--state appropriation for fiscal year 2015, and \$180,000 of the general fund--federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(32) Within the amounts appropriated in this section, the authority shall reduce premiums for children with family incomes above 200 percent of the federal poverty level in the state-funded children's health program who are not eligible for coverage under

the federal children's health insurance program. Premiums in the state and federal children's health insurance program shall be equal.

(33) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

(34) \$150,000 of the general fund--state appropriation for fiscal year 2014, \$436,000 of the general fund--state appropriation for fiscal year 2015, and \$170,561,000 of the general fund--federal appropriation are provided solely for the provider incentive program and other initiatives related to the health information technology medicaid plan.

~~((37) \$1,531,000)~~ (35) \$1,528,000 of the general fund--state appropriation for fiscal year 2014, ~~((280,000))~~ \$2,206,000 of the general fund--state appropriation for fiscal year 2015, and ~~((10,803,000))~~ \$17,912,000 of the general fund--federal appropriation are provided solely to implement phase two of the project to create a single provider payment system that consolidates medicaid medical and social services payments and replaces the social service payment system. The amounts provided in this subsection are conditioned on the authority satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

~~((38))~~ (36) Within the amounts appropriated in this section, the health care authority and the department of social and health services shall implement the state option to provide health homes for enrollees with chronic conditions under section 2703 of the federal affordable care act. The total state match for enrollees who are dually-eligible for both medicare and medicaid and not enrolled in managed care shall be no more than the net savings to the state from the enhanced match rate for its medicaid-only managed care enrollees under section 2703.

~~((39))~~ (37) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

~~((40))~~ (38) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

~~((41))~~ (39) Within amounts appropriated, the health care authority shall conduct a review of its management and staffing structure to identify efficiencies and opportunities to reduce full time equivalent employees and other administrative costs. A report summarizing the review and the authority's recommendations to reduce costs and full time equivalent employees must be submitted to the governor and legislature by November 1, 2013.

~~((42) \$17,279,000)~~ (40) \$16,209,000 of the health benefit exchange account--state appropriation and ~~((2,721,000))~~ \$3,791,000 of the general fund--federal appropriation are provided solely to support the operations of the Washington health benefit exchange from January 1, 2015, to June 30, 2015. The Washington state health insurance pool administrator shall transfer \$20,838,000

of pool contributions to the treasurer for deposit into the health benefit exchange account in calendar year 2014. The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

~~((43))~~ (41) Within the amounts appropriated in this section, the authority shall continue to provide coverage after December 31, 2013, for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

~~((44))~~ (42) ((Upon implementation of the medicaid expansion under subsection (1) of this section, the breast and cervical cancer treatment program is eliminated. To maintain continuity of coverage, the authority shall offer the option to stay in a fee-for-service program to clients that are already enrolled in the breast and cervical cancer treatment program and will be transitioned into the new adult group upon implementation of the medicaid expansion. The authority will continue to provide coverage to clients that are already enrolled in the breast and cervical cancer treatment program at the time of program elimination until their courses of treatment are completed)) Sufficient amounts are appropriated in this section to restore medicaid coverage under the breast and cervical cancer treatment program.

~~((45))~~ (43) \$40,000 of the general fund--state appropriation for fiscal year 2014 and \$40,000 of the general fund--federal appropriation are provided solely for the authority to create a new position to provide adequate oversight and assistance to managed care organizations, rural health clinics, and federally qualified health centers under a new administratively streamlined payment methodology. Effective July 1, 2013, or upon obtaining any necessary federal approval, but in no case during the first quarter of a calendar year, the authority shall implement an administratively streamlined payment methodology for federally qualified health centers and rural health clinics. The authority's payments to managed care organizations shall include the full encounter payment comprised of both the standard and enhancement payments for federally qualified health centers and rural health clinics as defined in the medicaid state plan and in accordance with section 1902(bb) of the social security act (42 U.S.C. 1396a(bb)). At no time will a managed care organization be at risk for or have any claim to the supplemental payment portion of the rate which will be reconciled to ensure accurate payment and full pass through of the obligated funds. For any services eligible for encounter payments, as defined in the medicaid state plan, managed care organizations shall be required to pay at least the full published encounter rates directly to each clinic or center, and payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority. At the option of any clinic, the enhancement payment can be received from the managed care organization on a per member per month basis for all assigned managed care enrollees in an amount prescribed by the authority. Nothing in this section is intended to disrupt mutually agreeable contractual arrangements between managed care organizations and clinics that impact how the standard payment for services is paid. The authority will require participating managed care organizations to reimburse federally qualified health centers and rural health clinics for clean claims in strict adherence to the timeliness of payment standards established under contract and specified for the medicaid fee-for-service program in section 1902(a)(37) of the social security act (42 U.S.C. 1396a(a)(37)), 42 C.F.R. Sec. 447.46, and specified for health carriers in WAC 284-43-321. The authority shall exercise all

necessary options under its existing sanctions policy to enforce timely payment of claims. The authority shall ensure necessary staff and resources are identified to actively monitor and enforce the timeliness and accuracy of payments to federally qualified health centers and rural health clinics. By January 1, 2014, and after collaboration with federally qualified health centers, rural health clinics, managed care plans, and the centers for medicare and medicaid services, the authority will produce a report that provides options for a new payment methodology that rewards innovation and outcomes over volume of services delivered, and which maintains the integrity of the rural health clinic and federally qualified health center programs as outlined under federal law. The report will detail necessary federal authority for implementation and provide the benefits and drawbacks of each option.

~~((46))~~ (44) \$3,605,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to proportionally reduce the amounts that rural health clinics owe the state under the calendar year 2009 recoupment.

~~((47))~~ (45) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the current medicaid benefit plan beginning January 1, 2014. ~~((The authority shall monitor the costs of the habilitative benefit as part of the forecasting process but shall not provide this benefit in the current medicaid benefit plan without a direct appropriation in the omnibus appropriations act.~~

~~((48))~~ (46) The appropriations in this section reflect savings and efficiencies achieved by modifying dispensing methods of contraceptive drugs. The authority must make arrangements for all medicaid programs offered through managed care plans or fee-for-service programs to require dispensing of contraceptive drugs with a one-year supply provided at one time unless a patient requests a smaller supply or the prescribing physician instructs that the patient must receive a smaller supply. Contracts with managed care plans must allow on-site dispensing of the prescribed contraceptive drugs at family planning clinics. Dispensing practices must follow clinical guidelines for appropriate prescribing and dispensing to ensure the health of the patient while maximizing access to effective contraceptive drugs.

~~((49))~~ (47)(a) \$75,000 of the general fund--state appropriation for fiscal year 2014 and \$75,000 of the general fund--federal appropriation are provided solely for preparing options with an expert consultant for possible implementation of a targeted premium assistance program and possible implementation of the federal basic health option. \$75,000 of the amounts appropriated in this subsection is provided solely for the development of options related to the targeted premium assistance program. The authority shall develop options for a waiver request to the federal centers for medicare and medicaid services to implement a targeted premium assistance program for the expansion adults, identified in section 1902(a)(10)(A)(i)(VIII) of the social security act, with incomes above one hundred percent of the federal poverty level, and for children covered in the children's health insurance program with incomes above two hundred percent of the federal poverty level, with a goal of providing seamless coverage through the health benefit exchange and improving opportunities for families to be covered in the same health plans. The options must include the possibility of applying premiums for individuals and cost-sharing that may exceed the five percent of family income cap under federal law, and the options must include recommendations to make the targeted premium assistance program cost neutral. The authority shall submit a report on the options to the legislature and the governor by January 1, 2014. The authority is encouraged to be creative, use subject matter experts, and exhaust all possible options to achieve cost neutrality. The report shall also include a detailed

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plan and timeline. \$75,000 of the amounts appropriated in this subsection is provided solely for the development of options related to the federal basic health option. The authority shall prepare options for implementing the federal basic health option as federal guidance becomes available. The authority shall submit a report on the options to the legislature and the governor by January 1, 2014, or ninety days following the release of federal guidance. The report must include a comparison of the premiums and cost-sharing under the federal basic health option with the premium assistance options described in this subsection, options for implementing the federal basic health option in combination with a premium assistance program, a detailed fiscal analysis for each coverage approach, including the estimated costs for system design and implementation, and information about impacted populations.

(b) Where possible, the authority shall leverage the same expert consultants to review each proposal and compare and contrast the approaches to ensure seamless coordination with the health benefit exchange.

(c) The authority shall collaborate with the joint select committee on health care oversight in the development of these options.

(48) \$229,000 of the general fund--state appropriation for fiscal year 2015 and \$195,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 2639 (mental health, chemical dependency) and Engrossed Second Substitute House Bill No. 2315 (suicide prevention). If Engrossed Second Substitute House Bill No. 2639 (mental health, chemical dependency) is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(49) \$500,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to begin the necessary econometric modeling of the federal basic health program option to analyze the program enrollment, and the costs and impacts to the state, the enrollees, health care provider and facility reimbursement, and the insurance marketplace. By December 31, 2014, the authority shall publish a report on the findings of the econometric modeling. The report shall include impacts on:

(a) Reimbursement levels affecting provider participation and its relationship to network adequacy in the program;

(b) The financial stability of the Washington health benefit exchange, including enrollment, risk profile, and fees for operational sustainability; and

(c) Continuity of care, access, and affordability of coverage for potential enrollees in the federal basic health program compared to the insurance marketplace.

(50) \$604,000 of the general fund--state appropriation for fiscal year 2014, \$597,000 of the general fund--state appropriation for fiscal year 2015, and \$18,320,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 2572 (health care purchasing, delivery). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(51) \$306,000 of the general fund--state appropriation for fiscal year 2015 and \$306,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 2310 (provider safety equipment). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(52) The health care authority may contract with any managed health care system to provide medicaid services to the extent that minimum contracting requirements defined by the authority are met for a given region. The authority shall respond to any request to contract from a managed health care system with a written explanation of the preliminary decision within ninety days, with a final decision contingent on successful completion of an onsite readiness review process conducted by the authority. New

managed health care systems will only be considered for inclusion during annual contract renewal periods, and requests must be submitted no later than June 1 to be considered for the next contract year. The authority must heavily weigh the benefit of medicaid-exchange alignment in reaching its decision.

(53) The appropriations to the authority in this act shall be expended for the purposes and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2014, may transfer general fund--state appropriations for fiscal year 2014 that are provided solely for a specified purpose. The authority shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(54) By January 1, 2015, the authority shall increase the fee-for-service reimbursement rates for private duty nursing services for medically fragile children, increase fee-for-service rates for home health care services, and add licensed clinical medical social services as covered home health services only to the extent that the authority determines that the provider rate increases and the additional covered services will not increase payment rates under health options managed care contracts.

Sec. 214. 2013 2nd sp.s. c 4 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2014).....	(\$2,077,000)
.....	\$2,059,000
General Fund--State Appropriation (FY 2015).....	(\$1,996,000)
.....	\$2,073,000
General Fund--Federal Appropriation.....	\$2,185,000
TOTAL APPROPRIATION.....	(\$6,258,000)
.....	\$6,317,000

The appropriations in this section are subject to the following conditions and limitations: \$218,000 of the general fund--federal appropriation is provided for additional financial resources from the U.S. department of housing and urban development for the investigation of discrimination cases involving service animals.

Sec. 215. 2013 2nd sp.s. c 4 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State	
Appropriation.....	\$10,000
Accident Account--State Appropriation.....	(\$19,763,000)
.....	\$19,775,000
Medical Aid Account--State Appropriation	(\$19,763,000)
.....	\$19,775,000
TOTAL APPROPRIATION	(\$39,536,000)
.....	\$39,560,000

Sec. 216. 2013 2nd sp.s. c 4 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2014) ..	(\$14,257,000)
.....	\$14,538,000
General Fund--State Appropriation (FY 2015) ..	(\$14,159,000)
.....	\$14,178,000

General Fund--Private/Local Appropriation	(\$3,059,000))
.....	\$4,201,000
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account--	
State Appropriation.....	\$460,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation.....	\$8,597,000
TOTAL APPROPRIATION	(\$40,680,000))
.....	\$42,122,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund--state appropriation for fiscal year 2014 and \$5,000,000 of the general fund--state appropriation for fiscal year 2015, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) ~~(\$340,000)~~ \$378,000 of the general fund--local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(5) \$96,000 of the general fund--state appropriation for fiscal year 2014 and \$96,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(6) \$123,000 of the general fund--state appropriation for fiscal year 2014 and \$123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the costs of providing statewide advanced driving training with the use of a driving simulator.

(7) \$165,000 of the general fund--state appropriation for fiscal year 2014 and \$165,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for crisis intervention training for peace officers. The commission shall incorporate eight hours of crisis intervention curriculum into its basic law enforcement academy and shall offer an eight-hour in-service crisis intervention training course.

(8) \$35,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for a study to collect data on the number of reserve officers statewide. By December 31, 2014, the commission shall report to the legislature on the number of reserve

peace officers who are employed at each local law enforcement agency in Washington.

Sec. 217. 2013 2nd sp.s. c 4 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES	
General Fund--State Appropriation (FY 2014) ..	(\$17,158,000))
.....	\$17,234,000
General Fund--State Appropriation (FY 2015) ..	(\$17,733,000))
.....	\$18,228,000
General Fund--Federal Appropriation.....	\$11,876,000
Asbestos Account--State Appropriation.....	\$366,000
Electrical License Account--State Appropriation.....	
.....	(\$37,124,000))
.....	\$40,274,000
Farm Labor Contractor Account--State Appropriation ..	\$28,000
Worker and Community Right-to-Know Account--	
State Appropriation.....	\$903,000
Public Works Administration Account--State	
Appropriation.....	(\$6,252,000))
.....	\$7,860,000
Manufactured Home Installation Training Account--	
State Appropriation.....	\$353,000
Accident Account--State Appropriation.....	(\$258,440,000))
.....	\$259,475,000
Accident Account--Federal Appropriation.....	\$13,626,000
Medical Aid Account--State Appropriation	(\$278,697,000))
.....	\$279,711,000
Medical Aid Account--Federal Appropriation.....	\$3,186,000
Plumbing Certificate Account--State Appropriation	
.....	(\$1,732,000))
.....	\$1,746,000
Pressure Systems Safety Account--State	
Appropriation.....	\$4,193,000
TOTAL APPROPRIATION	(\$651,667,000))
.....	\$659,059,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase elevator fees by up to 13.1 percent during the 2013-2015 fiscal biennium. This increase is necessary to support expenditures authorized in this section, consistent with chapter 70.87 RCW.

(2) \$1,336,000 of the medical aid account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 5362 (workers' compensation/vocational rehabilitation). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(3) \$279,000 of the public works administration account--state appropriation, \$4,000 of the medical aid account--state appropriation, and \$4,000 of the accident account--state appropriation are provided solely for implementation of Substitute House Bill No. 1420 (transportation improvement projects). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(4) \$104,000 of the general fund--state appropriation for fiscal year 2014 and \$104,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement Substitute Senate Bill No. 5123 (farm internships). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((6))~~ (5) \$210,000 of the medical aid account--state appropriation and \$630,000 of the accident account--state appropriation are provided solely for the contract costs and one staff position at the department for the purpose of implementing the logging safety initiative in an effort to reduce the frequency and severity of injuries in manual, or nonmechanized, logging. The department shall reduce \$840,000 of workers compensation funding used for the safety and health investment project to maintain cost

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neutrality. Additional costs for the implementation of the logging safety initiative shall be accomplished by the department within existing resources to include the assignment of two full-time auditors specifically for this purpose. The department is directed to include \$420,000 of these costs in its calculation of workers' compensation premiums for the forest products industry for 2014, 2015, and 2016 rates. The department shall report to the legislature by December 31, 2014, an approach for using a third party safety certification vendor, accomplishments of the taskforce, accomplishments on this effort to-date, and future plans. The report must identify options for future funding and make recommendations for permanent funding for this program.

(6) \$132,000 of the accident account--state appropriation and \$130,000 of the medical aid account--state appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 1467 (unpaid wages collection). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(7) \$399,000 of the general fund--state appropriation for fiscal year 2015 and \$21,000 of the electrical license account--state appropriation are provided solely to implement Substitute House Bill No. 2146 (labor and industries appeal bonds). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(8) \$457,000 of the public works administration account--state appropriation is provided solely to implement Substitute House Bill No. 2331 (public works payroll records). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(9) \$129,000 of the accident account--state appropriation and \$130,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 2333 (employee antiretaliation act). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(10) \$330,000 of the accident account--state appropriation and \$330,000 of the medical aid account--state appropriation are provided solely to implement House Bill No. 2334 (employee status). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(11) \$33,000 of the medical aid account--state appropriation is provided solely to implement Engrossed House Bill No. 2617 (interpreter services). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(12) \$15,000 of the general fund--state appropriation for fiscal year 2014, and \$35,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department of labor and industries to convene and provide support to a work group on agricultural and agricultural labor-related issues. The goals of the work group are to educate participants on relevant areas of regulation and business practices of the agricultural industry and to foster substantive, respectful, problem-solving oriented communication between multiple state agencies and those in and affected by the agricultural industry. The work group must strive to identify mutual points of interest and concern, and collaborate to find administrative solutions to issues affecting agriculture, including but not limited to, housing, workplace standards, and agricultural labor supply.

(a) The work group must consist of ten members appointed by the governor with balanced and diverse representation that must include representatives from growers, agricultural industries, farmworker advocates, and labor.

(b) State agencies including the department of agriculture, the employment security department, the department of labor and industries, the department of health, and the commission on Hispanic affairs must each identify a representative to participate on the work group as an ex officio member. The work group may

invite other agencies to participate as needed.

(c) The department of labor and industries must provide a facilitator and coordinate no more than six meetings in 2014 with the final number of meetings to be determined by the work group.

(d) The facilitator, who may be an employee or contractor identified by the department of labor and industries, must assist work group members to identify a list of issues that may be implemented administratively for consideration by the work group and develop a work plan for implementation.

(e) The department of labor and industries must submit a report by December 1, 2014, to the office of financial management and to the appropriate fiscal and policy committees of the legislature. The report must include the following:

(i) The list of work group members;

(ii) The list of all issues identified by the work group that may be implemented administratively, including those that are agreed to by the entire work group and those that are supported by some members of the work group but not all; and

(iii) The agreed upon work plan of administrative actions to be taken, including progress made, status as of the date of the report, and next steps.

(f) Work group members are entitled to be reimbursed for travel expenses under RCW 43.03.050, 43.03.060, and 43.03.049.

Sec. 218. 2013 2nd sp.s. c 4 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2014)	\$1,996,000
General Fund--State Appropriation (FY 2015)	(\$1,900,000)
.....	\$1,902,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	(\$3,906,000)
.....	\$3,908,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2014)	(\$5,340,000)
.....	\$5,348,000
General Fund--State Appropriation (FY 2015)	(\$5,316,000)
.....	\$5,322,000
General Fund--Federal Appropriation	(\$3,455,000)
.....	\$3,460,000
General Fund--Private/Local Appropriation	(\$4,418,000)
.....	\$4,550,000
Veteran Estate Management Account--Private/Local Appropriation	\$1,104,000
TOTAL APPROPRIATION	(\$19,633,000)
.....	\$19,784,000

The appropriations in this subsection are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities through the veterans innovation program.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014)	(\$102,000)
.....	\$239,000
General Fund--State Appropriation (FY 2015)	(\$20,000)
.....	\$156,000
General Fund--Federal Appropriation	(\$68,981,000)
.....	\$69,622,000
General Fund--Private/Local Appropriation	(\$39,355,000)
.....	\$25,656,000
TOTAL APPROPRIATION	(\$108,458,000)

.....	\$95,673,000
Sec. 219. 2013 2nd sp.s. c 4 s 219 (uncodified) is amended to read as follows:	
FOR THE DEPARTMENT OF HEALTH	
General Fund--State Appropriation (FY 2014) ..(((\$60,230,000))	
.....	\$60,103,000
General Fund--State Appropriation (FY 2015) ..(((\$59,198,000))	
.....	\$64,363,000
General Fund--Federal Appropriation	(((\$536,074,000))
.....	\$535,692,000
General Fund--Private/Local Appropriation	(((\$139,455,000))
.....	\$139,290,000
Hospital Data Collection Account--State Appropriation.....	
.....	\$222,000
Health Professions Account--State Appropriation	
.....	(((\$104,722,000))
.....	\$104,898,000
Aquatic Lands Enhancement Account--State Appropriation.....	
.....	\$604,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation	(((\$12,319,000))
.....	\$11,198,000
Safe Drinking Water Account--State Appropriation	
.....	(((\$5,267,000))
.....	\$5,255,000
Drinking Water Assistance Account--Federal	
Appropriation.....	(((\$14,806,000))
.....	\$14,747,000
Waterworks Operator Certification--State	
Appropriation.....	\$1,560,000
Drinking Water Assistance Administrative Account--	
State Appropriation.....	\$339,000
Site Closure Account--State Appropriation	\$159,000
Biotoxin Account--State Appropriation	\$1,323,000
State Toxics Control Account--State Appropriation	
.....	(((\$3,949,000))
.....	\$3,935,000
Medical Test Site Licensure Account--State	
Appropriation.....	(((\$4,737,000))
.....	\$4,730,000
Youth Tobacco Prevention Account--State Appropriation	
.....	\$1,512,000
Public Health Supplemental Account--Private/Local	
Appropriation.....	\$3,236,000
Accident Account--State Appropriation	\$304,000
Medical Aid Account--State Appropriation	\$50,000
Medicaid Fraud Penalty Account--State	
Appropriation.....	\$987,000
TOTAL APPROPRIATION	(((\$951,053,000))
.....	\$954,507,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized

in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) The joint administrative rules review committee shall review the new or amended rules pertaining to primary and secondary school facilities under (a) of this subsection. The review committee shall determine whether (i) the rules are within the intent of the legislature as expressed by the statute that the rule implements, (ii) the rule has been adopted in accordance with all applicable provisions of law, or (iii) that the agency is using a policy or interpretive statement in place of a rule. The rules review committee shall report to the appropriate policy and fiscal committees of the legislature the results of committee's review and any recommendations that the committee deems advisable.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2014 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees required for newborn screening, and fees associated with the following professions: Agency affiliated counselors; certified counselors; and certified advisors.

(3) \$150,000 of the state toxics control account--state appropriation is provided solely to provide water filtration systems for low-income households with individuals at high public health risk from nitrate-contaminated wells in the lower Yakima basin.

(4)(a) \$64,000 of the medicaid fraud penalty account--state appropriation is provided solely for the department to integrate the prescription monitoring program into the coordinated care electronic tracking program developed in response to section 213, chapter 7, Laws of 2012, 2nd sp. sess., commonly referred to as the seven best practices in emergency medicine.

(b) The integration must provide prescription monitoring program data to emergency department personnel when the patient registers in the emergency department. Such exchange may be a private or public joint venture, including the use of the state health information exchange.

(c) As part of the integration, the department shall request insurers and third-party administrators that provide coverage to residents of Washington state to provide the following to the coordinated care electronic tracking program:

(i) Any available information regarding the assigned primary care provider, and the primary care provider's telephone and fax numbers. This information is to be used for real-time communication to an emergency department provider when caring for a patient; and

(ii) Information regarding any available care plans or treatment plans for patients with higher utilization of services on a regular basis. This information is to be provided to the treating provider.

(5) \$270,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the Washington autism alliance to assist autistic individuals and families with autistic children during the transition to federal health reform.

(6) \$6,000 of the general fund--state appropriation for fiscal year 2014 and \$5,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to convene a work group to study and recommend language for standardized clinical affiliation agreements for clinical placements associated with the education and training of physicians licensed under chapter 18.71 RCW, osteopathic physicians and surgeons licensed under chapter 18.57 RCW, and nurses licensed under chapter 18.79 RCW. The work group shall develop one recommended standardized

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clinical affiliation agreement for each profession or one recommended standardized clinical affiliation agreement for all three professions.

(a) When choosing members of the work group, the department shall consult with the health care personnel shortage task force and shall attempt to ensure that the membership of the work group is geographically diverse. The work group must, at a minimum, include representatives of the following:

- (i) Two-year institutions of higher education;
- (ii) Four-year institutions of higher education;
- (iii) The University of Washington medical school;
- (iv) The college of osteopathic medicine at the Pacific Northwest University of Health Sciences;
- (v) The health care personnel shortage task force;
- (vi) Statewide organizations representing hospitals and other facilities that accept clinical placements;
- (vii) A statewide organization representing physicians;
- (viii) A statewide organization representing osteopathic physicians and surgeons;
- (ix) A statewide organization representing nurses;
- (x) A labor organization representing nurses; and
- (xi) Any other groups deemed appropriate by the department in consultation with the health care personnel shortage task force.

(b) The work group shall report its findings to the governor and the appropriate standing committees of the legislature no later than November 15, 2014.

(7) \$65,000 of the general fund--state appropriation for fiscal year 2014 and \$65,000 of the general fund--state appropriation for fiscal year 2015 are for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(8) During the 2013-2015 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(9) \$654,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5206 (health sciences library). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(10) \$35,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1003 (health professions licensees). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(11) \$10,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1270 (board of denturists). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(12) \$10,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1271 (denturism). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(13) \$11,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1330 (dental hygienists, assistants). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(14) (\$1,008,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1343 (nurses surcharge). If the bill is not enacted by June 30, 2013, the amount provided in this subsection

shall lapse.

(15)) \$34,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1376 (suicide assessment training). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((16))~~ (15) \$10,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1515 (medical assistants). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((17))~~ (16) \$2,185,000 of the health professions account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1518 (disciplinary authorities). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((18))~~ (17) \$141,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 1525 (birth certificates). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((19))~~ (18) \$220,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1534 (impaired dentist program). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((20))~~ (19) \$51,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1609 (board of pharmacy). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((21))~~ (20) \$12,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1629 (home care aide continuing education). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((22))~~ (21) \$18,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1737 (physician assistants). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((23))~~ (22) \$77,000 of the general fund--state appropriation for fiscal year 2014 and \$38,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to develop a report on state efforts to prevent and control diabetes. The department, the health care authority, and the department of social and health services shall submit a coordinated report to the governor and the appropriate committees of the legislature by December 31, 2014, on the following:

- (a) The financial impacts and reach that diabetes of all types and undiagnosed gestational diabetes are having on the programs administered by each agency and individuals, including children with mothers with undiagnosed gestational diabetes, enrolled in those programs. Items in this assessment must include: (i) The number of lives with diabetes and undiagnosed gestational diabetes impacted or covered by the programs administered by each agency; (ii) the number of lives with diabetes, or at risk for diabetes, and family members impacted by prevention and diabetes control programs implemented by each agency; (iii) the financial toll or impact diabetes and its complications, and undiagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs in comparison to other chronic diseases and conditions; and (iv) the financial toll or impact diabetes and its complications, and diagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs;

(b) An assessment of the benefits of implemented and existing programs and activities aimed at controlling all types of diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to each agency for the programs and activities aimed at reaching those with diabetes of all types;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all types of diabetes and its complications;

(d) The development or revision of detailed policy-related action plans and budget recommendations for battling diabetes and undiagnosed gestational diabetes that includes a range of actionable items for consideration by the legislature. The plans and budget recommendations must identify proposed action steps to reduce the impact of diabetes, prediabetes, related diabetes complications, and undiagnosed gestational diabetes. The plans and budget recommendations must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing all types of diabetes; and

(e) An estimate of savings, efficiencies, costs, and budgetary savings and resources required to implement the plans and budget recommendations identified in (d) of this subsection (23).

~~((24))~~ (23) Within the general fund--state amounts appropriated in this section, the department of health will develop and administer the certified home care aide examination translated into at least seven languages in addition to the languages in which the examination is available on the effective date of this act. The purpose of offering the examination in additional languages is to encourage an adequate supply of certified home care aides to meet diverse long-term care client needs.

(24) \$350,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to implement Second Substitute House Bill No. 2643 (healthiest next generation). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(25) \$2,950,000 of the general fund--state appropriation for fiscal year 2015 and \$78,000 of the health professions account--state appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 2149 (medical marijuana). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(26) \$68,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2160 (physical therapists). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(27) \$251,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2315 (suicide prevention). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(28)(a) Within the appropriations provided in this section, the department shall update its hepatitis C strategic plan for the state to include recommended actions pertaining to, at a minimum:

(i) Using prevalence data to determine the number of undiagnosed hepatitis C patients in the state;

(ii) How to best reach undiagnosed patients, with special consideration to people born between 1945 and 1965, and new infections;

(iii) The status of the more than sixty thousand state residents who have already been diagnosed with hepatitis C;

(iv) A framework for improving hepatitis C testing and linkage to medical care; and

(v) A framework for the prevention of hepatitis C.

(b) The department of health shall present its updated strategic hepatitis C plan to the appropriate committees of the legislature by September 15, 2014.

Sec. 220. 2013 2nd sp.s. c 4 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act must be expended for the programs and in the amounts specified in this section. However, after May 1, 2014, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2014 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2014) ..	(\$56,437,000)
.....	\$56,357,000
General Fund--State Appropriation (FY 2015) ..	(\$54,779,000)
.....	\$55,197,000
Data Processing Revolving Account--State	
Appropriation.....	\$1,249,000
TOTAL APPROPRIATION	(\$112,465,000)
.....	\$112,803,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$35,000 of the general fund--state appropriation for fiscal year 2014 and \$35,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(b) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$75,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to contract with a consultant who can facilitate and provide project expertise on the implementation of community and prison based offender programming that follows the risk-needs-responsivity model.

(i) By September 1, 2013, the department shall provide to the consultant an inventory of all existing programming both in prisons and in community operations. The department shall consult with the Washington state institute for public policy (WSIPP) to determine whether programs are evidence-based or research-based using definitions provided by WSIPP and shall include this information on the inventory.

(ii) By ~~((October 1, 2013))~~ March 1, 2014, the consultant shall report to the department, the office of financial management, and legislative fiscal committees on the department's current plans and processes for managing offender programming including processes for phasing-out ineffective programs and implementing evidence-based or research-based programs. All department programs should be considered by the consultant regardless of whether they are included on the most recent list of WSIPP approved identifiable evidence-based practices in (b)(i) of this subsection.

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(iii) The WSIPP, in consultation with the department, shall systematically review selected programs to determine the effectiveness of these programs at reducing recidivism or other outcomes. The WSIPP shall conduct a benefit-cost analysis of these programs when feasible and shall report to the legislature by December 1, 2013.

(iv) Based on the report provided by the consultant and the WSIPP review of programs, the department shall work collaboratively with the consultant to develop and complete a written comprehensive implementation plan by ~~((January 15, 2014))~~ June 30, 2014. The implementation plan must clearly identify the types of programs to be included, the recommended locations where the programs will be sited, an implementation timeline, and a phasing of the projected number of participants needed to meet the threshold of available program funds.

(v) Using the written implementation plan as a guide, the department must have programs in place and fully phased-in no later than ~~((June 30, 2015))~~ January 1, 2016.

(vi) The department shall hold the consultant on retainer to assist the department as needed throughout the implementation process. The consultant shall review quarterly the actual implementation compared to the written implementation plan and shall provide a report to the secretary of the department. The department shall provide reports to the office of financial management and legislative fiscal committees as follows:

(A) The written comprehensive implementation plan shall be provided by January 15, 2014; and

(B) Written progress updates shall be provided by July 1, 2014, and by December 1, 2014.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2014) (((\$605,039,000))	
.....	\$599,248,000
General Fund--State Appropriation (FY 2015) (((\$604,704,000))	
.....	\$601,804,000
General Fund--Federal Appropriation..... (((\$3,322,000))	
.....	\$3,356,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation.....	\$7,585,000
Environmental Legacy Stewardship Account--State	
Appropriation.....	\$105,000
County Criminal Justice Assistance Account--State	
Appropriation.....	\$390,000
TOTAL APPROPRIATION..... (((\$1,221,145,000))	
.....	\$1,212,488,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) During the 2013-2015 fiscal biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors:

(i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(b) \$501,000 of the general fund--state appropriation for fiscal year 2014 and \$501,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. The department may not house incarcerated offenders at the maple lane site until specifically directed to do so by the legislature.

(c) By ~~((December 1, 2013))~~ March 31, 2014, the department of corrections shall provide a report to the office of financial

management and the appropriate fiscal and policy committees of the legislature that evaluates the department's inmate intake processes and expenditures and makes recommendations for improvements. The evaluation must include an analysis of lean management processes that, if adopted, could improve the efficiency and cost effectiveness of inmate intake.

(d) By December 1, 2013, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that evaluates the department's use of partial confinement and work release programs and makes recommendations for improving public safety and decreasing recidivism through increasing participation in partial confinement re-entry and work release programs. In making its recommendations, the department shall identify:

(i) Options for increasing the capacity of work release beds to meet the number of eligible offenders;

(ii) Potential cost savings to the state through contracting for or building new work release capacity;

(iii) Options for expanding eligibility for partial confinement, including creation of a structured re-entry program that includes stable housing, mandatory participation in evidence-based programs, and intensive supervision; and

(iv) Potential cost savings to the state from creation of a structured re-entry program.

(e) By December 1, 2013, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that evaluates the department's community parenting alternative program, and makes recommendations for increasing participation in the program with the goals of increasing public safety and decreasing recidivism. The evaluation shall include recommendations for increasing the placement of eligible offenders into the program and increasing eligibility to other populations. In making its recommendations, the department shall identify the percent of the eligible population currently entering the program, outcomes to-date for program participants, and potential cost savings from increasing placement of offenders into the program.

(f) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increase, provided that medical payments conform to the department's offender health plan, pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(g)(i) The legislature finds that it has taken several steps to mitigate the demand for prison capacity including funding evidence-based programming for offenders which is proven to reduce recidivism, funding evidence-based treatment alternatives to incarceration for drug-addicted offenders, standardizing inconsistencies in the drug sentencing grid, and authorizing the department to rent local jail beds. These steps will also assist the department's implementation of additional operational efficiencies by reducing costs related to offender intake, processing, and transportation.

(ii) Up to \$1,119,000 of the general fund--state appropriation for fiscal year 2014 and up to \$1,322,000 of the general fund--state appropriation for fiscal year 2015 may be used by the department to rent jail capacity for short-term offenders. In contracting for jail beds for short-term offenders, the department shall rent capacity from local and tribal governments to house offenders with an earned release date of less than one hundred twenty days remaining on his

or her sentence at the time the offender would otherwise be transferred to a state correctional facility. The contracted daily costs for these offenders shall not exceed \$70 per offender including medical costs.

(h) The department of corrections shall issue a competitive solicitation by August 1, 2013, to contract with local jurisdictions for the use of inmate bed capacity in lieu of prison beds operated by the state. The department may contract for up to 300 beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The duration of the contracts may be for up to four years. The department shall not pay a rate greater than \$65 per day per offender for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of \$65 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as medium or lower security offenders. Programming provided for inmates held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders will be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail will provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer will be the responsibility of the jail. The department will report to legislative fiscal committees and the office of financial management by November 1, 2013, to provide a status update on implementation.

(i) The department shall convene a work group to develop health care cost containment strategies at local jail facilities. The work group shall identify cost containment strategies in place at the department and at local jail facilities, identify the costs and benefits of implementing strategies in jail health-care facilities, and make recommendations on implementing beneficial strategies. The work group shall submit a report on its findings and recommendations to the fiscal committees of the legislature by October 1, 2013. The work group shall include jail administrators, representatives from health care facilities at the local jail level and the state prisons level, and other representatives as deemed necessary.

(j) \$1,026,000 of the general fund--state appropriation for fiscal year 2014 and \$781,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to expand the piloted risk-needs-responsivity model to include the use of cognitive behavioral therapy with evidence-based programming at two minimum security prison facilities and at the Monroe correctional complex.

(k) \$23,653,000 of the general fund--state appropriation for fiscal year 2014 and \$24,919,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for offender programming. Pursuant to section 220(1) of this act, the department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(l) \$36,000 of the general fund--state appropriation for fiscal year 2014 and \$36,000 of the general fund--state appropriation for

fiscal year 2015 are provided solely for implementation of Engrossed Senate Bill No. 5484 (assault in the third-degree). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(m) \$48,000 of the general fund--state appropriation for fiscal year 2014 and \$48,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Substitute House Bill No. 1383 (stalking protection orders). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(n) \$36,000 of the general fund--state appropriation for fiscal year 2014 and \$36,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Senate Bill No. 5149 (crimes against pharmacies). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(o) \$24,000 of the general fund--state appropriation for fiscal year 2014 and \$24,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5669 (trafficking). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(p) \$24,000 of the general fund--state appropriation for fiscal year 2014 and \$24,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Senate Bill No. 5053 (vehicle prowling). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(q) \$96,000 of the county criminal justice assistance--state appropriation is provided solely for implementation of Engrossed Senate Bill No. 5105 (rental vouchers for offenders). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(r) \$239,000 of the general fund--state appropriation for fiscal year 2014, and \$1,431,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to contract with Yakima county for the use of inmate bed capacity in lieu of prison beds operated by the state. The contract must conform to the provisions of subsection (h) of this section.

(s) \$50,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the department to evaluate the provision of post-secondary education to offenders in the prison system and prepare a report of the findings. The report is due to the office of financial management and the appropriate policy and fiscal committees of the legislature by December 1, 2014. The report must include an evaluation of the need for post-secondary education for the offender population, the opportunities that exist to provide this program, the available curriculum, the cost per participant, the impact on recidivism, prison safety and public safety, and the options available after the offender's release to assist with the reentry and the continuation of education for program participants.

(t) The department shall assess possible uses for the Yakima county jail facility, including but not limited to, housing for short-term offenders; housing for community supervision violators or absconders; housing for offenders with special program needs such as offenders with mental health issues; and housing for older or infirm offenders. The department shall report to the appropriate policy and fiscal committees of the legislature by December 1, 2014, with findings, cost estimates, and recommendations for the use of the facility.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2014)(((\$130,568,000))	
.....	\$149,938,000
General Fund--State Appropriation (FY 2015)(((\$131,973,000))	
.....	\$153,322,000
General Fund--Federal Appropriation.....	\$750,000

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County Criminal Justice Assistance Account--State	\$2,249,000
Ignition Interlock Device Revolving Account--State	\$2,200,000
TOTAL APPROPRIATION	(\$266,990,000))
.....	\$308,459,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,906,000 of the county criminal justice assistance account--state appropriation and \$2,200,000 of the ignition interlock device revolving account--state appropriation are provided solely for the department to contract for additional residential drug offender sentencing alternative treatment slots. By December 1, 2013, the department shall provide a report to the appropriate fiscal committees of the house of representatives and the senate on the use of the additional treatment slots.

(b) \$4,186,000 of the general fund--state appropriation for fiscal year 2014 and \$6,362,000 of the general fund--state appropriation for fiscal year 2015 must be expended on evidence-based programs that follow the risk-needs-responsivity model. The department is authorized to use up to ten percent of these funds as necessary to secure physical space as needed to maximize program delivery of evidence-based treatment to all high-risk, high-need offenders in community supervision. Funding may be prioritized by the department to any program recognized as evidence-based for adult offenders by the Washington state institute for public policy.

(c) \$16,513,000 of the general fund--state appropriation for fiscal year 2014 and \$16,527,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for offender programming. Pursuant to section 220 (1) of this act, the department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(d) \$107,000 of the county criminal justice--state appropriation is provided solely for implementation of Engrossed Senate Bill No. 5105 (rental vouchers for offenders). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(e) \$250,000 of the general fund--state appropriation for fiscal year 2015 and \$750,000 of the general fund--federal appropriation are provided solely for the second chance reentry grant demonstration project.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2014)	(\$6,780,000))
.....	\$6,830,000
General Fund--State Appropriation (FY 2015)	\$7,182,000
TOTAL APPROPRIATION	(\$13,962,000))
.....	\$14,012,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$3,293,000 of the general fund--state appropriation for fiscal year 2014 and \$3,707,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the stewardship of McNeil island. The department shall assume responsibility of all island maintenance excluding site specific maintenance operations for the special commitment center and the Pierce county secure transitional facility. The department shall as part of its industries program provide job skills to offenders while providing the minimum maintenance and preservation necessary for the state to remain in compliance with the federal deed for McNeil island. The department shall report on efficiencies and potential cost reductions to the office of financial management and legislative fiscal committees by December 15, 2013.

(b)(i) The department of social and health services shall transfer the stewardship of McNeil Island to the department of corrections

industries program, effective September 1, 2013. The transferred responsibilities shall include marine operations, waste water treatment, water treatment, road maintenance, and any other general island maintenance that is not site specific to the operations of the special commitment center or the Pierce county secure community transition facility. Facility maintenance within the perimeter of the special commitment center shall remain the responsibility of the department of social and health services. Capital repairs and maintenance necessary to maintain the special commitment center on McNeil Island shall be managed by the department of social and health services. The legislature directs both departments to enter into an interagency agreement by August 1, 2013. The office of financial management shall oversee the negotiations of the interagency agreement. The interagency agreement must describe equipment that will transfer between the departments, warehouse space that will be shared by the departments, and occupancy requirements for any shops outside the perimeter of the special commitment center. The office of financial management will make the final determination on any disagreements between the departments on the details of the interagency agreement.

(ii) All employees of the department of social and health services engaged in performing the powers, functions, and duties transferred to the department of corrections industries program under this subsection, are transferred to the department of corrections.

(iii) All classified employees of department of social and health services assigned to the department of corrections under this subsection whose positions are within an existing bargaining unit description at the department of corrections shall become a part of the existing bargaining unit at the department of corrections and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2014) ..	(\$35,345,000))
.....	\$41,726,000
General Fund--State Appropriation (FY 2015) ..	(\$32,115,000))
.....	\$38,111,000
TOTAL APPROPRIATION	(\$67,460,000))
.....	\$79,837,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

Sec. 221. 2013 2nd sp.s. c 4 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND	
General Fund--State Appropriation (FY 2014)	(\$2,242,000))
.....	\$2,227,000
General Fund--State Appropriation (FY 2015)	(\$2,197,000))
.....	\$2,217,000
General Fund--Federal Appropriation	(\$21,060,000))
.....	\$21,078,000
General Fund--Private/Local Appropriation	\$60,000
TOTAL APPROPRIATION	(\$25,559,000))
.....	\$25,582,000

Sec. 222. 2013 2nd sp.s. c 4 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT	
General Fund--Federal Appropriation	(\$269,977,000))
.....	\$269,835,000
General Fund--Private/Local Appropriation	(\$34,206,000))
.....	\$34,177,000
Unemployment Compensation Administration Account--	
Federal Appropriation	(\$320,006,000))

.....	\$332,472,000
Administrative Contingency Account--State	
Appropriation.....	(((\$22,728,000))
.....	\$22,484,000
Employment Service Administrative Account--State	
Appropriation.....	(((\$35,567,000))
.....	\$36,548,000
TOTAL APPROPRIATION.....	(((\$682,484,000))
.....	\$695,516,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$5,000,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for continuing current unemployment insurance functions and department services to employers and job seekers.

(2) ~~(((\$12,386,000))~~ \$23,585,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance tax information system for the employment security department. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) \$3,735,000 of the unemployment compensation account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of call center technology to improve the integration of the telephone and computing systems to increase efficiency and improve customer service.

(4) \$182,000 of the employment services administrative account--state appropriation is provided for costs associated with the second stage of the review and evaluation of the training benefits program as directed in section 15(2), chapter 4, Laws of 2011 (unemployment insurance program). This second stage shall be developed and conducted by the joint legislative audit and review committee and shall consist of further work on the process study and net-impact/cost-benefit analysis components of the evaluation.

(5) \$240,000 of the administrative contingency account--state appropriation is provided solely for the employment security department to contract with a center for workers in King county. The amount appropriated in this subsection shall be used by the contracted center for workers to support initiatives that generate high-skill, high-wage jobs; improve workforce and training systems; improve service delivery for dislocated workers; and build alliances with community and environmental organizations.

(6) The department is prohibited from expending amounts appropriated in this section for implementation of chapter 49.86 RCW.

(7) The employment security department shall collaborate with the workforce training and education coordinating board, the state board for community and technical colleges, the economic service administration, and the local workforce development councils to coordinate a comprehensive report on short-term and long-term workforce programs outcomes and funding. The employment security department shall compile a single report and submit it to the governor and appropriate committees of the legislature by December 1, 2014. Specifically:

(a) The state board for community and technical colleges, in coordination with the economic services administration, shall report on short-term and long-term training outcomes for WorkFirst funded programs by activity (basic education, vocational education

iBest, life skills, and any other related activities that are provided for WorkFirst students), including but not limited to:

- (i) The number and percent of individuals that complete educational activities;
- (ii) The number and percent of individuals employed within one quarter after program completion and their average wage;
- (iii) The number and percent of individuals employed within three quarters after program completion and their average wage;
- (iv) The number of students enrolled in short-term certificate programs by certificate type;
- (v) The number and percent of students who earn short-term certificates by certificate type;
- (vi) The number of students who accumulate at least forty-five credits and an industry recognized credential; and
- (vii) The amount of WorkFirst funds spent.

The report shall also include recommendations for improving student retention and completion rates and any other system improvement recommendations.

(b) The employment security department shall work with the workforce training and education coordinating board, the state board for community and technical colleges, and the local workforce development councils to map the flow of federal workforce investment act funds from initial receipt by the employment security department to final expenditure. The report shall include:

- (i) The total amount spent on direct training provided by the community and technical colleges from workforce investment act funds;
- (ii) The total amount spent by the employment security department on direct service provision;
- (iii) The number of students who enroll in short-term certificate programs;
- (iv) The number and percent of students who earn short-term certificates; and
- (v) The number and percent of students who accumulate at least forty-five credits and an industry recognized credential.

(8) \$3,809,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance benefit system for the employment security department. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(End of part)

**PART III
NATURAL RESOURCES**

Sec. 301. 2013 2nd sp.s. c 4 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2014).....	(((\$445,000))
.....	\$442,000
General Fund--State Appropriation (FY 2015).....	(((\$446,000))
.....	\$458,000
General Fund--Federal Appropriation.....	\$31,000
General Fund--Private/Local Appropriation.....	(((\$874,000))
.....	\$883,000
TOTAL APPROPRIATION.....	(((\$1,796,000))
.....	\$1,814,000

Sec. 302. 2013 2nd sp.s. c 4 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2014).....	(((\$25,929,000))
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.....	\$25,983,000
General Fund--State Appropriation (FY 2015) ..(((\$25,506,000))	
.....	\$25,524,000
General Fund--Federal Appropriation ..(((\$105,230,000))	
.....	\$103,230,000
General Fund--Private/Local Appropriation	\$16,912,000
Reclamation Account--State Appropriation	(((\$3,735,000))
.....	\$3,998,000
Flood Control Assistance Account--State Appropriation.....	
.....	\$1,985,000
State Emergency Water Projects Revolving	
Account--State Appropriation	\$40,000
Waste Reduction/Recycling/Litter Control--State	
Appropriation.....	(((\$9,722,000))
.....	\$9,726,000
State Drought Preparedness Account--State Appropriation	
.....	\$204,000
State and Local Improvements Revolving Account	
(Water Supply Facilities)--State Appropriation.....	\$426,000
Environmental Legacy Stewardship Account--State	
Appropriation.....	(((\$43,748,000))
.....	\$44,384,000
Aquatic Algae Control Account--State Appropriation.	\$513,000
Water Rights Tracking System Account--State	
Appropriation.....	\$46,000
Site Closure Account--State Appropriation.....	\$556,000
Wood Stove Education and Enforcement Account--State	
Appropriation.....	\$612,000
Worker and Community Right-to-Know Account--State	
Appropriation.....	\$1,701,000
Water Rights Processing Account--State Appropriation	
.....	\$135,000
State Toxics Control Account--State Appropriation	
.....	(((\$124,238,000))
.....	\$124,377,000
State Toxics Control Account--Private/Local	
Appropriation.....	\$979,000
Local Toxics Control Account--State Appropriation	
.....	(((\$3,774,000))
.....	\$3,779,000
Water Quality Permit Account--State Appropriation	
.....	(((\$40,982,000))
.....	\$41,845,000
Underground Storage Tank Account--State	
Appropriation.....	(((\$3,347,000))
.....	\$3,351,000
Biosolids Permit Account--State Appropriation..(((\$1,848,000))	
.....	\$2,147,000
Hazardous Waste Assistance Account--State	
Appropriation.....	(((\$6,037,000))
.....	\$6,040,000
Air Pollution Control Account--State Appropriation	
.....	(((\$3,128,000))
.....	\$3,133,000
Oil Spill Prevention Account--State Appropriation	
.....	(((\$5,684,000))
.....	\$6,496,000
Air Operating Permit Account--State Appropriation	
.....	(((\$3,132,000))
.....	\$3,149,000
Freshwater Aquatic Weeds Account--State Appropriation	
.....	\$1,409,000
Oil Spill Response Account--State Appropriation	\$7,076,000
Water Pollution Control Revolving Account--State	
Appropriation.....	\$356,000

Water Pollution Control Revolving Account--Federal	
Appropriation.....	\$1,505,000
Water Pollution Control Revolving Administration	
Account--State Appropriation	\$1,021,000
Radioactive Mixed Waste Account--State	
Appropriation.....	(((\$13,800,000))
.....	\$14,336,000
TOTAL APPROPRIATION	(((\$455,316,000))
.....	\$456,974,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 4.55 percent in fiscal year 2014 and 4.63 percent in fiscal year 2015; mixed waste management service charge authorized in RCW 70.105.280, not more than 1.82 percent in fiscal year 2014 and 0.62 percent in fiscal year 2015; and reasonably available control technology fee.

(3) \$1,981,000 of the state toxics control account--state appropriation is for the department to provide training regarding the benefits of low-impact development including, but not limited to, when the use of low-impact development is appropriate and feasible, and the design, installation, maintenance, and best practices of low-impact development. The department will consult with Washington State University extension low-impact development technical center and others in the development of the low-impact technical training. As appropriate, the department may contract with the Washington State University extension low-impact development technical center, private sector vendors, associations, and others to deliver the technical training. The training must be provided free of cost to phase I and phase II permittees and the private development community including builders, engineers, and other industry professionals. The training must be sequenced geographically and provided in time for local jurisdictions to comply with RCW 90.48.260 and 36.70A.130(5). By August 1, 2013, the department of ecology shall provide the governor and appropriate legislative committees a plan for how low-impact development training funds will be spent during fiscal years 2014 through 2017.

(4) \$440,000 of the state toxics control account--state appropriation is provided solely for administering the water pollution control facilities financial assistance program authorized in chapter 90.50A RCW.

(5) \$350,000 of the state toxics control account--state appropriation is provided solely for the Spokane river regional toxics task force to support their efforts to address elevated levels of polychlorinated biphenyls in the Spokane river. Funding will be used to determine the extent of the cleanup required, implement cleanup actions to meet applicable water quality standards, and prevent recontamination.

(6) \$516,000 of the state toxics control account--state appropriation is provided solely for the department to support an ultrafine particulate study to determine how, if at all, the biomass cogeneration facilities in Port Townsend and Port Angeles may impact air quality and the health of citizens in the region.

(7) \$65,000 of the water quality permit account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1245 (derelict and abandoned

vessels). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((9))~~ (8) The department shall collaborate with the middle snake river watershed, WRIA 35 planning unit in implementing its watershed plan.

~~((10))~~ (9)(a) \$14,000,000 of the general fund--state appropriation for fiscal year 2014 and \$14,000,000 of the general fund--state appropriation for fiscal year 2015 are for activities within the water resources program.

(b) Of the amounts provided in (a) of this subsection, \$500,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for processing water right permit applications only if the department of ecology issues at least five hundred water right decisions in fiscal year 2014, and if the department of ecology does not issue at least five hundred water right decisions in fiscal year 2014 the amount provided in this subsection shall lapse and remain unexpended. Permit decisions for the Columbia river basin count toward the five hundred water rights decisions under this subsection. The department of ecology shall submit a report to the office of financial management and the state treasurer by June 30, 2014, that documents whether five hundred water right decisions were issued in fiscal year 2014. For the purposes of this subsection, applications that are voluntarily withdrawn by an applicant do not count towards the five hundred water right decision requirement. For the purposes of water budget-neutral requests under chapter 173-539A WAC, multiple domestic connections authorized within a single water budget-neutral decision are considered one decision for the purposes of this subsection.

~~((11))~~ (10) The department of ecology, in consultation with the office of financial management, shall prepare a facilities plan to reduce the agency's facilities obligation and the agency's cost per FTE for its facilities by 2017 to align with comparable state agencies. The plan must be submitted to the office of financial management and the appropriate legislative fiscal committees by November 1, 2013. The plan must include: (a) An inventory of all currently owned and leased buildings, consistent with the data provided through the state's facilities inventory process prescribed by the office of financial management annually by September 1st; (b) a list of facilities solutions that will reduce costs with an emphasis on consolidation, collocation, and alternative space solutions such as shared workspace and mobile work; and (c) a department-wide coordinated process and plan for regularly evaluating facility needs.

(11) \$157,000 of the oil spill prevention account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2347 (oil transportation safety). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 303. 2013 2nd sp.s. c 4 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2014)	(\$4,254,000))
.....	\$4,308,000
General Fund--State Appropriation (FY 2015)	(\$4,254,000))
.....	\$4,430,000
General Fund--Federal Appropriation	\$6,014,000
Winter Recreation Program Account--State	
Appropriation.....	(\$2,065,000))
.....	\$2,465,000
ORV and Nonhighway Vehicle Account--State Appropriation	
.....	\$215,000
Snowmobile Account--State Appropriation	\$4,859,000
Aquatic Lands Enhancement Account--State Appropriation.....	
.....	\$363,000
Parks Renewal and Stewardship Account--State	

Appropriation.....	(\$103,065,000))
.....	\$105,935,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation.....	\$300,000
Waste Reduction/Recycling/Litter Control Account--State	
Appropriation.....	\$1,700,000
TOTAL APPROPRIATION	(\$127,089,000))
.....	\$130,589,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,000 of the general fund--state appropriation for fiscal year 2014 and \$79,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) Prior to closing any state park, the commission must notify all affected local governments and relevant nonprofit organizations of the intended closure and provide an opportunity for the notified local governments and nonprofit organizations to elect to acquire, or enter into, a maintenance and operating contract with the commission that would allow the park to remain open.

(3) The commission shall prepare a report on its efforts to increase revenue from all sources, including the discover pass. The report shall also include a status update on the fiscal health of the state parks system, and shall be submitted to the office of financial management and the appropriate committees of the legislature by October 28, 2013.

(4) \$54,000 of the general fund--state appropriation for fiscal year 2014 and \$51,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Substitute House Bill No. 2331 (public works payroll records). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(5) \$25,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2192 (state agency permitting). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 304. 2013 2nd sp.s. c 4 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund--State Appropriation (FY 2014)	(\$823,000))
.....	\$896,000
General Fund--State Appropriation (FY 2015)	(\$815,000))
.....	\$902,000
General Fund--Federal Appropriation	\$3,425,000
General Fund--Private/Local Appropriation	(\$24,000))
.....	\$124,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$480,000
Firearms Range Account--State Appropriation.....	\$37,000
Recreation Resources Account--State Appropriation.....	
.....	(\$3,086,000))
.....	\$3,165,000
NOVA Program Account--State Appropriation.....	\$964,000
TOTAL APPROPRIATION	(\$9,654,000))
.....	\$9,993,000

Sec. 305. 2013 2nd sp.s. c 4 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund--State Appropriation (FY 2014)	(\$2,227,000))
.....	\$2,210,000
General Fund--State Appropriation (FY 2015)	(\$2,147,000))
.....	\$2,192,000
TOTAL APPROPRIATION	(\$4,374,000))

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.....	\$4,402,000
Sec. 306. 2013 2nd sp.s. c 4 s 306 (uncodified) is amended to read as follows:	
FOR THE CONSERVATION COMMISSION	
General Fund--State Appropriation (FY 2014).....	(\$6,841,000))
.....	\$6,819,000
General Fund--State Appropriation (FY 2015).....	(\$6,738,000))
.....	\$6,760,000
General Fund--Federal Appropriation.....	\$2,301,000
State Toxics Control Account--State Appropriation	\$1,000,000
TOTAL APPROPRIATION	\$16,880,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the conservation commission, in consultation with conservation districts, must submit to the office of financial management and legislative fiscal committees by December 10, 2013, a report outlining opportunities to minimize districts' overhead costs, including consolidation of conservation districts within counties in which there is more than one district. The report must include details on the anticipated future savings that could be expected from implementing these efficiencies starting on July 1, 2014.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$246,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement the voluntary stewardship program in Thurston and Chelan counties. These amounts may not be used to fund agency indirect and administrative expenses.

(3) \$1,000,000 of the general fund--federal appropriation is provided solely to implement the voluntary stewardship program statewide. The commission shall place the appropriation in this subsection in unallotted status, and may not allot any of these funds until the federal government has provided funding to the commission for the purpose of implementing the voluntary stewardship program.

(4) The conservation commission must evaluate the current system for the election of conservation district board supervisors and recommend improvements to ensure the highest degree of public involvement in these elections. The commission must engage with stakeholder groups and conservation districts to gather a set of options for improvement to district elections, which must include an option aligning district elections with state and local general elections. The commission must submit a report detailing the options to the office of financial management and appropriate committees of the legislature by December 10, 2013.

(5) \$975,000 of the general fund--state appropriation for fiscal year 2014 and \$975,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for state conservation commission category one funding distribution to conservation districts in the amount of \$25,000 in fiscal year 2014 and \$25,000 in fiscal year 2015 for each county. If a county contains only one conservation district, the county may receive more funding at the discretion of the state conservation commission.

(6) The state conservation commission may provide additional funding to a conservation district if the conservation district conducts elections at such times as and consistent with the general election law, chapter 29A.04 RCW.

Sec. 307. 2013 2nd sp.s. c 4 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE	
General Fund--State Appropriation (FY 2014).....	(\$30,321,000))
.....	\$30,732,000
General Fund--State Appropriation (FY 2015).....	(\$28,999,000))
.....	\$30,291,000
General Fund--Federal Appropriation.....	(\$107,585,000))

.....	\$107,914,000
General Fund--Private/Local Appropriation	(\$58,784,000))
.....	\$58,680,000
ORV and Nonhighway Vehicle Account--State Appropriation..	
.....	\$397,000
Aquatic Lands Enhancement Account--State	
Appropriation.....	(\$15,919,000))
.....	\$15,941,000
Recreational Fisheries Enhancement--State	
Appropriation.....	(\$2,590,000))
.....	\$2,617,000
Environmental Legacy Stewardship Account--State	
Appropriation.....	\$1,224,000
Warm Water Game Fish Account--State Appropriation	
.....	(\$2,507,000))
.....	\$2,509,000
Eastern Washington Pheasant Enhancement Account--State	
Appropriation.....	\$849,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation.....	\$209,000
Aquatic Invasive Species Prevention Account--State	
Appropriation.....	\$737,000
State Wildlife Account--State Appropriation	(\$103,460,000))
.....	\$103,522,000
Special Wildlife Account--State Appropriation	\$2,405,000
Special Wildlife Account--Federal Appropriation	\$500,000
Special Wildlife Account--Private/Local Appropriation.....	
.....	\$3,446,000
Wildlife Rehabilitation Account--State Appropriation	\$259,000
Hydraulic Project Approval Account--State	
Appropriation.....	(\$674,000))
.....	\$966,000
Regional Fisheries Enhancement Salmonid Recovery	
Account--Federal Appropriation	\$5,001,000
Oil Spill Prevention Account--State Appropriation (	(\$917,000))
.....	\$941,000
Oyster Reserve Land Account--State Appropriation ..	\$773,000
TOTAL APPROPRIATION	(\$367,556,000))
.....	\$369,913,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$130,000)~~) \$675,000 of the general fund--state appropriation for fiscal year 2014 and \$130,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) Prior to submitting its 2015-2017 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(3) \$400,000 of the general fund--state appropriation for fiscal year 2014 and \$400,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(4) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in

order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(5) During the 2013-2015 fiscal biennium, the department must retain ownership and continue to occupy the downtown Olympia office building at 600 Capitol Way.

(6) \$1,000,000 of the state wildlife account--state appropriation is provided solely to the department for resources that serve to promote and engage nonlethal deterrence methods relating to wolf and livestock interaction with a priority given to funding cooperative agreements with livestock producers, and of this amount, \$250,000 in fiscal year 2014 is provided solely for compensation for injury or loss of livestock caused by wolves as prescribed in chapter 77.36 RCW.

(7) \$100,000 of the state wildlife account--state appropriation is provided solely for the transfer of trout from the Clarks creek hatchery to the Lakewood hatchery.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the production of steelhead, coho, and Chinook salmon at the Clarks creek hatchery.

(9) \$200,000 of the state wildlife account--state appropriation, \$50,000 of the general fund--state appropriation for fiscal year 2014, and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to increase production of juvenile fall Chinook on the Cowlitz river. The funds provided may be used to match or leverage funds from private or public sources for the same purpose.

(10) \$596,000 of the general fund--state appropriation for fiscal year 2014 and \$596,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for weed assessments and for payments in lieu of real property taxes to counties that elect to receive the payments for department owned game lands within the county.

(11) \$10,000 of the aquatic lands enhancement account--state appropriation is provided solely for development of an aquatic invasive species passport program to improve the efficiency and effectiveness of watercraft inspections by expediting aquatic invasive species watercraft inspections for watercraft at low risk of transmitting invasive species and prioritizing the use of available resources for the inspection of high risk vessels.

(12) Within the amounts appropriated in this section, the department must deploy additional wildlife conflict specialists to provide landowner assistance and address wildlife conflicts, with at least one additional specialist primarily assigned to each of the following areas: Administrative region six of the department; Okanogan and Chelan counties in administrative region two of the department; and Whatcom and Skagit counties in administrative region four of the department.

(13) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of House Bill No. 1112 (science and public policy). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(14) Within the amounts appropriated in this section the department shall work with the regional fisheries enhancement groups to identify a revenue source or sources capable of providing long-term funding to support the community-based salmon restoration work of regional fisheries enhancement groups. The department shall work with the regional fisheries enhancement group coalition to submit a report to the office of financial management and the appropriate legislative committees by December 1, 2013, with the outcomes and recommendations.

(15) \$24,000 of the oil spill prevention account--state appropriation is provided solely for implementation of Engrossed

Second Substitute House Bill No. 2347 (oil transportation safety). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 308. 2013 2nd sp.s. c 4 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2014) ..(((\$42,515,000))	
.....	\$51,674,000
General Fund--State Appropriation (FY 2015) ..(((\$45,092,000))	
.....	\$45,073,000
General Fund--Federal Appropriation	\$26,963,000
General Fund--Private/Local Appropriation	\$2,372,000
Forest Development Account--State Appropriation	
.....(((\$49,054,000))	
.....	\$50,687,000
ORV and Nonhighway Vehicle Account--State Appropriation..	
.....	\$4,494,000
Surveys and Maps Account--State Appropriation(((\$2,170,000))	
.....	\$1,680,000
Aquatic Lands Enhancement Account--State	
Appropriation.....(((\$3,634,000))	
.....	\$3,628,000
Snowmobile Account--State Appropriation	\$100,000
Environmental Legacy Stewardship Account--State	
Appropriation.....	\$3,948,000
Resources Management Cost Account--State	
Appropriation.....(((\$111,073,000))	
.....	\$116,498,000
Surface Mining Reclamation Account--State	
Appropriation.....(((\$3,972,000))	
.....	\$3,969,000
Disaster Response Account--State Appropriation.....	\$5,000,000
Forest and Fish Support Account--State Appropriation	
.....	\$11,759,000
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation	(((\$843,000))
.....	\$463,000
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation	\$34,000
Marine Resources Stewardship Trust Account--State	
Appropriation.....	\$3,700,000
State Toxics Control Account--State Appropriation	\$80,000
Forest Practices Application Account--State	
Appropriation.....	\$1,697,000
Air Pollution Control Account--State Appropriation	\$785,000
NOVA Program Account--State Appropriation.....	\$950,000
Derelict Vessel Removal Account--State Appropriation	
.....	\$1,770,000
Agricultural College Trust Management Account--State	
Appropriation.....	\$2,712,000
TOTAL APPROPRIATION	(((\$324,717,000))
.....	\$340,036,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,389,000 of the general fund--state appropriation for fiscal year 2014 and \$1,323,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) ~~(((\$19,099,000))~~ \$28,271,000 of the general fund--state appropriation for fiscal year 2014, \$19,099,000 of the general fund--state appropriation for fiscal year 2015, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may

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be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for outcome-based, performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$518,000 of the forest and fish support account--state appropriation is provided solely for outcome-based performance contracts with nongovernmental organizations to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect cost set at or below a rate of eighteen percent.

(5) \$717,000 of the forest and fish support account--state appropriation is provided solely to fund interagency agreements with the department of ecology and the department of fish and wildlife as part of the adaptive management process.

(6) \$440,000 of the state general fund--state appropriation for fiscal year 2014 and \$440,000 of the state general fund--state appropriation for fiscal year 2015 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp.

(7) \$2,382,000 of the resource management cost account--state appropriation is for addressing the growing backlog of expired aquatic leases and new aquatic lease applications. The department shall implement a Lean process to improve the lease review process and further reduce the backlog, and submit a report on its progress in addressing the backlog and implementation of the Lean process to the governor and the appropriate committees of the legislature by October 1, 2013.

(8) \$1,948,000 of the environmental legacy stewardship account--state appropriation is provided solely for the department to pay a portion of the costs to complete remedial investigation work at Whitmarsh landfill and Mill site A and perform final-year maintenance of the Olympic view triangle site in Commencement Bay.

(9) \$265,000 of the resources management cost account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 1764 (geoduck diver licenses). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(10) \$425,000 of the derelict vessel removal account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1245 (derelict and abandoned vessels). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(11) \$3,700,000 of the marine resources stewardship trust account--state appropriation is provided solely for implementation of priority marine management planning efforts including mapping activities, ecological assessment, data tools, stakeholder engagement, and all other work identified in Engrossed Senate Bill No. 5603 (marine advisory councils) during the 2013-2015 fiscal biennium.

Sec. 309. 2013 2nd sp.s. c 4 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2014) ..(((\$15,300,000))	
.....	\$15,274,000
General Fund--State Appropriation (FY 2015) ..(((\$15,294,000))	
.....	\$16,333,000
General Fund--Federal Appropriation.....(((\$23,098,000))	
.....	\$23,054,000
General Fund--Private/Local Appropriation	\$192,000
Aquatic Lands Enhancement Account--State	
Appropriation.....(((\$2,837,000))	
.....	\$2,839,000
State Toxics Control Account--State Appropriation	
.....(((\$5,203,000))	
.....	\$5,206,000
Water Quality Permit Account--State Appropriation(((\$70,000))	
.....	\$73,000
TOTAL APPROPRIATION	(((\$61,994,000))
.....	\$62,971,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,308,445 of the general fund--state appropriation for fiscal year 2014 and (((\$5,302,905)) \$6,302,905 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Pursuant to RCW 43.135.055 and 16.57.220, the department is authorized to institute livestock inspection fees in the 2013-2015 fiscal biennium for calves less than thirty days old.

(3) Pursuant to RCW 43.135.055 and 16.36.150, the department is authorized to establish a fee for the sole purpose of purchasing and operating a database and any other technology or software needed to administer animal disease traceability activities for cattle sold or slaughtered in the state or transported out of the state.

(4) Within the amounts appropriated in this section, the department of agriculture must convene and facilitate a work group with appropriate stakeholders to review fees supporting programs within the department that are also supported with state general fund. In developing strategies to make the program work more self-supporting, the workgroup will consider, at minimum, the length of time since the last fee increase, similar fees that exist in neighboring states, and fee increases that will ensure reasonable competitiveness in the respective industries. The workgroup must submit a report containing recommendations that will make each of the fee supported programs within the department less reliant on state general fund to the office of financial management and legislative fiscal committees by December 1, 2013.

(5) \$72,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of House Bill No. 2405 (hemp/commercial animal feed). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 310. 2013 2nd sp.s. c 4 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY	
INSURANCE PROGRAM	
Pollution Liability Insurance Program Trust	
Account--State Appropriation	(((\$987,000))
.....	\$1,000,000

Sec. 311. 2013 2nd sp.s. c 4 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP	
General Fund--State Appropriation (FY 2014) ....(((\$2,416,000))	
.....	\$2,398,000
General Fund--State Appropriation (FY 2015) ....(((\$2,318,000))	
.....	\$2,403,000
General Fund--Federal Appropriation.....(((\$11,570,000))	

.....	\$11,630,000
Aquatic Lands Enhancement Account--State Appropriation.....	
.....	\$1,920,000
State Toxics Control Account--State Appropriation((\$676,000))	
.....	\$682,000
TOTAL APPROPRIATION.....	(\$18,900,000))
.....	\$19,033,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$788,000 of the aquatic lands enhancement account--state appropriation is provided solely for coordinating a study of Puget Sound juvenile steelhead marine survival conducted by the department of fish and wildlife and based on a study plan developed in cooperation with federal, tribal, and nongovernmental entities.

(2) By October 1, 2014, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2015-2017 capital and operating budget requests related to Puget Sound restoration.

(End of part)

**PART IV
TRANSPORTATION**

Sec. 401. 2013 2nd sp.s. c 4 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2014)....	(\$1,103,000))
.....	\$1,106,000
General Fund--State Appropriation (FY 2015)....	(\$1,341,000))
.....	\$1,374,000
Architects' License Account--State Appropriation.....	\$902,000
Professional Engineers' Account--State	
Appropriation.....	(\$3,558,000))
.....	\$3,545,000
Real Estate Commission Account--State Appropriation.....	
.....	(\$9,929,000))
.....	\$9,935,000
Uniform Commercial Code Account--State	
Appropriation.....	(\$3,154,000))
.....	\$3,145,000
Real Estate Education Account--State Appropriation..	\$276,000
Real Estate Appraiser Commission Account--State	
Appropriation.....	(\$1,703,000))
.....	\$1,705,000
Business and Professions Account--State	
Appropriation.....	(\$17,454,000))
.....	\$17,596,000
Funeral and Cemetery Account--State Appropriation.....	\$5,000
Landscape Architects' License Account--State Appropriation....	
.....	\$4,000
Appraisal Management Company Account--State	
Appropriation.....	\$4,000
Real Estate Research Account--State Appropriation....	\$415,000
Wildlife Account--State Appropriation.....	\$32,000
Geologists' Account--State Appropriation.....	\$52,000
Derelict Vessel Removal Account--State Appropriation	\$31,000
TOTAL APPROPRIATION.....	(\$39,963,000))
.....	\$40,127,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$566,000 of the business and professions account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1552 (scrap metal theft reduction). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(2) \$166,000 of the business and professions account--state appropriation in fiscal year 2014 only is provided solely for the implementation of Substitute House Bill No. 1779 (esthetics). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(3) \$592,000 of the business and professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1822 (debt collection practices). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(4) \$32,000 of the state wildlife account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5193 (wolf conflict management). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(5) \$112,000 of the business and professions account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2512 (cosmetology, hair design, etc.). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(6) \$19,000 of the general fund--state appropriation for fiscal year 2014 and \$48,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a pilot identicard program to assist and prepare offenders for release from prison and reentry into the community. The goal of the pilot identicard program is to provide proper state identification to offenders to facilitate access to services, employment, housing, and various other opportunities upon release to the community. By September 1, 2014, the department of licensing, working in conjunction with the department of corrections, must implement the pilot identicard program in accordance with the following:

(a) The pilot program must provide an original, renewal, or replacement identicard to offenders that: (i) Prove their identity as required by RCW 46.20.035; (ii) are under the custody of the department of corrections; (iii) have been sentenced to an incarceration period exceeding one year and one day; and (iv) are incarcerated within the Monroe correctional complex and within two months or less of release.

(b) For purposes of verifying an offender's identity and eligibility for the program, a valid identification card issued by the department of corrections serves as sufficient proof of identity and residency for an offender to apply for and obtain a Washington state identicard.

(c) For the purposes of the pilot program, and notwithstanding the provisions of chapter 46.20.117 RCW, the department of licensing must (i) waive the requirement that the offender not hold a valid Washington driver's license in order to receive an identicard; (ii) set an expiration date for an identicard issued under the pilot program for the first anniversary of the offender's birthdate after issuance; and (iii) not charge any fee to an applicant for an identicard issued as part of the pilot program.

(d) The department of licensing, in consultation with the department of corrections, must report to the governor and the appropriate committees of the legislature on the results of the pilot identicard program and any recommendations for improvement by June 30, 2015.

Sec. 402. 2013 2nd sp.s. c 4 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2014) ..	(\$34,653,000))
.....	\$35,679,000
General Fund--State Appropriation (FY 2015) ..	(\$32,485,000))
.....	\$34,407,000
General Fund--Federal Appropriation.....	(\$16,189,000))
.....	\$15,882,000
General Fund--Private/Local Appropriation	\$3,020,000

Death Investigations Account--State Appropriation	.....(((\$9,956,000))
.....	\$9,960,000
Enhanced 911 Account--State Appropriation	\$3,480,000
County Criminal Justice Assistance Account--State	
Appropriation.....	\$3,332,000
Municipal Criminal Justice Assistance Account--State	
Appropriation.....	\$1,351,000
Fire Service Trust Account--State Appropriation	\$131,000
Disaster Response Account--State Appropriation.....	\$8,000,000
Fire Service Training Account--State Appropriation \$9,797,000	
Aquatic Invasive Species Enforcement Account--State	
Appropriation.....	\$54,000
State Toxics Control Account--State Appropriation	\$516,000
Fingerprint Identification Account--State	
Appropriation.....(((\$10,747,000))	
.....	\$10,841,000
Vehicle License Fraud Account--State Appropriation	
.....(((\$447,000))	
.....	\$337,000
TOTAL APPROPRIATION	(((\$134,158,000))
.....	\$136,787,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.
- (3) \$700,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.
- (4) \$3,480,000 of the enhanced 911 account--state appropriation is provided solely for upgrades to the Washington state identification system and the Washington crime information center. Amounts provided in this subsection may not be expended until the office of the chief information officer approves a plan to move the Washington state patrol's servers and data center equipment into the state data center in the 1500 Jefferson building, and the office of the chief information officer certifies that the Washington state patrol has begun the move. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.
- (5) \$154,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Substitute House Bill No. 1612 (firearms offenders). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.
- (6) \$94,000 of the fingerprint identification account--state appropriation is provided solely for implementation of House Bill No. 2534 (fingerprint background checks). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(End of part)

**PART V
EDUCATION**

Sec. 501. 2013 2nd sp.s. c 4 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION	
General Fund--State Appropriation (FY 2014) ..(((\$27,264,000))	
.....	\$27,325,000
General Fund--State Appropriation (FY 2015) ..(((\$26,041,000))	
.....	\$27,544,000
General Fund--Federal Appropriation	(((\$63,826,000))
.....	\$71,064,000
General Fund--Private/Local Appropriation	\$4,005,000
Performance Audits of Government Account--State	
Appropriation.....	\$200,000
TOTAL APPROPRIATION	(((\$121,336,000))
.....	\$130,138,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) A maximum of ~~(((\$16,881,000))~~ \$17,048,000 of the general fund--state appropriation for fiscal year 2014 and ~~(((\$16,602,000))~~ \$17,745,000 of the general fund--state appropriation for fiscal year 2015 is for state agency operations.
 - (a) ~~(((\$8,846,000))~~ \$9,013,000 of the general fund--state appropriation for fiscal year 2014 and ~~(((\$8,910,000))~~ \$8,838,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the operation and expenses of the office of the superintendent of public instruction.
 - (i) Within the amounts provided in this subsection (1)(a), the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.
 - (ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.
 - (iii) By September of each year, the office of the superintendent of public instruction shall produce an annual status report of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of staff, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, and proviso outcomes and achievements.
 - (iv) The superintendent of public instruction shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.
 - ((vi) Appropriations in this section are sufficient for the office of the superintendent of public instruction to conduct ongoing consolidated program reviews of alternative learning experience programs and dropout reengagement programs established under chapter 20, Laws of 2010. The office of the superintendent of public instruction shall include alternative learning education and dropout reengagement programs in their ongoing consolidated program reviews, as well as provide outreach and training to school districts regarding implementation of the programs. Findings from the program reviews will be used to support and prioritize office of the superintendent outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and

performance audit work conducted by the office of the state auditor.)

(b) \$1,017,000 of the general fund--state appropriation for fiscal year 2014 and \$1,017,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for activities associated with the implementation of new school finance systems required by chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(c) \$1,012,000 of the general fund--state appropriation for fiscal year 2014 and \$1,012,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of these amounts, \$161,000 of the general fund--state appropriation for fiscal year 2014 and \$161,000 of the general fund--state appropriation for fiscal year 2015 are provided for implementation of Initiative Measure No. 1240 (charter schools).

(d) \$1,325,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$1,325,000)~~) \$1,642,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to the professional educator standards board for the following:

(i) \$1,050,000 in fiscal year 2014 and \$1,050,000 in fiscal year 2015 are for the operation and expenses of the Washington professional educator standards board;

(ii) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are for mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board, including the pipeline for paraeducators program and the retooling to teach conditional loan programs. Funding within this subsection (1)(d)(ii) is also provided for the recruiting Washington teachers program; (~~and~~)

(iii) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use;

(iv) \$24,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the professional educator standards board to: (A) Disseminate information about principles of language acquisition as a critical knowledge and skill for educators in support of instruction for English language learners; and (B) in conjunction with the office of the superintendent of public instruction, revise the model framework and curriculum for high school career and technical education courses related to careers in education to incorporate standards of cultural competence, new research on educator preparation, and curriculum and activities from the recruiting Washington teacher program; and

(v) \$293,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Substitute House Bill No. 2365 (paraeducator development). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(e) \$133,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$133,000)~~) \$266,000 of the general fund--state

appropriation for fiscal year 2015 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(f) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(g) \$45,000 of the general fund--state appropriation for fiscal year 2014 and \$45,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(h) \$131,000 of the general fund--state appropriation for fiscal year 2014 and \$131,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Initiative Measure No. 1240 (charter schools).

(i) \$1,826,000 of the general fund--state appropriation for fiscal year 2014 and \$1,802,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(j) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(k) \$1,500,000 of the general fund--state appropriation for fiscal year 2014 and \$1,500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award \$500,000 per year in funding for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(l) \$123,000 of the general fund--state appropriation for fiscal year 2014 and \$123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(m) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(n) \$93,000 of the general fund--state appropriation for fiscal year 2014 and \$93,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for chapter 185, Laws of 2011 (bullying prevention, which requires the office of the superintendent of public instruction to convene an ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, \$140,000 is for youth suicide prevention activities).

(o) \$138,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of House Bill No. 1336 (troubled youth in school). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(p) \$68,000 of the general fund--state appropriation for fiscal year 2014 and \$14,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of House Bill No. 1134 (state-tribal education compacts). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

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(q) \$62,000 of the general fund--state appropriation for fiscal year 2014 and \$62,000 of the general fund--state appropriation for fiscal year 2015 are for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as co-instructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(r) \$27,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of House Bill No. 1556 (cardiac arrest education).

(s) \$50,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the development of recommendations for funding integrated school nursing and outreach services. The office of the superintendent of public instruction shall collaborate with the health care authority to develop recommendations for increasing federal financial participation for providing nursing services in schools with the goals of integrating nursing and outreach services and supporting one nurse for every four-hundred fifty students in elementary schools and one nurse for every seven-hundred fifty students in secondary schools. The recommendations shall include proposals for funding training and reimbursement for nurses that provide outreach services to help eligible students enroll in apple health for kids and other social services programs. The authority and the office of the superintendent of public instruction shall provide these recommendations to the governor and the legislature by December 1, 2013.

(t) \$50,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the office of the superintendent of public instruction to contract with an organization to develop a model plan for evaluating the outcomes of state funded pilot education programs, including guidelines for standard data that must be gathered throughout any education pilot program, as well as guidance for data and evaluation methods depending on the design of the program and the target population. The contract must also include a provision to provide guidance for the evaluation of existing pilot programs.

(u) \$10,000 of the general fund--state appropriation for fiscal year 2014 and \$10,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools--recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(v) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(w) \$28,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the office of the superintendent of

public instruction to create a clearinghouse of research-based best practices for school districts to provide academic and nonacademic support for students while they are subject to disciplinary action and after their reengagement in school.

(x) \$49,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the office of the superintendent of public instruction, in collaboration with the educational opportunity gap oversight and accountability committee, the professional educator standards board, colleges of education, and representatives from diverse communities and community-based organizations, to develop a content outline for professional development and training in cultural competence for school staff, which educational service districts and school districts are encouraged to use.

(y) \$117,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the office of the superintendent of public instruction to convene a task force to design a performance-based assistance and accountability system for the transitional bilingual instruction program. The office must submit a report with recommendations from the task force to the education and fiscal committees of the legislature by January 15, 2016.

(z) \$134,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs and dropout reengagement programs. Appropriations in this subsection are sufficient for the office of the superintendent of public instruction to conduct ongoing consolidated program reviews of alternative learning experience programs and dropout reengagement programs established under chapter 20, Laws of 2010. The office of the superintendent of public instruction shall include alternative learning education and dropout reengagement programs in its ongoing consolidated program reviews, as well as provide outreach and training to school districts regarding implementation of the programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(aa) \$287,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Second Substitute House Bill No. 2540 (career and tech course equivalencies). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(bb) Appropriations in this section are sufficient for the office of the superintendent of public instruction to implement Second Substitute House Bill No. 2166 (students/military families).

(cc) Appropriations in this section are sufficient for the office of the superintendent of public instruction to implement Substitute House Bill No. 2536 (breakfast after the bell).

(dd) Appropriations in this section are sufficient for the office of the superintendent of public instruction to implement Engrossed Second Substitute House Bill No. 2383 (career and college readiness).

(ee) \$50,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the superintendent of public instruction to convene a work group to examine state and federal audit requirements. The work group may include, but is not limited to, representatives from small, medium, and large school districts; a representative of the office of the state auditor; a representative of the Washington state school directors' association; and legislators. The work group must identify state and federal audit requirements that are duplicative and make recommendations to the legislature to reduce school district costs and workload related to duplicative audit requirements. The superintendent shall submit the findings and

recommendations of the work group to the legislature by December 1, 2015.

(ff) \$100,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the Washington civil liberties education program.

(2) \$200,000 of the performance audits of government account--state appropriation is provided solely for a one-time workload increase to address additional audit resolutions and appeals in the alternative learning experience programs.

(3) \$10,277,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$9,565,000)~~ \$9,799,000 of the general fund--state appropriation for fiscal year 2015 are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2014 and \$2,541,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$135,000 of the general fund--state appropriation for fiscal year 2014 and \$135,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

\$1,221,000 of the general fund--state appropriation for fiscal year 2014 and \$1,221,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$1,875,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$1,875,000)~~ \$2,109,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and \$1,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(iii) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and \$1,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program and the building bridges statewide program. Students in the foster care system shall be given priority by districts offering the jobs for America's graduates program.

(iv) \$2,112,000 of the general fund--state appropriation for fiscal year 2014 and \$1,400,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 340, Laws of 2011 and chapter 51, Laws of 2012. This includes the development and implementation of the Washington kindergarten inventory of developing skills (WaKIDS).

(v) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for

fiscal year 2015 are provided solely to subsidize advanced placement exam fees and international baccalaureate class fees and exam fees for low-income students. To be eligible for the subsidy, a student must be either enrolled or eligible to participate in the federal free or reduced price lunch program, and the student must have maximized the allowable federal contribution. The office of the superintendent of public instruction shall set the subsidy in an amount so that the advanced placement exam fee does not exceed \$15.00 and the combined class and exam fee for the international baccalaureate does not exceed \$14.50.

(vi) \$293,000 of the general fund--state appropriation for fiscal year 2014 and \$293,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the superintendent of public instruction to support ~~(the dissemination of the navigation 101 curriculum to all districts)~~ district implementation of comprehensive guidance and planning programs consistent with RCW 28A.600.045.

Sec. 502. 2013 2nd sp.s. c 4 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT	
General Fund--State Appropriation (FY 2014) .....	.....
.....	.....(\$5,395,289,000)
.....	.....\$5,386,820,000
General Fund--State Appropriation (FY 2015) .....	.....
.....	.....(\$5,581,336,000)
.....	.....\$5,570,012,000
Education Legacy Trust Account--State	
Appropriation.....	.....(\$328,563,000)
.....	.....\$410,655,000
TOTAL APPROPRIATION .....	.....(\$11,305,188,000)
.....	.....\$11,367,487,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2013-14 and 2014-15 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2013, to August 31, 2013, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 50, Laws of 2011 1st sp. sess., as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2013-14 and 2014-15 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260, except that the allocation for guidance counselors in a middle school shall be 1.216 for the 2013-14 and 2014-15 school years and the allocation for guidance

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counselors in a high school shall be 2.009 for the 2013-14 school year and 2.539 for the 2014-15 school year, which enhancements are within the program of basic education. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW General education class size:

Grade	RCW 28A.150.260	2013-14 School Year	2014-15 School Year
Grades K-3	25.23	25.23
Grade 4	27.00	27.00
Grades 5-6	27.00	27.00
Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

The superintendent shall base allocations for laboratory science, career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.

meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price

- (A) General education class size in high poverty schools:
- (B)

Grade	RCW 28A.150.260
Grade 2	..... 24.10
Grade 3	..... 24.10
Grade 4	..... 27.00
Grades 5-6	..... 27.00
Grades 7-8	..... 28.53
Grades 9-12	..... 28.74

(B) For grades K-1, class size of 20.85 is provided for high poverty schools for the 2013-14 school year;

(iv) (~~Laboratory science~~) Advanced placement(,) and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(C) For grades K through 1, the superintendent shall, at a minimum, allocate funding to high-poverty schools for the 2014-15 school year based on an average class size of 24.10 full-time equivalent students per teacher. The superintendent shall provide enhanced funding for class size reduction in grades K through 1 to the extent of, and proportionate to, the school's demonstrated actual average class size up to a class size of 20.30 full-time equivalent students per teacher. The office of the superintendent of public instruction shall develop rules to implement the enhanced funding authorized under (ii)(C) of this subsection and shall distribute draft rules for review no later than December 1, 2013. The office of the superintendent of public instruction shall report the draft rules and proposed methodology to the governor and the appropriate policy and fiscal committees of the legislature by December 1, 2013.

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and (a) of this subsection and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(D) The enhancement in this subsection (2)(c)(ii) is within the program of basic education.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 students:

Career and Technical Education students	2.02 per 1000 student FTE's for the 2013-14 school year, and 2.72 per 1000 student FTE's for the 2014-15 school year
Skill Center students	2.36 per 1000 student FTE's for the 2013-14 school year, and 3.06 per 1000 student FTE's for the 2014-15 school year

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2013-14 and 2014-15 school years for general education students are determined using the

formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall Prototypical School Building:

Elementary School	.....	1.253
Middle School	.....	1.353
High School	.....	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students 1.025
Skill Center students 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2013-14 and 2014-15 school years are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade, except that the allocation for parent involvement coordinators in an elementary school shall be 0.0825, which enhancement is within the program of basic education.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2013-14 and 2014-15 school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 1.71 percent in the 2013-14 school year and ~~((2.00))~~ 0.90 percent in the 2014-15 school year for career and technical education students, and ~~((21.60))~~ 21.57 percent in the 2013-14 school year and ~~((15.98))~~ 17.29 percent in the 2014-15 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 18.68 percent in the 2013-14 school year and 18.68 percent in the 2014-15 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 20.95

determine the allocation for principals, assistance principals, and other certificated building level administrators:

percent in the 2013-14 school year and 20.95 percent in the 2014-15 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE		
MSOC Component	2013-14 SCHOOL YEAR	2014-15 SCHOOL YEAR
Technology	\$77.46	(\$82.16) \$89.13
Utilities and Insurance	\$210.46	(\$223.23) \$242.18
Curriculum and Textbooks	\$83.17	(\$88.21) \$95.69
Other Supplies and Library Materials	\$176.56	(\$187.27) \$203.16
Instructional Professional Development for Certificated and Classified Staff	\$12.86	(\$13.64) \$14.80
Facilities Maintenance	\$104.27	(\$110.59) \$119.97
Security and Central Office	\$72.24	(\$76.62) \$83.12
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$737.02	(\$781.72) \$848.04

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(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,244.25 for the 2013-14 school year and (~~(\$1,262.92))~~ \$1,260.41 for the 2014-15 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate a per student MSOC allocation of \$1,399.30 for the 2013-14 school year and (~~(\$1,420.29))~~ \$1,417.48 for the 2014-15 school year.

(d) Students in ~~((laboratory science courses generate per student FTE MSOC allocations which equal the per student FTE rate for general education students established in (a) of this subsection.))~~ grades 9-12 generate per student FTE MSOC allocations in addition to the allocation provided in (a) of this subsection at the following rate:

<u>2014-15</u>	
School Year	
Technology	\$36.35
Curriculum and Textbooks	\$39.02
Other Supplies and Library Materials.....	\$82.84
Instructional Professional Development for Certificated and Classified Staff	\$6.04
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$164.25

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2013-14 and 2014-15 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2013, to August 31, 2013, are adjusted to reflect provisions of chapter 34, Laws of 2011 1st sp. sess. (allocation of funding for funding for students enrolled in alternative learning experiences).

(b) Amounts provided in this section beginning September 1, 2013, are adjusted to reflect modifications to alternative learning experience courses in Engrossed Substitute Senate Bill No. 5946 (student educational outcomes).

(c) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact, starting with the 2014-15 school year. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) VOLUNTARY FULL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund voluntary full day kindergarten programs in qualifying high poverty schools, pursuant to RCW 28A.150.220 and 28A.150.315. Each kindergarten student who enrolls for the voluntary full-day program in a

qualifying school shall count as one-half of one full-time equivalent student for purpose of making allocations under this section. Funding in this section provides full-day kindergarten programs for 43.75 percent of kindergarten enrollment in the 2013-14 school year and 43.75 percent in the 2014-15 school year, which enhancement is within the program of basic education.

~~((12) INCREASED INSTRUCTIONAL HOURS FOR GRADES SEVEN THROUGH TWELVE~~

(a) School districts shall implement the increased instructional hours for the instructional program of basic education required under the provisions of RCW 28A.150.220(2)(a) beginning with the 2014-15 school year, which enhancement is within the program of basic education.

(b) Amounts provided in this section are sufficient to fund increased instructional hours in grades seven through twelve. For the 2014-15 school year, the superintendent shall allocate funding to school districts for increased instructional hours. In calculating the allocations, the superintendent shall assume the following averages: (a) Additional instruction of 2.2222 hours per week per full-time equivalent student in grades seven through twelve in school year 2014-15; (b) the general education average class sizes specified in section 502(2)(c); (c) 36 instructional weeks per year; (d) 900 instructional hours per teacher; and (e) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.)

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (12) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2014 and 2015 as follows:

(a) \$605,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$614,000)~~) \$613,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund--state appropriation for fiscal year 2014 and \$436,000 of the general fund--state appropriation for

fiscal year 2015 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) \$214,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$217,000)~~) \$216,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for school district emergencies as certified by the superintendent of public instruction. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(17) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment. In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (12) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed 15 percent of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Appropriations in this section are sufficient for the office of the superintendent of public instruction to implement House Bill No. 2207 (basic education funding).

Sec. 503. 2013 2nd sp.s. c 4 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION

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(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.280 and under section 502 of this act:

(a) Salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and

accountability program committee on (~~June 1, 2013 at 08:06 hours~~) February 23, 2014, at 9:06 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on (~~June 1, 2013 at 01:29 hours~~) February 23, 2014, at 12:29 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 18.04 percent for school year 2013-14 and 18.04 percent for school year 2014-15 for certificated instructional and certificated administrative staff and 17.45 percent for school year 2013-14 and 17.45 percent for the 2014-15 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2013-14

*** Education Experience ***

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45,860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46,332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46,802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47,276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47,765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48,256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48,723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49,713
8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51,228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52,788
10			43,635	45,247	48,524	50,913	48,724	52,003	54,390
11				46,772	50,121	52,557	50,249	53,599	56,034
12				48,249	51,761	54,269	51,835	55,238	57,748
13					53,440	56,024	53,476	56,918	59,501
14						55,128	57,844	55,165	61,322
15							56,563	59,349	62,917
16 or more								57,693	60,535

Table Of Total Base Salaries For Certificated Instructional Staff For School Year 2014-15

*** Education Experience ***

(Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45,860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46,332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46,802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47,276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47,765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48,256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48,723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49,713
8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51,228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52,788
10			43,635	45,247	48,524	50,913	48,724	52,003	54,390
11				46,772	50,121	52,557	50,249	53,599	56,034
12				48,249	51,761	54,269	51,835	55,238	57,748
13					53,440	56,024	53,476	56,918	59,501
14					55,128	57,844	55,165	58,716	61,322
15					56,563	59,349	56,599	60,242	62,917
16 or more					57,693	60,535	57,731	61,447	64,174))

Years of Service	<u>BA</u>	<u>BA+15</u>	<u>BA+30</u>	<u>BA+45</u>	<u>BA+90</u>	<u>BA+135</u>	<u>MA</u>	<u>MA+45</u>	<u>MA+90</u> <u>OR</u> <u>Ph.D.</u>
0	<u>34,457</u>	<u>35,388</u>	<u>36,352</u>	<u>37,318</u>	<u>40,419</u>	<u>42,416</u>	<u>41,311</u>	<u>44,412</u>	<u>46,411</u>
1	<u>34,921</u>	<u>35,864</u>	<u>36,841</u>	<u>37,850</u>	<u>40,983</u>	<u>42,969</u>	<u>41,770</u>	<u>44,903</u>	<u>46,889</u>
2	<u>35,363</u>	<u>36,315</u>	<u>37,302</u>	<u>38,389</u>	<u>41,513</u>	<u>43,520</u>	<u>42,233</u>	<u>45,356</u>	<u>47,364</u>
3	<u>35,818</u>	<u>36,780</u>	<u>37,777</u>	<u>38,899</u>	<u>42,017</u>	<u>44,072</u>	<u>42,671</u>	<u>45,787</u>	<u>47,844</u>
4	<u>36,265</u>	<u>37,269</u>	<u>38,272</u>	<u>39,432</u>	<u>42,569</u>	<u>44,639</u>	<u>43,130</u>	<u>46,267</u>	<u>48,338</u>
5	<u>36,726</u>	<u>37,735</u>	<u>38,748</u>	<u>39,973</u>	<u>43,098</u>	<u>45,210</u>	<u>43,597</u>	<u>46,723</u>	<u>48,835</u>
6	<u>37,200</u>	<u>38,187</u>	<u>39,235</u>	<u>40,520</u>	<u>43,630</u>	<u>45,754</u>	<u>44,076</u>	<u>47,186</u>	<u>49,308</u>
7	<u>38,033</u>	<u>39,035</u>	<u>40,097</u>	<u>41,452</u>	<u>44,608</u>	<u>46,790</u>	<u>44,972</u>	<u>48,127</u>	<u>50,310</u>

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<u>8</u>	<u>39,253</u>	<u>40,309</u>	<u>41,396</u>	<u>42,864</u>	<u>46,062</u>	<u>48,325</u>	<u>46,383</u>	<u>49,582</u>	<u>51,843</u>
<u>9</u>		<u>41,629</u>	<u>42,770</u>	<u>44,290</u>	<u>47,564</u>	<u>49,903</u>	<u>47,808</u>	<u>51,084</u>	<u>53,422</u>
<u>10</u>			<u>44,159</u>	<u>45,790</u>	<u>49,107</u>	<u>51,524</u>	<u>49,309</u>	<u>52,627</u>	<u>55,043</u>
<u>11</u>				<u>47,334</u>	<u>50,723</u>	<u>53,189</u>	<u>50,853</u>	<u>54,243</u>	<u>56,707</u>
<u>12</u>				<u>48,828</u>	<u>52,383</u>	<u>54,921</u>	<u>52,457</u>	<u>55,902</u>	<u>58,441</u>
<u>13</u>					<u>54,082</u>	<u>56,697</u>	<u>54,118</u>	<u>57,601</u>	<u>60,216</u>
<u>14</u>					<u>55,790</u>	<u>58,539</u>	<u>55,828</u>	<u>59,421</u>	<u>62,059</u>
<u>15</u>					<u>57,242</u>	<u>60,062</u>	<u>57,279</u>	<u>60,966</u>	<u>63,672</u>
<u>16 or more</u>					<u>58,386</u>	<u>61,262</u>	<u>58,424</u>	<u>62,185</u>	<u>64,945</u>

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

Sec. 504. 2013 2nd sp.s. c 4 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

Education Legacy Trust Account--State Appropriation\$51,157,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) A cost-of-living adjustment of 1.2 percent effective September 1, 2014, in accordance with Initiative Measure No. 732.

(b) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations

above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

~~((b))~~ (c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

~~((e))~~ (d) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

~~((d))~~ (e) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at 18.04 percent for the 2013-14 school year and 18.04 percent for the 2014-15 school year for certificated instructional and certificated administrative staff and 17.45 percent for the 2013-14 school year and 17.45 percent for the 2014-15 school year for classified staff.

~~((e))~~ (f) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

~~((f))~~ (g) The appropriations in this section include no salary adjustments for substitute teachers.

(2) The maintenance rate for insurance benefit allocations is \$768.00 per month for the 2013-14 and 2014-15 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$768.00 per month for the 2013-14 school year and \$768.00 per month for the 2014-15 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 2013 2nd sp.s. c 4 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2014)(((\$365,120,000))\$365,048,000

General Fund--State Appropriation (FY 2015)(((\$427,408,000))

.....\$429,312,000

TOTAL APPROPRIATION.....((\$792,528,000))
\$794,360,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section for school year 2014-15 constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) For the 2014-15 school year, the superintendent shall allocate funding for approved and operating charter schools as provided in RCW 28A.710.220(3). Per-student allocations for pupil transportation must be calculated using the allocation for the previous school year to the school district in which the charter school is located and the total number of students in the district, and must be distributed to the charter school based on the total number of students enrolled.

~~((b))~~ (c) From July 1, 2013 to August 31, 2013, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 50, Laws of 2011 1st sp. sess., as amended.

(3) \$558,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for pupil transportation expected cost funding formula adjustments as provided under this subsection. School districts whose efficiency rating is at least ninety-five percent and whose actual prior year costs exceed the expected cost allocations provided through the pupil transportation funding formula due to exceptional circumstances may apply to the superintendent of public instruction to receive a supplemental funding adjustments for a one-year period to offset the excess costs in whole or in part. The superintendent shall adopt criteria for review of applications, which may include exceptional issues related to geography, student demographics, or other one-time circumstances that are not otherwise addressed in the expected cost model. Differences in costs related to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for transportation adjustments. School districts that receive adjustments under this subsection are not guaranteed adjustments in future years and must reapply. Adjustments may not exceed the total appropriation provided in this subsection for fiscal year 2015.

~~((3))~~ (4) A maximum of \$892,000 of this fiscal year 2014 appropriation and a maximum of \$892,000 of the fiscal year 2015 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

~~((4))~~ (5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

~~((5))~~ (6) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation

payment shall be based on the lowest bid in the appropriate bus category for that school year.

~~((6))~~ (7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

~~((7))~~ (8) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

Sec. 506. 2013 2nd sp.s. c 4 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS
 General Fund--State Appropriation (FY 2014)\$7,111,000
 General Fund--State Appropriation (FY 2015)\$7,111,000
 General Fund--Federal Appropriation.....((\$473,326,000))
\$501,326,000
 TOTAL APPROPRIATION.....((\$487,548,000))
\$515,548,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,111,000 of the general fund--state appropriation for fiscal year 2014 and \$7,111,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in (a), (b), and (c) of this subsection.

Sec. 507. 2013 2nd sp.s. c 4 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS
 General Fund--State Appropriation (FY 2014)(\$702,149,000)
\$693,894,000
 General Fund--State Appropriation (FY 2015)(\$738,043,000)
\$732,373,000
 General Fund--Federal Appropriation.....((\$462,022,000))
\$476,122,000
 Education Legacy Trust Account--State Appropriation.....
((\$46,151,000))
\$56,122,000
 TOTAL APPROPRIATION.....((\$1,948,365,000))
\$1,958,511,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

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(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations ~~((for increased instructional hours for grades seven through twelve as))~~ provided under section 502~~((12)(b), which enhancement is))~~ for parent involvement coordinators in prototypical elementary schools as provided under section 502(4); and guidance counselors in prototypical middle and high schools as provided under section 502(2)(a), which enhancements are within the program of basic education.

(b) From July 1, 2013 to August 31, 2013, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 50, Laws of 2011 1st sp. sess., as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) ~~((\$22,263,000))~~ \$17,578,000 of the general fund--state appropriation for fiscal year 2014, ~~((\$34,392,000))~~ \$29,948,000 of the general fund--state appropriation for fiscal year 2015, and \$29,574,000 of the general fund--federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2013-14 and 2014-15 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$252,000 of the general fund--state appropriation for fiscal year 2014 and \$252,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2014~~((, \$50,000 of the general fund--state appropriation for fiscal year 2015,))~~ and ~~((\$100,000))~~ \$50,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

(13) Beginning in fiscal year 2015, the superintendent of public instruction must enter into an interagency agreement with the office of the education ombuds to provide special education ombuds services. Up to \$50,000 of the general fund--federal appropriation may be used for this purpose.

Sec. 508. 2013 2nd sp.s. c 4 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS	
General Fund--State Appropriation (FY 2014)....	(\$8,143,000))
.....	\$8,121,000
General Fund--State Appropriation (FY 2015)....	(\$8,151,000))
.....	\$8,224,000
TOTAL APPROPRIATION	(((\$16,294,000))
.....	\$16,345,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation.

The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for educational service district no. 101 to design, develop, and implement an authentic-learning crowdsourcing platform prototype.

Sec. 509. 2013 2nd sp.s. c 4 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2014)((\$311,174,000))	\$311,882,000
General Fund--State Appropriation (FY 2015)((\$335,533,000))	\$340,444,000
TOTAL APPROPRIATION.....((\$646,707,000))	\$652,326,000

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 4.914 percent from the 2012-13 school year to the 2013-14 school year and 4.914 percent from the 2013-14 school year to the 2014-15 school year.

Sec. 510. 2013 2nd sp.s. c 4 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2014)..((\$15,291,000))	\$13,968,000
General Fund--State Appropriation (FY 2015)..((\$15,493,000))	\$13,964,000
TOTAL APPROPRIATION.....((\$30,784,000))	\$27,932,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) (~~(\$1,070,000)~~) \$569,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$1,070,000)~~) \$569,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2013 2nd sp.s. c 4 s 511 (uncodified) is amended to read as follows:

FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2014)....((\$9,555,000))	\$9,539,000
General Fund--State Appropriation (FY 2015)....((\$9,677,000))	\$9,685,000
TOTAL APPROPRIATION.....((\$19,232,000))	\$19,224,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 50, Laws of 2011 1st sp. sess., as amended.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2014 and \$85,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the centrum program at Fort Worden state park.

Sec. 512. 2013 2nd sp.s. c 4 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS--NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation.....((\$4,052,000))	\$4,302,000
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Sec. 513. 2013 2nd sp.s. c 4 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2014)((\$121,840,000))	\$114,798,000
General Fund--State Appropriation (FY 2015)((\$104,524,000))	\$101,692,000
General Fund--Federal Appropriation.....((\$206,234,000))	\$217,834,000
General Fund--Private/Local Appropriation	\$4,002,000
Education Legacy Trust Account--State Appropriation.....	\$1,599,000
TOTAL APPROPRIATION.....((\$438,199,000))	\$439,925,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) (~~(\$44,575,000)~~) \$38,031,000 of the general fund--state appropriation for fiscal year 2014, (~~(\$27,134,000)~~) \$23,131,000 of the general fund--state appropriation for fiscal year 2015, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington state assessment system, including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas and (ii) development and implementation of

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alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year. State funding to districts shall be limited to one collection of evidence payment per student, per content-area assessment.

(b) The superintendent of public instruction shall modify the statewide student assessment system and implement assessments developed with a multistate consortium beginning in the 2014-15 school year to assess student proficiency on the standards adopted under RCW 28A.655.071 and including the provisions of House Bill No. 1450.

(2) \$356,000 of the general fund--state appropriation for fiscal year 2014 and \$356,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$5,851,000 of the general fund--state appropriation for fiscal year 2014 and \$3,935,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(4)(a) (~~(\$45,263,000)~~) \$44,879,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$49,673,000)~~) \$48,746,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,090 per teacher in the 2013-14 and 2014-15 school years;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner. All bonuses in (a)(i) and (ii) of this subsection will be paid in July of each school year. Bonuses in (a)(i) and (ii) of this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2013-14 and 2014-15 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual

bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(5) \$477,000 of the general fund--state appropriation for fiscal year 2014 and \$477,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(6) \$950,000 of the general fund--state appropriation for fiscal year 2014 and \$950,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(7) \$810,000 of the general fund--state appropriation for fiscal year 2014 and \$810,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(8) \$2,000,000 of the general fund--state appropriation for fiscal year 2014 and \$2,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(9) \$1,277,000 of the general fund--state appropriation for fiscal year 2014 and \$1,277,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, \$300,000 of the 2014 appropriation and \$300,000 of the 2015 appropriation shall be used to support FIRST robotics programs. Of the amounts in this subsection, \$100,000 of the fiscal year 2014 appropriation and \$100,000 of the fiscal year 2015 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(10) \$125,000 of the general fund--state appropriation for fiscal year 2014 and \$125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for

implementing integrated math, science, technology, and engineering programs in their schools.

(11) \$135,000 of the general fund--state appropriation for fiscal year 2014 and \$135,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(12) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and \$1,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. \$250,000 may be used to provide statewide professional development opportunities for mentors and beginning educators.

(13) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2014, a high school must have offered a foundational project lead the way course during the 2012-13 school year. The 2014 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2013-14 school year. To be eligible for funding in 2015, a high school must have offered a foundational project lead the way course during the 2013-14 school year. The 2015 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2014-15 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(14) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for annual start-up grants for aerospace and manufacturing technical programs housed at four skill centers. The grants are provided for start-up equipment and curriculum purchases. To be eligible for funding, the skill center must agree to provide regional high schools with access to a technology laboratory, expand manufacturing certificate and course offerings at the skill center, and provide a laboratory space for local high school teachers to engage in professional development in the instruction of courses leading to student employment certification in the aerospace and manufacturing industries. Once a skill center receives a start-up grant, it is ineligible for additional start-up funding in the following school year. The office of the superintendent of public instruction shall administer the grants in consultation with the center for excellence for aerospace and advanced materials manufacturing.

(15) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$150,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for annual start-up grants to six high schools to implement the aerospace assembler program. Participating high schools must agree to offer the aerospace assembler training program to students by spring semester of school year 2013-14. Once a high school receives a start-up grant, it is ineligible for additional start-up funding in the following school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(16) \$10,000,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$5,000,000)~~) \$5,027,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the provision of training for teachers in the performance-based teacher principal evaluation program. Of the amounts appropriated in this subsection, \$5,000,000 for fiscal year 2014 is a one-time appropriation, and \$27,000 for fiscal year 2015 is a one-time appropriation provided solely for the office of the superintendent of public instruction to include foundational elements of cultural competence that are aligned with standards developed by the professional educator standards board within the content of the training.

(17) \$3,600,000 of the general fund--state appropriation for fiscal year 2014 and \$6,681,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5329 (persistently failing schools). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(18) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(19) \$109,000 of the general fund--state appropriation for fiscal year 2014 and \$99,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the superintendent of public instruction to implement a youth dropout prevention program that incorporates partnerships between community-based organizations, schools, food banks and farms or gardens. The office of the superintendent of public instruction shall select one school district that must partner with an organization that is operating an existing similar program and that also has the ability to serve at least 40 students. Of the amount appropriated in this subsection, up to \$10,000 may be used by the office of the superintendent of public instruction for administration of the program.

(20) (~~(\$2,399,000)~~) \$2,285,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$2,035,000)~~) \$1,912,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement Engrossed Substitute Senate Bill No. 5946 (strengthening student educational outcomes). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(21) \$1,110,000 of the general fund--state appropriation for fiscal year 2014 and \$1,061,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for chapter 184, Laws of 2013 (Second Substitute House Bill No. 1642) (academic acceleration). Of the amount appropriated in this section, forty-nine thousand is provided as one-time funding.

(22) \$200,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of House Bill No. 2553 (lowest-achieving schools). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(23) \$1,994,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

Sec. 514. 2013 2nd sp.s. c 4 s 514 (uncodified) is amended to read as follows:

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FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2014) ..((\$95,500,000))	
.....	\$97,796,000
General Fund--State Appropriation (FY 2015)(((\$106,120,000))	
.....	\$110,084,000
General Fund--Federal Appropriation.....(((\$71,016,000))	
.....	\$72,116,000
TOTAL APPROPRIATION.....(((\$272,636,000))	
.....	\$279,996,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through twelve in school years 2013-14 and 2014-15; (ii) additional instruction of 3.0000 hours per week in school year 2013-14 for the head count number of students who have exited the transitional bilingual instruction program within the previous school year based on their performance on the English proficiency assessment; (iii) additional instruction of 3.0000 hours per week in school year 2014-15 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iv) fifteen transitional bilingual program students per teacher; (v) 36 instructional weeks per year; (vi) 900 instructional hours per teacher; and (vii) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 50, Laws of 2011 1st sp. sess., as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ((4.76)) 1.70 percent for school year 2013-14 and ((4.59)) 1.53 percent for school year 2014-15.

(4) The general fund--federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund--state appropriation for fiscal year 2014 and \$35,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to track current and former transitional bilingual program students.

Sec. 515. 2013 2nd sp.s. c 4 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2014)(((\$196,356,000))	
.....	\$194,728,000
General Fund--State Appropriation (FY 2015)(((\$218,335,000))	
.....	\$214,877,000
General Fund--Federal Appropriation.....(((\$448,434,000))	

.....	\$450,534,000
TOTAL APPROPRIATION.....(((\$863,125,000))	
.....	\$860,139,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2013-14 school year and the 2014-15 school year; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 50, Laws of 2011 1st sp. sess., as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year. Starting with the allocation for the 2014-15 school year, the prior school year's October headcount enrollment for free and reduced price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 516. 2013 2nd sp.s. c 4 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations

in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2014, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2014 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

NEW SECTION. Sec. 517. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

General Fund--State Appropriation (FY 2014).....	\$466,000
General Fund--State Appropriation (FY 2015).....	\$572,000
TOTAL APPROPRIATION.....	\$1,038,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the office of the attorney general costs related to *League of Women Voters v. State of Washington*.

(2) \$137,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for charter school evaluation and oversight.

(End of part)

**PART VI
HIGHER EDUCATION**

Sec. 601. 2013 2nd sp.s. c 4 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund

appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For institutions receiving appropriations in section 605 of this act, the only allowable salary increases provided are those with normally occurring promotions and increases related to faculty and staff retention, except as provided in section 604(4) of this act and for employees subject to the provisions of Initiative Measure No. 732 as provided in section 605 (12) of this act. In fiscal year 2014 and fiscal year 2015, the state board for community and technical colleges may use salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training.

(b) For employees under the jurisdiction of chapter 41.56 RCW,

salary increases will be in accordance with the applicable collective bargaining agreement including adjustments made for employees subject to the provisions of Initiative Measure No. 732 as provided in section 605 (12) of this act. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention; and

(ii) Institutions may provide salary increases from other sources to instructional and research faculty at the universities and The Evergreen State College, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. Any salary increase granted under the authority of this subsection (4)(c)(ii) shall not be included in an

institution's salary base for future state funding. It is the intent of the legislature that state general fund support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (4)(c)(ii).

Sec. 602. 2013 2nd sp.s. c 4 s 602 (uncodified) is amended to read as follows:

(1) Within the amounts appropriated in this act and chapter 1, Laws of 2013 3rd sp. sess. (aerospace industry appropriations), each institution of higher education is expected to enroll and educate at least the following numbers of full-time equivalent state-supported students per academic year:

	2013-14 Annual Average	2014-15 Annual Average
University of Washington	37,162	37,162
Washington State University	22,228	((22,228)) <u>22,538</u>
Central Washington University	9,105	9,105
Eastern Washington University	8,734	8,734
The Evergreen State College	((4,335)) <u>4,213</u>	((4,335)) <u>4,213</u>
Western Washington University	((12,740)) <u>11,762</u>	((12,740)) <u>11,762</u>
State Board for Community & Technical Colleges		

FIFTY NINTH DAY, MARCH 12, 2014

2014 REGULAR SESSION

Adult	139,237	((139,237))
Students		<u>139,927</u>
Running	11,558	11,558
Start Students		

(2) In achieving or exceeding these enrollment targets, each institution shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at branch campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(3) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments budgeted for each of their campuses.

Sec. 603. 2013 2nd sp.s. c 4 s 603 (uncodified) is amended to read as follows:

PUBLIC BACCALAUREATE INSTITUTIONS

(1) In order to operate within the state funds appropriated in this act, the governing boards of the state research universities, the state regional universities, and The Evergreen State College are authorized to adopt and adjust tuition and fees for the 2013-14 and 2014-15 academic years as provided in this section.

(2) For the purposes of chapter 28B.15 RCW, the omnibus appropriations act assumes no increase of tuition levels for resident undergraduate students over the amounts charged to resident undergraduate students for the prior year.

3) Appropriations in sections 606 through 611 of this act are sufficient to maintain resident undergraduate tuition levels at the levels charged to resident undergraduate students during the 2012-13 academic year. As a result, for the 2013-14 academic year, the institutions of higher education shall not adopt resident undergraduate tuition levels that are greater than the tuition levels assumed in subsection (2) of this section. For the 2014-15 academic year, the institutions of higher education are authorized to adopt tuition levels for resident undergraduate students that are less than, equal to, or greater than tuition levels assumed in the omnibus appropriations act in subsection (2) of this section. However, ~~((to the extent))~~ every year that tuition levels ~~((exceed the))~~ are maintained above tuition ~~((levels))~~ increases assumed in subsection (2) of this section and section 603, chapter 50, Laws of 2011, the institution of higher education shall be subject to the conditions and limitations provided in RCW 28B.15.102.

(4) Each governing board is authorized to increase tuition charges to graduate and professional students, and to nonresident undergraduate students, by amounts judged reasonable and necessary by the governing board.

(5) Each governing board is authorized to increase summer quarter or semester tuition fees for resident and nonresident undergraduate, graduate, and professional students pursuant to RCW 28B.15.067.

(6) Each governing board is authorized to adopt or increase charges for fee-based, self-sustaining degree programs, credit courses, noncredit workshops and courses, and special contract courses by amounts judged reasonable and necessary by the governing board.

(7) Each governing board is authorized to adopt or increase services and activities fees for all categories of students as provided in RCW 28B.15.069.

(8) Each governing board is authorized to adopt or increase technology fees as provided in RCW 28B.15.069.

(9) Each governing board is authorized to adopt or increase special course and lab fees, and health and counseling fees, to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(10) Each governing board is authorized to adopt or increase administrative fees such as, but not limited to, those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the governing board.

(11) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by running start students if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(12) Appropriations in sections 606 through 611 of this act are sufficient to implement 2013-2015 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW. The institutions may also use these funds for any other purpose including restoring prior compensation reductions, increasing compensation, and implementing other collective bargaining agreements.

Sec. 604. 2013 2nd sp.s. c 4 s 604 (uncodified) is amended to read as follows:

STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

(1) In order to operate within the state funds appropriated in this act, the state board is authorized to adopt and adjust tuition and fees for the 2013-14 and 2014-15 academic years as provided in this section.

(2) For the purposes of chapter 28B.15 RCW, appropriations in the omnibus appropriations act assumes no increase in tuition levels for resident undergraduate students over the amounts charged to resident undergraduate students for the prior year. For the 2014-15 academic year, the state board is authorized to adopt tuition levels for resident undergraduate students that are less than, equal to, or greater than tuition levels assumed in the omnibus appropriations act in this subsection. However, to the extent that tuition levels exceed the tuition levels assumed in this subsection, the state board shall retain an additional one percent of operating fees above what is already retained pursuant to RCW 28B.15.031 for the purposes of RCW 28B.15.820. ~~((For the 2013-2015 fiscal biennium,))~~ When expending this additional retained amount, the community and technical colleges are subject to the conditions and limitations in RCW 28B.15.102.

(3) For the 2013-14 and 2014-15 academic years, the state board may increase tuition fees charged to resident undergraduates enrolled in upper division applied baccalaureate programs as specified in subsection (2) of this section.

(4) Appropriations in section 605 include the restoration of the three percent reduction in compensation costs taken in the 2011-2013 fiscal biennium. This funding is sufficient to implement 2013-2015 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW. The colleges may also use the restored funds for any other purpose including restoring prior compensation reductions, increasing compensation, and implementing other collective bargaining agreements.

(5) The state board may increase the tuition fees charged to nonresident students by amounts judged reasonable and necessary by the board.

(6) The trustees of the technical colleges are authorized to either (a) increase operating fees by no more than the percentage increases authorized for community colleges by the state board; or (b) fully adopt the tuition fee charge schedule adopted by the state board for community colleges.

(7) For academic years 2013-14 and 2014-15, the trustees of the technical colleges are authorized to increase building fees by an amount judged reasonable in order to progress toward parity with the building fees charged students attending the community colleges.

(8) The state board is authorized to increase the maximum allowable services and activities fees as provided in RCW 28B.15.069. The trustees of the community and technical colleges are authorized to increase services and activities fees up to the maximum level authorized by the state board.

(9) The trustees of the community and technical colleges are authorized to adopt or increase charges for fee-based, self-sustaining programs such as summer session, international student contracts, and special contract courses by amounts judged reasonable and necessary by the trustees.

(10) The trustees of the community and technical colleges are authorized to adopt or increase special course and lab fees to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(11) The trustees of the community and technical colleges are authorized to adopt or increase administrative fees such as but not limited to those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the trustees.

Sec. 605. 2013 2nd sp.s. c 4 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2014)(((\$570,262,000))	
.....	\$570,075,000
General Fund--State Appropriation (FY 2015)(((\$568,999,000))	
.....	\$568,035,000
Community/Technical College Capital Projects	
Account--State Appropriation	\$17,548,000
Education Legacy Trust Account--State	
Appropriation.....	(((\$95,373,000))
.....	\$99,670,000
TOTAL APPROPRIATION	(((\$1,252,182,000))
.....	\$1,255,328,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund--state appropriation for fiscal year 2014 and \$33,261,000 of the general fund--state appropriation for fiscal year 2015 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2014 and at least 7,170 full-time equivalent students in fiscal year 2015.

(2) \$5,450,000 of the education legacy trust account--state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(4) \$181,000 of the general fund--state appropriation for fiscal year 2014 and \$181,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the opportunity center for employment and education internet technology integration project at north Seattle community college.

(5) \$255,000 of the general fund--state appropriation for fiscal year 2014 and \$255,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of a maritime industries training program at south Seattle community college.

(6) \$5,250,000 of the general fund--state appropriation for fiscal year 2014 and \$5,250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the student achievement initiative.

(7) \$500,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Second Substitute Senate Bill No. 5624 (STEM or career and tech ed). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(8) \$300,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for Seattle community college to conduct planning for establishing a health training center at the Pacific medical center.

(9) \$350,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for a pilot project to embed the year up model within community college campuses.

(10) \$13,000 of the general fund--state appropriation for fiscal year 2014 and \$168,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Substitute House Bill No. 2365 (paraeducator development). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(11) \$410,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the mathematics engineering science achievement community college programs.

~~((8))~~ (12) \$4,297,000 of the education legacy trust account--state appropriation is provided solely for increasing salaries for employees who are subject to the provisions of Initiative Measure No. 732 by 1.2 percent effective July 1, 2014.

(13) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

~~((9))~~ (14) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

Sec. 606. 2013 2nd sp.s. c 4 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2014)(((\$246,897,000))	
.....	\$247,277,000
General Fund--State Appropriation (FY 2015)(((\$245,200,000))	

.....	\$246,732,000
Geoduck Aquaculture Research Account--State	
Appropriation.....	\$300,000
Education Legacy Trust Account--State Appropriation.....	
.....	\$13,998,000
Economic Development Strategic Reserve Account--	
State Appropriation.....	\$3,000,000
Biotoxin Account--State Appropriation	\$390,000
Accident Account--State Appropriation.....	\$6,741,000
Medical Aid Account--State Appropriation	\$6,546,000
Aquatic Land Enhancement Account--State Appropriation	
.....	\$700,000
State Toxics Control Account--State Appropriation .	\$1,120,000
TOTAL APPROPRIATION	(((\$524,892,000))
.....	\$526,804,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the geoduck aquaculture research account--state appropriation is provided solely for the University of Washington sea grant program to commission scientific research studies that examine possible negative and positive effects, including the cumulative effects and the economic contribution, of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems. The research conducted for the studies is not intended to be a basis for an increase in the number of shellfish harvesting permits available and should be coordinated with any research efforts related to ocean acidification. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the appropriate legislative committees by December 1st of each year.

(2) \$52,000 of the general fund--state appropriation for fiscal year 2014 and \$52,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the center for international trade in forest products in the college of forest resources.

(3) \$4,459,000 of the general fund--state appropriation for fiscal year 2014 and \$4,459,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science and engineering programs above the 2012-2013 academic year baseline.

(4) \$3,000,000 of the general fund--state appropriation for fiscal year 2014 and \$3,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for creation of a clean energy institute. The institute shall integrate physical sciences and engineering with a research focus on energy storage and solar energy.

(5) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(6) Within existing resources the University of Washington may: (a) Form and implement an integrated innovation institute and research, planning, and outreach initiatives at the Olympic national resources center; and (b) accredit a four-year undergraduate forestry program from the society of American foresters.

Accreditation may occur in conjunction with reaccreditation of the master of forest resources program.

(7) \$700,000 of the aquatic lands enhancement account--state appropriation and \$1,120,000 of the state toxics control account--state appropriation are provided solely for the center on ocean acidification and related work necessary to implement the recommendations of the governor's blue ribbon task force on ocean acidification. The university shall provide staffing for this purpose.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the institute of protein design to support the commercialization of translational projects.

(9) \$150,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the Burke museum's hands-on science curriculum.

~~((8))~~ (10) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

Sec. 607. 2013 2nd sp.s. c 4 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2014)(((\$156,616,000))	
.....	\$157,108,000
General Fund--State Appropriation (FY 2015)(((\$157,701,000))	
.....	\$160,544,000
Education Legacy Trust Account--State Appropriation.....	
.....	\$33,995,000
TOTAL APPROPRIATION	(((\$348,312,000))
.....	\$351,647,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within existing resources, Washington State University shall establish an accredited forestry program.

(2) \$2,856,000 of the general fund--state appropriation for fiscal year 2014 and \$2,857,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science and engineering programs above the 2012-2013 academic year baseline.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the Ruckelshaus center to collaborate with local governments, the media, and representatives of the public regarding public record requests made to local government. The center shall facilitate meetings and discussions and report to the appropriate committees of the legislature. The report shall include information on:

- (a) Recommendations related to balancing open public records with concerns of local governments related to interfering with the work of the local government;
- (b) Resources necessary to accommodate requests;
- (c) Potential harassment of government employees;
- (d) Potential safety concerns of people named in the record;
- (e) Potentially assisting criminal activity; and
- (f) Other issues brought forward by the participants.

The center shall report to the appropriate committees of the legislature by December 15, 2013.

(4) \$50,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the William D. Ruckelshaus center to convene and facilitate a collaborative process to address issues related to public records requests of local governments. A task force shall be convened by the Ruckelshaus center representing a balanced cross-section of parties and interests (not to exceed 20 individuals), in order to collaboratively seek solutions for issues identified in the Ruckelshaus center's December 2013 report to the legislature on public records requests made to local governments. The Ruckelshaus center will facilitate one meeting of the task force every two months, and one meeting per month of a framing group comprised of leaders representing the various perspectives, selected by the Ruckelshaus center. The Ruckelshaus center shall provide a report containing the task force's recommendations to appropriate committees of the legislature by December 15, 2014.

(5) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington State University agricultural research center to conduct public outreach and education related to nonlethal methods of mitigating conflicts between livestock and large wild carnivores. Of the amounts provided in this subsection, \$200,000 of the general fund--state appropriation for fiscal year 2014 and \$200,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to the center to conduct a detailed analysis of such methods. The amounts appropriated in this subsection may not be subject to an administrative fee or charge, and must be used for costs directly associated with the research and analysis.

~~((5))~~ (6) \$2,400,000 of the general fund--state appropriation for fiscal year 2014 and \$3,600,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expansion of medical education and biomedical research in Spokane.

(7) \$1,989,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the transfer of the university center of north Puget Sound from the state board of community and technical colleges to the Washington State University. Funding is sufficient to support 310 full-time equivalent students.

(8) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for state match requirements related to the federal aviation administration grant.

(9) \$300,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2347 (oil transportation safety). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

~~((6))~~ (10) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

Sec. 608. 2013 2nd sp.s. c 4 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014) ..(((\$31,674,000))	
.....	\$31,428,000
General Fund--State Appropriation (FY 2015) ..(((\$31,619,000))	
.....	\$31,374,000
Education Legacy Trust Account--State Appropriation	
.....	\$15,470,000
TOTAL APPROPRIATION ..(((\$78,763,000))	
.....	\$78,272,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund--state appropriation for fiscal year 2014 and at least \$200,000 of the general fund--state appropriation for fiscal year 2015 shall be expended on the Northwest autism center.

(2) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

Sec. 609. 2013 2nd sp.s. c 4 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014) ..(((\$29,719,000))	
.....	\$29,764,000
General Fund--State Appropriation (FY 2015) ..(((\$29,533,000))	
.....	\$29,577,000
Education Legacy Trust Account--State Appropriation	
.....	\$19,076,000
TOTAL APPROPRIATION ..(((\$78,328,000))	
.....	\$78,417,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the college of education to conduct a study identifying the duties encompassed in a state-funded teacher's typical work day. The study must include an estimate of the percent of a teacher's typical day that is spent on teaching related duties and the percentage of the teacher's day that is spent on duties that are not directly related to teaching. The university shall submit a report to the appropriate committees of the legislature by December 1, 2013.

(2) Amounts appropriated in this section are sufficient for the university to develop a plan to create an online degree granting entity that awards degrees based on an alternative credit model. The university shall submit a final plan by December 1, 2013, to the higher education committees of the legislature.

(3) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

Sec. 610. 2013 2nd sp.s. c 4 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2014) ..(((\$18,563,000))	
.....	\$18,368,000
General Fund--State Appropriation (FY 2015) ..(((\$17,911,000))	
.....	\$18,079,000
Education Legacy Trust Account--State Appropriation	
.....	(\$5,450,000))
.....	\$5,489,000
TOTAL APPROPRIATION ..(((\$41,924,000))	
.....	\$41,936,000

The appropriations in this section are subject to the following conditions and limitations:

~~((3))~~ (1) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to conduct a comprehensive retrospective outcome evaluation and return on investment analysis of the early learning childhood program pursuant to Senate Bill No. 5904 (high quality early learning). This evaluation is due December 15, 2014. If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((4))~~ (2) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to develop a risk assessment instrument for patients committed for involuntary treatment in Washington state.

~~((5))~~ (3) \$58,000 of the general fund--state appropriation for fiscal year 2014 and \$27,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to prepare an inventory

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of evidence-based and research-based effective practices, activities, and programs for use by school districts in the learning assistance program pursuant to Engrossed Second Substitute Senate Bill No. 5946 (student educational outcomes). The initial inventory is due by August 1, 2014, and shall be updated every two years thereafter. If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

~~((6))~~ (4) \$50,000 of the general fund--state appropriation for fiscal year 2014 are provided solely for the Washington state institute for public policy to provide expertise to the department of corrections on the implementation of programming that follows the risk needs responsivity model. In consultation with the department of corrections, the institute will systematically review selected programs for outcome measures.

(5) The Washington state institute for public policy shall examine the drug offender sentencing alternative for offenders sentenced to residential treatment in the community. The institute shall examine its effectiveness on recidivism and conduct a benefit-cost analysis. The institute shall report its findings by December 1, 2014.

(6) \$98,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the implementation of Substitute House Bill No. 2610 (homeless youth population). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(7) \$39,000 of the education legacy trust account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2377 (early care and education).

(8) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(9) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2013-2015 work plan as necessary to efficiently manage workload.

(10) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

Sec. 611. 2013 2nd sp.s. c 4 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY	
General Fund--State Appropriation (FY 2014) ..(((\$44,542,000))	
.....	\$44,552,000
General Fund--State Appropriation (FY 2015) ..(((\$44,377,000))	
.....	\$44,386,000
Education Legacy Trust Account--State	
Appropriation.....	\$13,050,000
TOTAL APPROPRIATION	(((\$101,969,000))
.....	\$101,988,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,497,000 of the general fund--state appropriation for fiscal year 2014 and \$1,498,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science

and engineering programs above the 2012-2013 academic year baseline.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

Sec. 612. 2013 2nd sp.s. c 4 s 612 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2014)	(((\$5,307,000))
.....	\$5,320,000
General Fund--State Appropriation (FY 2015)	(((\$5,318,000))
.....	\$5,403,000
General Fund--Federal Appropriation	\$4,817,000
TOTAL APPROPRIATION	(((\$15,442,000))
.....	\$15,540,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The student achievement council is authorized to increase or establish fees for initial degree authorization, degree authorization renewal, degree authorization reapplication, new program applications, and new site applications pursuant to RCW 28B.85.060.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the student achievement council to convene a task force of representatives from the four-year institutions of higher education and the state board for community and technical colleges in consultation with the office of financial management. The council shall also invite other independent research organizations and experts to participate. The task force shall provide a report to the legislature by December 1, 2014, including a series of strategy options for future directions in tuition, state higher education funding, and student aid policy in order to support the postsecondary certificate, credential, and degree production goals set forth in the council's ten-year roadmap report prepared under RCW 28B.77.020. The task force shall focus on affordability and access for low-income and other populations that have been historically underrepresented in higher education, as well as students who do not have access to traditional need-based aid. The task force must consider the full range of financial aid, tuition waivers, and work study programs, projections for high school graduates and the demography of this student population, and the counseling and other student support measures needed to assure the cost-effective investment of state funding toward high levels of student success in light of the evolving needs of the state for growing numbers of increasingly educated citizens. The task force must report its progress to the joint higher education committee at intervals during the work program. The taskforce shall work in coordination with the work group created in Engrossed Substitute Senate Bill No. 6436 (college bound scholarship).

(3) \$17,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the implementation of House Bill No. 2285 (dual credit coursework). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 613. 2013 2nd sp.s. c 4 s 613 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL--OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund--State Appropriation (FY 2014)	(((\$245,122,000))
.....	\$245,124,000
General Fund--State Appropriation (FY 2015)	(((\$244,674,000))
.....	\$244,676,000
General Fund--Federal Appropriation	(((\$11,648,000))
.....	\$11,655,000

General Fund--Private/Local Appropriation	(\$34,000))
.....	.....\$334,000
Education Legacy Trust Account--State Appropriation.....	.....
.....	.....((\$36,036,000))
.....	.....\$54,297,000
Washington Opportunity Pathways Account--State	
Appropriation.....	.....((\$147,000,000))
.....	.....\$141,000,000
TOTAL APPROPRIATION .....	.....((\$684,514,000))
.....	.....\$697,086,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$237,454,000 of the general fund--state appropriation for fiscal year 2014, \$237,455,000 of the general fund--state appropriation for fiscal year 2015, \$6,000,000 of the education legacy trust account--state appropriation, and (\$147,000,000) \$141,000,000 of the Washington opportunity pathways account--state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs including up to four percent administrative allowance for the state work study program. Of the amounts provided in this subsection, \$100,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the council to develop an alternative financial aid application system to implement Senate Bill No. 6523 (higher education opportunities).

(2) Changes made to the state need grant program in the 2011-2013 fiscal biennium are continued in the 2013-2015 fiscal biennium including aligning increases in awards given to private institutions with the annual tuition increases for public research institutions or the private institution's average annual tuition increase experience of 3.5 percent per year, whichever is less, and reducing the awards for students who first enrolled as a new student in for-profit institutions as of the 2011-2012 academic year or thereafter by fifty percent, except that one-half of the fifty percent reduction shall be restored on July 1, 2013, for students attending regionally accredited for-profit institutions.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2013-2015 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5)(a) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program if the students have applied by the institution's priority financial aid deadline and have completed their financial aid file in a timely manner. These eligible college bound students whose family incomes are in the 0-65 median family income ranges shall be

awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students.

(b) In calculating the college bound award, public institutions of higher education shall be subject to the conditions and limitations in RCW 28B.15.102 and shall not utilize college bound funds to offset tuition costs from rate increases in excess of levels authorized in section 603, chapter 50, Laws of 2011 and those assumed in section 602 or 603 of this act.

(6) ~~(\$36,036,000)~~ \$48,297,000 of the education legacy trust account--state appropriation is provided solely for the college bound scholarship program and may support scholarships for summer session. This amount assumes that college bound scholarship recipients will receive priority for state need grant awards in fiscal year 2014 and fiscal year 2015. If this policy of prioritization is not fully achieved, it is the intent of this legislation to provide supplemental appropriations in the 2014 supplemental operating budget.

(7) \$2,236,000 of the general fund--state appropriation for fiscal year 2014 and \$2,236,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the passport to college program. The maximum scholarship award shall be \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2014 and 2015 for this purpose.

(8) The amounts provided in this section are sufficient for implementation of Engrossed Second Substitute House Bill No. 2694 (higher ed/low-income students).

(9) In developing the skilled and educated workforce report pursuant to RCW 28B.77.080(3), the council shall use the bureau of labor statistics analysis of the education and training requirements of occupations, in addition to any other method the council may choose to use, to assess the number and type of higher education and training credentials required to match employer demand for a skilled and educated workforce.

Sec. 614. 2013 2nd sp.s. c 4 s 614 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2014) ....	.....((\$1,582,000))
.....	.....\$1,556,000
General Fund--State Appropriation (FY 2015) ....	.....((\$1,478,000))
.....	.....\$1,464,000
General Fund--Federal Appropriation.....	.....((\$54,260,000))
.....	.....\$54,823,000
General Fund--Private/Local .....	.....\$44,000
TOTAL APPROPRIATION .....	.....((\$57,320,000))
.....	.....\$57,887,000

The appropriations in this section are subject to the following conditions and limitations: For the 2013-2015 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

Sec. 615. 2013 2nd sp.s. c 4 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2014) ..	.....((\$34,253,000))
.....	.....\$30,609,000
General Fund--State Appropriation (FY 2015) ..	.....((\$48,689,000))
.....	.....\$49,940,000
General Fund--Federal Appropriation.....	.....((\$293,652,000))
.....	.....\$295,427,000
General Fund--Private/Local\$50,000
Opportunity Pathways Account--State Appropriation

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.....	\$80,000,000
Home Visiting Services Account--State Appropriation	
.....	\$2,868,000
Home Visiting Services Account--Federal Appropriation.....	
.....	(\$22,756,000))
.....	\$22,757,000
Children's Trust Account--State Appropriation.....	\$180,000
Education Legacy Trust Account--State Appropriation.....	
.....	\$8,030,000
TOTAL APPROPRIATION.....	(\$482,398,000))
.....	\$489,861,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$20,229,000 of the general fund--state appropriation for fiscal year 2014, \$36,474,000 of the general fund--state appropriation for fiscal year 2015, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education assistance program services. Of these amounts, \$10,284,000 is a portion of the biennial amount of state maintenance of effort dollars required to receive federal child care and development fund grant dollars.

(2) \$638,000 of the general fund--state appropriation for fiscal year 2014, and \$638,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for child care resource and referral network services.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2014 and \$200,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(4) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(5) \$1,434,000 of the general fund--state appropriation for fiscal year 2014, \$1,434,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expenditure into the home visiting services account. This funding is intended to meet federal maintenance of effort requirements and to secure private matching funds.

(6)(a) \$153,717,000 of the general fund--federal appropriation is provided solely for the working connections child care program under RCW 43.215.135.

(b) In addition to groups that were given prioritized access to the working connections child care program effective March 1, 2011, the department shall also give prioritized access into the program to families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center.

(c) Within the amounts provided in (a) of this subsection, the department is authorized to serve up to 20 percent of the working connections households through contracted slots. The department may achieve this by contracting with the working connections child care providers and with early childhood education assistance program providers to braid funding between working connection child care program and the education assistance program to support a full-day preschool experience for eligible children.

(7) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive

WorkFirst oversight task force. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(8) (~~(\$1,025,000)~~) \$1,194,000 of the general fund--state appropriation for fiscal year 2014, (~~(\$1,025,000)~~) \$1,738,000 of the general fund--state appropriation for fiscal year 2015, and \$13,424,000 of the general fund--federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(9) (~~(\$3,572,000)~~) \$4,438,000 of the general fund--state appropriation for fiscal year 2014, (~~(\$2,522,000)~~) \$4,674,000 of the general fund--state appropriation for fiscal year 2015, and (~~(\$4,304,000)~~) \$236,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration. In addition to referrals made by children's administration, the department shall authorize services for children referred to the MTCC program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program.

(a) Of the amounts appropriated in this subsection, \$60,000 per fiscal year may be used by the department for administering the MTCC program, if needed.

(b) Of the amounts provided in this subsection, (~~(\$1,050,000)~~) \$1,916,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to continue providing services in the event of losing federal funding for the MTCC program. To the extent that the moneys provided in this subsection (9)(b) are not necessary for this purpose, the amounts provided shall lapse.

(10) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$150,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(11) \$721,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the department to complete development work of the electronic benefits transfer system.

(12) (~~(\$793,000)~~) \$221,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$796,000)~~) \$1,233,577 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of an electronic benefits transfer system. To the maximum extent possible, the department shall work to integrate this system with the department of social and health services payment system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(13) \$32,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Second Substitute Senate Bill No. 5595 (child care reform). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(14)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal

subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) The ECEAP early learning professionals must enter qualifications into the department's professional development registry during the 2013-14 school year. By October 2015, the department must provide ECEAP early learning professional data to the education research data center.

(iii) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(iv) The education research and data center must provide a report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by November 2013 for the school year ending in 2012 and again in March 2014 for the school year ending in 2013.

(b) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(15) \$8,030,000 of the education legacy trust account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2377 (early care and education). Of the amounts in this subsection:

(a) \$2,603,000 of the education legacy trust account--state appropriation is provided solely for the department to implement early achievers tiered reimbursement for child care center providers. The department shall establish tiered reimbursement for providers in levels III, IV, and V of early achievers. The tiered reimbursement rates shall be implemented equitably across provider type. The department shall base the rates for tiered reimbursement on the child care cost model study completed in 2013 and factor in any increases in the base subsidy rate in establishing the tier reimbursement rates. The department shall continue to use a child care cost model as the basis for developing rates in the future. The working connections child care program is capped at 30,000 households per month.

(b) \$804,000 of the education legacy trust account--state appropriation is provided solely for the department to implement a substitute pool and establish need-based grants consistent with section 4 of Engrossed Second Substitute House Bill No. 2377 (early education and care).

Sec. 616. 2013 2nd sp.s. c 4 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2014).....	(\$6,032,000))
.....	\$5,975,000
General Fund--State Appropriation (FY 2015).....	(\$5,805,000))
.....	\$5,951,000
Education Legacy Trust Account--State Appropriation	\$20,000
General Fund--Private/Local Appropriation	\$15,000
TOTAL APPROPRIATION	(((\$11,852,000))
.....	\$11,961,000

The appropriations in this section are subject to the following conditions and limitations: \$20,000 of the education legacy trust account--state appropriation is provided solely for a cost-of-living adjustment of 1.2 percent for employees subject to the provisions of Initiative Measure No. 732 effective July 1, 2014.

Sec. 617. 2013 2nd sp.s. c 4 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund--State Appropriation (FY 2014).....	(((\$8,615,000))
.....	\$8,764,000
General Fund--State Appropriation (FY 2015).....	(((\$8,591,000))
.....	\$8,739,000
Education Legacy Trust Account--State Appropriation	\$24,000
TOTAL APPROPRIATION	(((\$17,206,000))
.....	\$17,527,000

The appropriations in this section are subject to the following conditions and limitations: \$24,000 of the education legacy trust account--state appropriation is provided solely for a cost-of-living adjustment of 1.2 percent for employees subject to the provisions of Initiative Measure No. 732 effective July 1, 2014.

Sec. 618. 2013 2nd sp.s. c 4 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2014).....	(((\$1,125,000))
.....	\$1,093,000
General Fund--State Appropriation (FY 2015).....	(((\$1,101,000))
.....	\$1,120,000
General Fund--Federal Appropriation.....	\$2,074,000
General Fund--Private/Local Appropriation	(((\$12,000))
.....	\$31,000
TOTAL APPROPRIATION	(((\$4,312,000))
.....	\$4,318,000

Sec. 619. 2013 2nd sp.s. c 4 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2014).....	(((\$2,123,000))
.....	\$2,134,000
General Fund--State Appropriation (FY 2015).....	(((\$2,150,000))
.....	\$2,159,000
TOTAL APPROPRIATION	(((\$4,273,000))
.....	\$4,293,000

The appropriations in this section are subject to the following conditions and limitations: The Washington state historical society shall operate the state capital historical museum as a heritage outreach center. The structure is to be used to support the mission of the society, including but not limited to leasing of the building, the proceeds of which shall be retained by the society as a source of funding for mission-related activities.

Sec. 620. 2013 2nd sp.s. c 4 s 620 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2014).....	(((\$1,600,000))
.....	\$1,624,000
General Fund--State Appropriation (FY 2015).....	(((\$1,530,000))
.....	\$1,612,000
TOTAL APPROPRIATION	(((\$3,130,000))
.....	\$3,236,000

(End of part)

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 2013 2nd sp.s. c 4 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2014)(((\$741,362,000))	
.....	\$812,140,000
General Fund--State Appropriation (FY 2015)	
.....	(((\$1,060,322,000))

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.....	\$991,532,000
State Building Construction Account--State appropriation.....	(\$4,297,000))
.....	\$8,164,000
Columbia River Basin Water Supply Development Account--State Appropriation	(\$269,000))
.....	\$473,000
State Taxable Building Construction Account--State Appropriation.....	(\$211,000))
.....	\$2,621,000
Debt-Limit Reimbursable Bond Retire Account--State Appropriation.....	\$2,320,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation.....	\$1,000
Columbia River Basin Taxable Bond Water Supply Development Account--State Appropriation.....	\$182,000
TOTAL APPROPRIATION	(\$1,808,781,000))
.....	\$1,817,433,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2014 shall be expended into the debt-limit general fund bond retirement account by June 30, 2014.

Sec. 702. 2013 2nd sp.s. c 4 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

Accident Account--State Appropriation.....	(\$4,138,000))
.....	\$4,139,000
Medical Aid Account--State Appropriation	(\$4,138,000))
.....	\$4,139,000
TOTAL APPROPRIATION	(\$8,276,000))
.....	\$8,278,000

Sec. 703. 2013 2nd sp.s. c 4 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2014)	\$25,636,000
General Fund--State Appropriation (FY 2015)	(\$16,102,000))
.....	\$16,103,000
Nondebt-Limit Reimbursable Bond Retirement Account--State	

Appropriation.....	(\$140,215,000))
.....	\$139,953,000
TOTAL APPROPRIATION	(\$181,953,000))
.....	\$181,692,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2014 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2014.

Sec. 704. 2013 2nd sp.s. c 4 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2014)	(\$1,726,000))
.....	\$1,401,000
General Fund--State Appropriation (FY 2015)	(\$1,726,000))
.....	\$1,401,000
State Building Construction Account--State Appropriation.....	(\$867,000))
.....	\$2,156,000
Columbia River Basin Water Supply Development Account--State Appropriation	(\$57,000))
.....	\$66,000
State Taxable Building Construction Account--State Appropriation.....	(\$45,000))
.....	\$324,000

Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation.....

.....	\$1,000
Columbia River Basin Taxable Bond Water Supply Development Account--State Appropriation.....	\$18,000
TOTAL APPROPRIATION	(\$4,421,000))
.....	\$5,367,000

Sec. 705. 2013 2nd sp.s. c 4 s 710 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--COUNTY PUBLIC HEALTH ASSISTANCE

General Fund--State Appropriation (FY 2014)	\$36,386,000
General Fund--State Appropriation (FY 2015)	\$36,386,000
TOTAL APPROPRIATION	\$72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2014	FY 2015	2013-15 Biennium
Adams County Health District	\$121,213	\$121,213	\$242,426
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674
Chelan-Douglas Health District	\$399,634	\$399,634	\$799,268
Clallam County Health and Human Services Department	\$291,401	\$291,401	\$582,802
Clark County Health District	\$1,767,341	\$1,767,341	\$3,534,682
Skamania County Health Department	\$111,327	\$111,327	\$222,654
Columbia County Health District	\$119,991	\$119,991	\$239,982

Cowlitz County Health Department	\$477,981	\$477,981	\$955,962
Garfield County Health District	\$93,154	\$93,154	\$186,308
Grant County Health District	\$297,761	\$297,762	\$595,523
Grays Harbor Health Department	\$335,666	\$335,666	\$671,332
Island County Health Department	\$255,224	\$225,224	\$510,448
Jefferson County Health and Human Services	\$184,080	\$184,080	\$368,160
Seattle-King County Department of Public Health	\$10,558,598	(\$10,558,598)	(\$21,117,196)
Bremerton-Kitsap County Health District	\$997,476	<u>\$12,685,521</u>	<u>\$23,244,119</u>
Kittitas County Health Department	\$198,979	\$997,476	\$1,994,952
Klickitat County Health Department	\$153,784	\$198,979	\$397,958
Lewis County Health Department	\$263,134	\$153,784	\$307,568
Lincoln County Health Department	\$113,917	\$263,134	\$526,268
Mason County Department of Health Services	\$227,448	\$113,917	\$227,834
Okanogan County Health District	\$169,882	\$227,448	\$454,896
Pacific County Health Department	\$169,075	\$169,882	\$339,764
Tacoma-Pierce County Health Department	\$4,143,169	\$169,075	\$338,150
San Juan County Health and Community Services	\$2,253,493	\$4,143,169	\$8,286,338
Skagit County Health Department	\$449,745	(\$2,253,493)	(\$4,506,986)
Snohomish Health District	\$3,433,291	<u>\$126,569</u>	<u>\$2,380,062</u>
Spokane County Health District	\$2,877,318	\$449,745	\$899,490
Northeast Tri-County Health District	\$249,303	\$3,433,291	\$6,866,582
Thurston County Health Department	\$1,046,897	\$2,877,318	\$5,574,636
Wahkiakum County Health Department	\$93,181	\$249,303	\$498,606
Walla Walla County-City Health Department	\$302,173	\$1,046,897	\$2,093,794
Whatcom County Health Department	\$1,214,301	(\$9,180)	(\$186,364)
Whitman County Health Department	\$189,355	<u>\$93,181</u>	<u>\$186,362</u>
Yakima Health District	\$1,052,482	\$302,173	\$604,346
TOTAL APPROPRIATIONS	\$36,386,001	\$1,214,301	\$2,428,602
		\$189,355	\$378,710
		\$1,052,482	\$2,104,964
		\$36,386,001	\$72,772,002

NEW SECTION. Sec. 706. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2014, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of

enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) Tony M. Noble, claim number 99970075\$5,670
- (2) Patrick Earl, claim number 99970076\$2,799
- (3) Stephen J. Felice, claim number 99970076\$17,275
- (4) Michael Felice, claim number 99970076\$93,809
- (5) Noe Angel Aranda Hernandez, claim number 99970077

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.....	\$12,500
(6) Anderson Durham, claim number 99970071.....	\$11,000
(7) Chase Balzer, claim number 99970078	\$5,953
(8) Kent Wescott, claim number 99970079	\$13,447
(9) Tommy Villanueva, claim number 99970080.....	\$70,099

NEW SECTION. Sec. 707. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS FOR STATE EMPLOYEE HEALTH INSURANCE

General Fund--State Appropriation (FY 2015).....	(\$62,932,000)
General Fund--Federal Appropriation.....	(\$9,175,000)
General Fund--Local Appropriation.....	(\$1,177,000)
Other Dedicated Funds Appropriations.....	(\$15,698,000)
TOTAL APPROPRIATION.....	(\$88,982,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to reduce agency and institution appropriations to reflect the reductions in the state employer funding rate for health insurance, and decreased employer health insurance costs consistent with the contribution rates included in sections 901, 902, and 904 of this act.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer shall transfer sufficient moneys from each dedicated fund or account in accordance with LEAP document H010 dated February 22, 2014, and schedules provided by the office of financial management. The office shall reduce allotments for all agencies to reflect these savings.

NEW SECTION. Sec. 708. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--THURSTON COUNTY CAPITAL FACILITIES ACCOUNT

General Fund--State Appropriation (FY 2014).....	\$900,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Thurston county capital facilities account--state.

NEW SECTION. Sec. 709. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PARKLAND TRUST REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2014).....	\$639,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Parkland trust revolving account--state.

NEW SECTION. Sec. 710. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2014).....	\$343,000
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The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute funds to Clallam county for extraordinary criminal justice costs.

NEW SECTION. Sec. 711. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMMON SCHOOL CONSTRUCTION ACCOUNT

General Fund--State Appropriation (FY 2015).....	\$444,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the common school construction account--state on July 1, 2015, for an interest payment pursuant to RCW 90.38.130.

NEW SECTION. Sec. 712. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--NATURAL RESOURCES REAL PROPERTY REPLACEMENT ACCOUNT

General Fund--State Appropriation (FY 2015).....	\$222,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the natural resources real property replacement account--state on July 1, 2015, for an interest payment pursuant to RCW 90.38.130.

NEW SECTION. Sec. 713. 2013 2nd sp.s. c 4 s 720 (uncodified) is repealed.

NEW SECTION. Sec. 714. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--OFFICE OF ATTORNEY GENERAL

General Fund--State Appropriation (FY 2014).....	\$994,000
General Fund--State Appropriation (FY 2015).....	\$994,000
General Fund--Federal Appropriation.....	\$636,000
Other Appropriated Funds.....	\$2,284,000
TOTAL APPROPRIATION.....	\$4,908,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect increases in agency appropriations related to corresponding increases in the office of the attorney general's billing authority. The office of financial management shall increase allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92E1-2014, dated February 22, 2014, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 715. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--OFFICE OF THE CHIEF INFORMATION OFFICER

General Fund--State Appropriation (FY 2015).....	\$67,000
General Fund--Federal Appropriation.....	\$13,000
General Fund--Local/Private Appropriation	\$2,000
Other Appropriated Funds.....	\$36,000
TOTAL APPROPRIATION.....	\$118,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect increases in agency appropriations related to corresponding increases in the office of the chief information officer's billing authority. The office of financial management shall increase allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92F-2014, dated February 24, 2014, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 716. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--OFFICE OF ADMINISTRATIVE HEARINGS

Minority and Business Account--State Appropriation...	\$67,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section reflects increases in agency appropriations related to the office of administrative hearings. The office of financial management shall increase allotments in the amounts specified, and to the state

agencies specified in LEAP omnibus document 92G-2014, dated February 24, 2014, and adjust appropriation schedules accordingly.

(End of part)

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 2013 2nd sp.s. c 4 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions.....	(\$8,248,000))
.....	\$8,591,000
General Fund Appropriation for public utility district excise tax distributions.....	(\$50,894,000))
.....	\$53,709,000
General Fund Appropriation for prosecuting attorney distributions.....	(\$6,068,000))
.....	\$5,985,000
General Fund Appropriation for boating safety and education distributions.....	\$4,000,000
General Fund Appropriation for other tax distributions.....	\$65,000
General Fund Appropriation for habitat conservation program distributions.....	(\$3,000,000))
.....	\$3,154,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies.....	\$3,158,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution.....	\$146,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties.....	(\$72,120,000))
.....	\$76,932,000
County Criminal Justice Assistance Appropriation.....	(\$78,983,000))
.....	\$78,861,000
Municipal Criminal Justice Assistance Appropriation.....	(\$30,550,000))
.....	\$30,519,000
City-County Assistance Account Appropriation for local government financial assistance distribution.....	(\$17,134,000))
.....	\$19,584,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution.....	(\$24,744,000))
.....	\$23,906,000
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes.....	(\$50,488,000))
.....	\$49,420,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation.....	(\$7,760,000))
.....	\$7,752,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians.....	(\$5,025,000))
.....	\$5,011,000
Liquor Revolving Account Appropriation for liquor profits distribution.....	\$98,876,000
TOTAL APPROPRIATION.....	(\$434,259,000))
.....	\$469,667,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2013 2nd sp.s. c 4 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation.....	(\$2,469,000))
.....	\$2,409,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2013-2015 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 803. 2013 2nd sp.s. c 4 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation.....	(\$1,646,000))
.....	\$1,606,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2013-2015 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 804. 2013 2nd sp.s. c 4 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal flood control funds distribution.....	\$66,000
General Fund Appropriation for federal grazing fees distribution.....	\$1,706,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution.....	(\$5,636,000))
.....	\$24,446,000
TOTAL APPROPRIATION.....	(\$7,408,000))
.....	\$26,218,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 805. 2013 2nd sp.s. c 4 s 805 (uncodified) is amended to read as follows:

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FOR THE STATE TREASURER--TRANSFERS
 State Treasurer's Service Account: For transfer to the state general fund, \$10,100,000 for fiscal year 2014 ((and \$10,100,000 for fiscal year 2015 \$20,200,000))\$10,100,000
 Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account....\$32,000,000
 General Fund: For transfer to the streamlined sales and use tax account,..... ((~~\$25,284,000~~)) \$24,436,000
 for fiscal year 2014 and ((~~\$25,204,000~~)) \$24,984,000
 for fiscal year 2015((~~\$50,488,000~~))
\$49,420,000
 Public Works Assistance Account: For transfer to the education legacy trust account, \$138,622,000 for fiscal year 2014 and \$138,622,000 for fiscal year 2015\$277,244,000
 Local Toxics Control Account: For transfer to the state general fund, \$9,000,000 for fiscal year 2014 and \$9,000,000 for fiscal year 2015\$18,000,000
 State Taxable Building Construction Account: For transfer to the Columbia River basin taxable bond water supply development account, an amount not to exceed.....\$32,000,000
 Employment Training Finance Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2014 ((and \$1,000,000 for fiscal year 2015..... \$2,000,000))\$1,000,000
 Tuition Recovery Trust Account: For transfer to the state general fund, \$1,250,000 for fiscal year 2014 ((and \$1,250,000 for fiscal year 2015..... \$2,500,000))\$1,250,000
 General Fund: For transfer to the child and family reinvestment account, ((~~\$3,800,000~~)) \$1,656,000 for fiscal year 2014 and ((~~\$2,691,000~~)) \$992,000 for fiscal year 2015((~~\$6,491,000~~))\$2,648,000
 Flood Control Assistance Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2014 and \$1,000,000 for fiscal year 2015\$2,000,000
 Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account\$157,221,000
 Tobacco Settlement Account: For transfer to the state general fund from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2014.....\$17,000,000
 ((Tobacco Settlement Account: For transfer to the state general fund from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2015..... \$17,000,000))
 Tobacco Settlement Account: For transfer to the education legacy trust account from amounts deposited in the account that are attributed to the annual strategic contribution payment received in fiscal year 2014.....\$600,000
 Tobacco Settlement Account: For transfer to the education legacy trust account from amounts deposited in the account that are attributed to the annual strategic contribution payment received in fiscal year 2015.....\$17,100,000
 Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed

the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2014\$9,515,000
 Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2015\$9,515,000
 The transfer to the life sciences discovery fund is subject to the following conditions:
 (1) The life sciences discovery fund authority board of trustees shall begin preparing to become a self-sustaining entity capable of operating without direct state subsidy by the time the tobacco strategic contribution supplemental payments end in fiscal year 2017.
 (2) \$250,000 of the appropriation in fiscal year 2014 and \$250,000 of the appropriation in fiscal year 2015 are provided solely to promote the development and delivery of global health technologies and products.
 (a) The life sciences discovery fund authority must either administer a grant application, review, and reward process, or contract with a qualified nonprofit organization for these services. State moneys must be provided for grants to entities for the development, production, promotion, and delivery of global health technologies and products. Grant award criteria must include:
 (i) The quality of the proposed research or the proposed technical assistance in product development or production process design. Any grant funds awarded for research activities must be awarded for nonbasic research that will assist in the commercialization or manufacture of global health technologies;
 (ii) The potential for the grant recipient to improve global health outcomes;
 (iii) The potential for the grant to leverage additional funding for the development of global health technologies and products;
 (iv) The potential for the grant to stimulate, or promote technical skills training for, employment in the development of global health technologies in the state; and
 (v) The willingness of the grant recipient, when appropriate, to enter into royalty or licensing income agreements with the authority.
 (b) The authority, or the contractor of the authority, must report information including the types of products and research funded, the funding leveraged by the grants, and the number and types of jobs created as a result of the grants, to the economic development committees of the legislature by December 1, 2014.
 Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account, \$150,000 for fiscal year 2014 and \$150,000 for fiscal year 2015\$300,000
 Health Benefit Exchange Account: For transfer to the state general fund for fiscal year 2015.....\$21,514,000
 Criminal Justice Treatment Account: For transfer to the state general fund, \$437,000 for fiscal year 2014 and \$2,746,000 for fiscal year 2015\$3,183,000
 Resources Management Cost Account--Aquatics: For transfer to the marine resources stewardship trust account, \$1,850,000 for fiscal year 2014 and \$1,850,000 for fiscal year 2015.....\$3,700,000
 Legal Services Revolving Account: For transfer to the state general fund, \$976,000 for fiscal year 2014 ((and \$1,477,000 for fiscal year 2015..... \$2,453,000))\$976,000
 Personnel Service Account: For transfer to the state general fund, \$733,000 for fiscal year 2014 ((and \$733,000 for fiscal year 2015 \$1,466,000))\$733,000
 Data Processing Revolving Account: For transfer to the

state general fund, \$4,069,000 for fiscal year 2014 (and \$4,070,000 for fiscal year 2015.....)	\$8,139,000))
.....	\$4,069,000
Home Security Fund Account: For transfer to the transitional housing operating and rent account	\$7,500,000
Professional Engineers' Account: For transfer to the state general fund, \$956,000 for fiscal year 2014 and \$957,000 for fiscal year 2015	\$1,913,000
Electrical License Account: For transfer to the state general fund, \$1,700,000 for fiscal year 2014 and \$1,700,000 for fiscal year 2015	\$3,400,000
Business and Professions Account: For transfer to the state general fund, \$1,838,000 for fiscal year 2014 and \$1,800,000 for fiscal year 2015	\$3,638,000
Energy Freedom Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2014 (and \$1,000,000 for fiscal year 2015.....)	\$2,000,000))
.....	\$1,000,000
Pollution Liability Insurance Program Trust Account: For transfer to the state general fund, \$2,500,000 for fiscal year 2014 and \$2,500,000 for fiscal year 2015	\$5,000,000
Real Estate Commission Account: For transfer to the state general fund, \$1,700,000 for fiscal year 2014 and \$1,700,000 for fiscal year 2015	\$3,400,000
State Lottery Account: For transfer to the education legacy trust account, \$6,050,000 for fiscal year 2014 and \$6,050,000 for fiscal year 2015	\$12,100,000
State Toxics Control Account: For transfer to the radioactive mixed waste account, \$2,000,000 for fiscal year 2014	\$2,000,000
Energy Freedom Account: For transfer to the education legacy trust account, \$1,000,000 for fiscal year 2015	\$1,000,000
Legal Services Revolving Account: For transfer to the education legacy trust account, \$1,477,000 for fiscal year 2015	\$1,477,000
Employment Training Finance Account: For transfer to the education legacy trust account, \$1,000,000 for fiscal year 2015	\$1,000,000
Tuition Recovery Trust Account: For transfer to the education legacy trust account, \$1,250,000 for fiscal year 2015	\$1,250,000
State Treasurer's Service Account: For transfer to the education legacy trust account, \$10,100,000 for fiscal year 2015.....	\$10,100,000
Personnel Service Account: For transfer to the education legacy trust account, \$733,000 for fiscal year 2015	\$733,000
Data Processing Revolving Account: For transfer to the education legacy trust account, \$4,070,000 for fiscal year 2015	\$4,070,000

(End of part)

**PART IX
MISCELLANEOUS**

Sec. 901. 2013 2nd sp.s. c 4 s 932 (uncodified) is amended to read as follows:

**COMPENSATION--REPRESENTED
EMPLOYEES--SUPER COALITION--INSURANCE BENEFITS**

No agreement was reached between the governor and the health care super coalition under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Appropriations for fiscal year 2014

in this act for state agencies, including institutions of higher education are sufficient to continue the provisions of the 2011-2013 collective bargaining agreement. An agreement for the period beginning July 1, 2014, and ending on June 30, 2015, was reached between the governor and the health care super coalition under the provisions of chapter 41.80 RCW. The agreement includes employer contributions to premiums at 85 percent of the total weighted average of the projected health care premiums. Appropriations in this act for fiscal year 2015 for state agencies, including institutions of higher education, are sufficient to fund the provisions of the collective bargaining agreement during the period between July 1, 2104, and June 30, 2015, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$782 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed (~~(\$763))~~ \$658 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products and a surcharge of not less than \$50 per month to the premiums due from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in other employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(d) To the extent that the agreement between the governor and the super coalition contains terms that are effective after June 30, 2015, those terms exceed the fiscal biennium and are outside the bounds permitted by RCW 41.80.001. Nothing in this section obligates the legislature for funding after June 30, 2015.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. The subsidy provided for calendar years 2014 and 2015 shall be up to \$150 per month.

Sec. 902. 2013 2nd sp.s. c 4 s 933 (uncodified) is amended to read as follows:

**COMPENSATION--REPRESENTED EMPLOYEES
OUTSIDE SUPER COALITION--INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$782 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed (~~(\$763))~~ \$658 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of

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managed competition, or other changes to benefits consistent with RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products and a surcharge of not less than \$50 per month to the premiums due from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in other employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. The subsidy provided for calendar years 2014 and 2015 shall be up to \$150 per month.

Sec. 903. 2013 2nd sp.s. c 4 s 937 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES--SEIU LOCAL 925 CHILDCARE WORKERS

(1) An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal biennium. Funding is provided for increases to health care, scholarship funding and non-standard hours bonus.

(2) An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for fiscal year 2015. Funding is provided to increase the child care subsidy rates for licensed and exempt family child care providers by four percent on July 1, 2014, and another four percent on January 1, 2015. Two million dollars is also provided to fund an early achievers tiered reimbursement pilot project for licensed family child care providers.

Sec. 904. 2013 2nd sp.s. c 4 s 939 (uncodified) is amended to read as follows:

COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$782 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed (~~(\$763)~~) \$658 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products and a surcharge of not less than \$50 per month to the premiums due from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in other employer-based group health insurance that has

benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. The subsidy provided for calendar years 2014 and 2015 shall be up to \$150 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$64.40 per month beginning September 1, 2013, and (~~(\$70.39)~~) \$66.70 beginning September 1, 2014; and

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$64.40 each month beginning September 1, 2013, and (~~(\$70.39)~~) \$66.70 beginning September 1, 2014, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection (3) shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

Sec. 905. 2013 2nd sp.s. c 4 s 943 (uncodified) is amended to read as follows:

ACQUISITION OF INFORMATION TECHNOLOGY PROJECTS THROUGH FINANCIAL CONTRACTS

(1) Financial contracts for the acquisition of the information technology projects authorized in this section must be approved jointly by the office of the financial management and the office of the chief information officer. Information technology projects funded under this section shall meet the following requirements:

(a) The project reduces costs and achieves economies of scale by leveraging statewide investments in systems and data and other common or enterprise-wide solutions within and across state agencies;

(b) The project begins or continues replacement of legacy information technology systems and replacing these systems with modern and more efficient information technology systems;

(c) The project improves the ability of an agency to recover from major disaster;

(d) The project provides future savings and efficiencies for an agency through reduced operating costs, improved customer service, or increased revenue collections; and

(e) Preference for project approval must be given to an agency that has prior approval from the office of the chief information officer, an approved business plan, and where the primary hurdle to project funding is the lack of funding capacity.

(2) The following state agencies may enter into financial contracts to finance expenditures for the acquisition and implementation of the following information technology projects for up to the respective amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

(a) Subject to subsection (4) of this section, (~~(\$10,000,000)~~) \$13,500,000 for the department of enterprise services time, leave, and attendance pilot project;

(b) \$3,867,000 for the Washington state patrol for continuation of the mobile office platform;

(c) (~~(\$8,500,000)~~) for the department of social and health services conversion to the tenth version of the world health organization's international classification of diseases;

(d) \$5,558,000) \$3,314,670 for the department of early learning system implementation of electronic benefit transfers;

(~~(e))~~) (d) \$4,323,000 for the department of corrections for radio infrastructure upgrades.

(3) The office of financial management with assistance from the office of the chief information officer will report to the governor and fiscal committees of the legislature by November 1st of each year on the status of distributions and expenditures on information technology projects and improved statewide or agency performance results achieved by project funding.

(4) If the Washington state department of transportation enters into financial contracts pursuant to chapter 39.94 RCW for the acquisition and implementation of a time, leave, and labor distribution system, the authorization provided to the department of enterprise services in subsection (2)(a) of this section expires.

Sec. 906. RCW 28B.67.030 and 2013 2nd sp.s. c 4 s 961 are each amended to read as follows:

(1) All payments received from a participant in the Washington customized employment training program created in RCW 28B.67.020 must be deposited into the employment training finance account, which is hereby created in the custody of the state treasurer. Only the state board for community and technical colleges may authorize expenditures from the account and no appropriation is required for expenditures. The money in the account must be used solely for training allowances under the Washington customized employment training program created in RCW 28B.67.020 and for providing up to seventy-five thousand dollars per year for training, marketing, and facilitation services to increase the use of the program. The deposit of payments under this section from a participant ceases when the board specifies that the participant has met the monetary obligations of the program. During the 2013-2015 fiscal biennium, the legislature may transfer from the employment training finance account to the state general fund and the education legacy trust account such amounts as reflect the excess fund balance in the account.

(2) All revenue solicited and received under the provisions of RCW 28B.67.020(4) must be deposited into the employment training finance account to provide training allowances.

(3) The definitions in RCW 28B.67.010 apply to this section.

(4) This section expires July 1, 2017.

Sec. 907. RCW 28C.10.082 and 2013 2nd sp.s. c 4 s 965 are each amended to read as follows:

The tuition recovery trust fund is hereby established in the custody of the state treasurer. The agency shall deposit in the fund all moneys received under RCW 28C.10.084. Moneys in the fund may be spent only for the purposes under RCW 28C.10.084. Disbursements from the fund shall be on authorization of the agency. During the 2013-2015 fiscal biennium, the legislature may transfer from the tuition recovery trust fund to the state general fund and the education legacy trust account such amounts as reflect the excess fund balance in the fund. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

Sec. 908. RCW 36.28A.300 and 2013 2nd sp.s. c 35 s 23 are each amended to read as follows:

There is created a 24/7 sobriety program to be administered by the (~~(Washington traffic safety))~~ criminal justice training commission in conjunction with the Washington association of

sheriffs and police chiefs. The program shall coordinate efforts among various local government entities for the purpose of implementing alternatives to incarceration for offenders convicted under RCW 46.61.502 or 46.61.504 with one or more prior convictions under RCW 46.61.502 or 46.61.504.

Sec. 909. RCW 36.28A.320 and 2013 2nd sp.s. c 35 s 25 are each amended to read as follows:

There is hereby established in the state treasury the 24/7 sobriety account. The account shall be maintained and administered by the (~~(Washington traffic safety))~~ criminal justice training commission to reimburse the state for costs associated with establishing the program and the Washington association of sheriffs and police chiefs for ongoing program administration costs. (~~(The Washington traffic safety))~~ criminal justice training commission may accept for deposit in the account money from donations, gifts, grants, participation fees, and user fees or payments. Expenditures from the account shall be budgeted through the normal budget process.

Sec. 910. RCW 41.06.280 and 2013 2nd sp.s. c 4 s 968 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.50041.06.530. All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.

The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly basis to the state treasurer and deposited in the personnel service fund.

Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.

During the 2013-2015 fiscal biennium, the legislature may transfer from the personnel service fund to the state general fund and the education legacy trust account such amounts as reflect the excess fund balance of the account.

Sec. 911. RCW 43.08.190 and 2013 2nd sp.s. c 4 s 973 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds

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and accounts specified in RCW 43.79A.040(4)(c). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate for all funds and accounts; except that the state treasurer may negotiate a different allocation rate with any state agency that has independent authority over funds not statutorily required to be held in the state treasury or in the custody of the state treasurer. In no event shall the rate be less than the actual costs incurred by the state treasurer's office. If no rate is separately negotiated, the default rate for any funds held shall be the rate set for funds held pursuant to statute.

During the 2009-2011 fiscal biennium and the 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund. Additionally, during the 2013-2015 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the education legacy trust account such amounts as reflect the excess balance of the fund.

Sec. 912. RCW 43.10.150 and 2013 2nd sp.s. c 4 s 975 are each amended to read as follows:

A legal services revolving fund is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the legal services provided to agencies of the state government by the attorney general. During the 2013-2015 fiscal biennium, the legislature may transfer from the legal services revolving account to the state general fund and the education legacy trust account such amounts as reflect the excess fund balance of the account.

Sec. 913. RCW 43.19.791 and 2013 2nd sp.s. c 4 s 976 are each amended to read as follows:

There is created a revolving fund to be known as the data processing revolving fund in the custody of the state treasurer. The revolving fund shall be used for the acquisition of equipment, software, supplies, and services and the payment of salaries, wages, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies and equipment, including the payment of principal and interest on bonds issued for capital projects, by the department, Washington State University's computer services center, the department of enterprise services' personnel information systems group and financial systems management group, and other users as determined by the office of financial management. The revolving fund is subject to the allotment procedure provided under chapter 43.88 RCW. The chief information officer or the chief information officer's designee, with the approval of the technology services board, is authorized to expend up to one million dollars per fiscal biennium for the technology services board to conduct independent technical and financial analysis of proposed information technology projects, and such an expenditure does not require an appropriation. Disbursements from the revolving fund for the services component of the department are not subject to appropriation. Disbursements for the strategic planning and policy component of the department are subject to appropriation. All disbursements from the fund are subject to the allotment procedures provided under chapter 43.88 RCW. The department shall establish and implement a billing structure to assure all agencies pay an equitable share of the costs.

During the 2011-2013 and the 2013-2015 fiscal biennia, the legislature may transfer from the data processing revolving account to the state general fund such amounts as reflect the excess fund balance and may use the data processing revolving account for information technology projects. Additionally, during the 2013-2015 fiscal biennium, the legislature may transfer from the data processing revolving account to the education legacy trust account such amounts as reflect the excess balance of the fund.

As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and 43.19.200.

Sec. 914. RCW 43.79.480 and 2013 2nd sp.s. c 4 s 980 are each amended to read as follows:

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section except as these moneys are sold or assigned under chapter 43.340 RCW.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the state general fund, and to the tobacco prevention and control account for purposes set forth in this section. The legislature shall transfer amounts received as strategic contribution payments as defined in RCW 43.350.010 to the life sciences discovery fund created in RCW 43.350.070. During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer less than the entire strategic contribution payments, and may transfer amounts attributable to strategic contribution payments into the basic health plan stabilization account. During the 2013-2015 fiscal biennium, the legislature may transfer less than the entire strategic contribution payments, and may transfer amounts attributable to strategic contribution payments into the state general fund and the education legacy trust account.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the tobacco prevention and control account to the state general fund such amounts as represent the excess fund balance of the account.

Sec. 915. RCW 43.325.040 and 2013 2nd sp.s. c 4 s 984 are each amended to read as follows:

(1) The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under the energy freedom account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for financial assistance for further funding for projects consistent with this chapter or otherwise authorized by the legislature.

(2) The green energy incentive account is created in the state treasury as a subaccount of the energy freedom account. All receipts from appropriations made to the green energy incentive account shall be deposited into the account, and may be spent only after appropriation. Expenditures from the account may be used only for:

- (a) Refueling projects awarded under this chapter;
- (b) Pilot projects for plug-in hybrids, including grants provided for the electrification program set forth in RCW 43.325.110; and
- (c) Demonstration projects developed with state universities as defined in RCW 28B.10.016 and local governments that result in the design and building of a hydrogen vehicle fueling station.

(3)(a) The energy recovery act account is created in the state treasury. State and federal funds may be deposited into the account and any loan payments of principal and interest derived from loans made from the energy recovery act account must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Expenditures from the account may be used only for loans, loan guarantees, and grants that encourage the establishment of innovative and sustainable industries for renewable energy and energy efficiency technology, including but not limited to:

(i) Renewable energy projects or programs that require interim financing to complete project development and implementation;

(ii) Companies with innovative, near-commercial or commercial, clean energy technology; and

(iii) Energy efficiency technologies that have a viable repayment stream from reduced utility costs.

(c) The director shall establish policies and procedures for processing, reviewing, and approving applications for funding under this section. When developing these policies and procedures, the department must consider the clean energy leadership strategy developed under section 2, chapter 318, Laws of 2009.

(d) The director shall enter into agreements with approved applicants to fix the term and rates of funding provided from this account.

(e) The policies and procedures of this subsection (3) do not apply to assistance awarded for projects under RCW 43.325.020(3).

(4) Any state agency receiving funding from the energy freedom account is prohibited from retaining greater than three percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce unless this provision is waived in writing by the director.

(5) Any university, institute, or other entity that is not a state agency receiving funding from the energy freedom account is prohibited from retaining greater than fifteen percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce.

(6) Subsections (2), (4), and (5) of this section do not apply to assistance awarded for projects under RCW 43.325.020(3).

(7) During the 2013-2015 fiscal biennium, the legislature may transfer from the energy freedom account to the state general fund and the education legacy trust account such amounts as reflect the excess fund balance of the account.

Sec. 916. RCW 67.70.260 and 2011 1st sp.s. c 50 s 962 are each amended to read as follows:

There is hereby created the lottery administrative account in the state treasury. The account shall be managed, controlled, and maintained by the director. The legislature may appropriate from the account for the payment of costs incurred in the operation and administration of the lottery. During the 2001-2003 fiscal biennium, the legislature may transfer from the lottery administrative account to the state general fund such amounts as reflect the appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings. During the ~~((2011-2013))~~ 2013-2015 fiscal biennium, the lottery administrative account may also be used to fund an independent forecast of the lottery revenues conducted by the economic and revenue forecast council.

Sec. 917. RCW 77.36.170 and 2013 c 329 s 2 are each amended to read as follows:

(1) The department may pay no more than fifty thousand dollars per fiscal year from the state wildlife account created in RCW 77.12.170 for claims and assessment costs for injury or loss of livestock caused by wolves submitted under RCW 77.36.100.

(2) Notwithstanding other provisions of this chapter, the department may also accept and expend money from other sources to address injury or loss of livestock or other property caused by wolves consistent with the requirements on that source of funding.

(3) If any wildlife account expenditures authorized under subsections (1) and (4) of this section are unspent as of June 30th of a fiscal year, the state treasurer shall transfer the unspent amount to the wolf-livestock conflict account created in RCW 77.36.180.

(4) During the 2014 fiscal year, the department may pay no more than two hundred and fifty thousand dollars from the state wildlife account created in RCW 77.12.170 for claims and assessment costs for injury or loss of livestock caused by wolves submitted under RCW 77.36.100.

Sec. 918. RCW 82.08.160 and 2013 2nd sp.s. c 4 s 1003 are each amended to read as follows:

(1) On or before the twenty-fifth day of each month, all taxes collected under RCW 82.08.150 during the preceding month must be remitted to the state department of revenue, to be deposited with the state treasurer. Except as provided in subsections (2), (3), and (4) of this section, upon receipt of such moneys the state treasurer must credit sixty-five percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) and one hundred percent of the sums collected and remitted under RCW 82.08.150 (3) and (4) to the state general fund and thirty-five percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) to a fund which is hereby created to be known as the "liquor excise tax fund."

(2) During the 2012 fiscal year, 66.19 percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the state general fund and the remainder collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the liquor excise tax fund.

(3) During fiscal year 2013, all funds collected under RCW 82.08.150 (1), (2), (3), and (4) must be deposited into the state general fund.

(4) During the 2013-2015 fiscal biennium, ~~((eighty-two))~~ seventy-seven and one-half percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the state general fund and the remainder collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the liquor excise tax fund. The amendments in this section are curative, clarifying, and remedial and apply retroactively to July 1, 2013.

Sec. 919. RCW 83.100.230 and 2012 1st sp.s. c 10 s 7 are each amended to read as follows:

The education legacy trust account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for support of the common schools, and for expanding access to higher education through funding for new enrollments and financial aid, and other educational improvement efforts. During the 2013-2015 fiscal biennium, the education legacy trust account may be used for expenditures related to Engrossed Second Substitute House Bill No. 2377 (early care and education).

Sec. 920. 2013 2nd sp.s. c 35 s 39 (uncodified) is amended to read as follows:

The sum of one hundred seventy-six thousand dollars of the state general fund for the fiscal year ending June 30, 2014, and one hundred seventy-six thousand dollars of the state general fund for the fiscal year ending June 30, 2015, or as much thereof as may be necessary, are appropriated to the ~~((Washington traffic safety))~~ criminal justice training commission solely for the purposes of ~~((section 25 of this act))~~ RCW 36.28A.320.

NEW SECTION. Sec. 921. 2013 2nd sp.s. c 35 s 40 (uncodified) is repealed.

NEW SECTION. Sec. 922. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

The sum of one hundred seventy thousand dollars from the state general fund for the fiscal year ending June 30, 2014, and two hundred twenty-seven thousand dollars of the state general fund for the fiscal year ending June 30, 2015, or as much thereof as may be necessary, are appropriated for expenditure into the county criminal

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justice assistance account. The treasurer shall make quarterly distributions from the county criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.310 for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The first distribution for fiscal year 2014 shall include amounts from previous quarters for which distributions were not made. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

NEW SECTION. Sec. 923. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

The sum of one hundred thousand dollars from the state general fund for the fiscal year ending June 30, 2014, and one hundred thirty-three thousand dollars from the state general fund for the fiscal year ending June 30, 2015, or as much thereof as may be necessary, are appropriated for expenditure into the municipal criminal justice assistance account. The treasurer shall make quarterly distributions from the municipal criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.320, for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The first distribution for fiscal year 2014 shall include amounts from previous quarters for which distributions were not made. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

NEW SECTION. Sec. 924. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

(1) A joint task force on local education financing reform is established with the following members:

(a) Four members from the house of representatives, two from each major caucus, appointed by the speaker of the house of representatives;

(b) Four members from the senate, two from each major caucus, appointed by the majority leader and minority leader of the major caucuses of the senate;

(c) The governor or the governor's designee; and

(d) The superintendent of public instruction or the superintendent's designee.

(2) Appointments to the task force shall be completed within thirty days of the effective date of this section.

(3) The task force shall be cochaired by one member of the house of representatives and one member of the senate, selected by the members of the task force.

(4) The task force shall:

(a) Review the work of the levy and local effort assistance technical working group created in accordance with chapter 548, Laws of 2009, and amended by chapter 236, Laws of 2010, and other relevant studies and information;

(b) Review the use of local levies by school districts, including the level of funding and how the funding is used by school districts;

(c) Review issues related to various aspects of the local levy process, including school district levy authority, the determination of the levy base, the different levy lids, levy equalization, school choice to use excess levies rather than regular levies, and other voter approval strategies available to school districts;

(d) Review issues related to the small school factor in state funding formulas;

(e) Review the work of the compensation technical working group created in accordance with chapter 548, Laws of 2009, and amended by chapter 236, Laws of 2010, and other relevant studies

and information as they relate to salary grandfathering and regional compensation differences in state funding formulas;

(f) Review issues related to grandfathered base salary allocations for certificated instructional staff in state funding formulas;

(g) Review options for addressing regional labor market differences in state funding formulas; and

(h) Recommend approaches in a report to the governor and the legislature to address a system for state and local funds that are distributed in a manner that provides all children with the opportunity to meet the state's academic standards and become prepared for postsecondary careers and education, and that provides compensation allocations that are adequate to hire and retain competent teachers.

(5) Findings and recommendations from the task force shall be reported to fiscal committees of the legislature by December 20, 2014.

(6) Staff and logistical support for the task force must be provided by the house of representatives office of program research and senate committee services, with assistance as necessary from the office of financial management and the office of the superintendent of public instruction. The first meeting of the task force shall be convened by the house of representatives office of program research and senate committee services within forty-five days of the effective date of this section.

(7) Members of the task force shall be reimbursed for travel expenses as provided in RCW 44.04.120.

(8) This section expires June 30, 2015.

NEW SECTION. Sec. 925. Section 915 of this act expires June 30, 2016.

Sec. 926. 2007 c 465 s 3 (uncodified) is amended to read as follows:

This act expires June 30, (~~2014~~) 2015.

Sec. 927. 2009 c 520 s 96 (uncodified) is amended to read as follows:

Section 63 of this act expires June 30, (~~2014~~) 2015.

NEW SECTION. Sec. 928. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 929. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of Bill)

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Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hill moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6002 and request of the House a conference thereon.

Senator Hill spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Hill that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6002 and request a conference thereon.

The motion by Senator Hill carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6002 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6002 and the House amendment(s) thereto: Senators Braun, Hargrove and Hill.

MOTION

On motion of Senator Hill, the appointments to the conference committee were confirmed.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that J Tayloe Washburn, Gubernatorial Appointment No. 9223, be confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

Senator Chase spoke in favor of the motion.

APPOINTMENT OF J TAYLOE WASHBURN

The President declared the question before the Senate to be the confirmation of J Tayloe Washburn, Gubernatorial Appointment No. 9223, as a member of the Board of Trustees, Shoreline Community College District No. 7.

The Secretary called the roll on the confirmation of J Tayloe Washburn, Gubernatorial Appointment No. 9223, as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

J Tayloe Washburn, Gubernatorial Appointment No. 9223, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1129,
- SECOND SUBSTITUTE HOUSE BILL NO. 1651,
- SECOND SUBSTITUTE HOUSE BILL NO. 1709,
- SUBSTITUTE HOUSE BILL NO. 1791,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,
- ENGROSSED HOUSE BILL NO. 2108,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111,
- SECOND SUBSTITUTE HOUSE BILL NO. 2163,
- SECOND SUBSTITUTE HOUSE BILL NO. 2251,
- HOUSE BILL NO. 2253,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2315,
- SECOND SUBSTITUTE HOUSE BILL NO. 2457,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2463,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2493,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2519,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2569,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2580,
- SUBSTITUTE HOUSE BILL NO. 2612,
- SUBSTITUTE HOUSE BILL NO. 2613,
- SECOND SUBSTITUTE HOUSE BILL NO. 2616,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626,
- SECOND SUBSTITUTE HOUSE BILL NO. 2627,
- SUBSTITUTE HOUSE BILL NO. 2724,
- ENGROSSED HOUSE BILL NO. 2789.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that Rekah T Strong, Gubernatorial Appointment No. 9240, be confirmed as a member of the Board of Trustees, Clark Community College District No. 14.

Senator Cleveland spoke in favor of the motion.

MOTION

On motion of Senator Frockt, Senator Liias was excused.

APPOINTMENT OF REKAH T STRONG

The President declared the question before the Senate to be the confirmation of Rekah T Strong, Gubernatorial Appointment No. 9240, as a member of the Board of Trustees, Clark Community College District No. 14.

The Secretary called the roll on the confirmation of Rekah T Strong, Gubernatorial Appointment No. 9240, as a member of the Board of Trustees, Clark Community College District No. 14 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Rekah T Strong, Gubernatorial Appointment No. 9240, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clark Community College District No. 14.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that David Boerner, Gubernatorial Appointment No. 9246, be confirmed as a member of the Sentencing Guidelines Commission.

Senator Padden spoke in favor of the motion.

APPOINTMENT OF DAVID BOERNER

The President declared the question before the Senate to be the confirmation of David Boerner, Gubernatorial Appointment No. 9246, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of David Boerner, Gubernatorial Appointment No. 9246, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

David Boerner, Gubernatorial Appointment No. 9246, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Chase moved that Heather L Flaherty, Gubernatorial Appointment No. 9267, be confirmed as a member of the Board of Trustees, Western Washington University.

Senator Chase spoke in favor of the motion.

APPOINTMENT OF HEATHER L FLAHERTY

The President declared the question before the Senate to be the confirmation of Heather L Flaherty, Gubernatorial Appointment No. 9267, as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Heather L Flaherty, Gubernatorial Appointment No. 9267, as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Heather L Flaherty, Gubernatorial Appointment No. 9267, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Western Washington University.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Keith L Kessler, Gubernatorial Appointment No. 9282, be confirmed as a member of the Board of Trustees, The Evergreen State College.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF KEITH L KESSLER

The President declared the question before the Senate to be the confirmation of Keith L Kessler, Gubernatorial Appointment No. 9282, as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Keith L Kessler, Gubernatorial Appointment No. 9282, as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline,

FIFTY NINTH DAY, MARCH 12, 2014

2014 REGULAR SESSION

Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Keith L Kessler, Gubernatorial Appointment No. 9282, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

Jeffrey Charbonneau, Gubernatorial Appointment No. 9234, having received the constitutional majority was declared confirmed as a member of the Washington State Student Achievement Council.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dammeier moved that Deborah J Wilds, Gubernatorial Appointment No. 9224, be confirmed as a member of the State Board of Education.

Senator Dammeier spoke in favor of the motion.

APPOINTMENT OF DEBORAH J WILDS

The President declared the question before the Senate to be the confirmation of Deborah J Wilds, Gubernatorial Appointment No. 9224, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Deborah J Wilds, Gubernatorial Appointment No. 9224, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Deborah J Wilds, Gubernatorial Appointment No. 9224, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Honeyford moved that Jeffrey Charbonneau, Gubernatorial Appointment No. 9234, be confirmed as a member of the Washington State Student Achievement Council.

Senator Honeyford spoke in favor of the motion.

APPOINTMENT OF JEFFREY CHARBONNEAU

The President declared the question before the Senate to be the confirmation of Jeffrey Charbonneau, Gubernatorial Appointment No. 9234, as a member of the Washington State Student Achievement Council.

The Secretary called the roll on the confirmation of Jeffrey Charbonneau, Gubernatorial Appointment No. 9234, as a member of the Washington State Student Achievement Council and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs,

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 11, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5972 with the following amendment(s): 5972-S.E AMH HANS ADAM 107

On page 2, beginning on line 14, after "fire" strike all material through "fire" on line 16 and insert ", to the extent permitted by Washington law"

On page 2, line 18, after "chapter;" strike "and"

On page 2, beginning on line 23, after "opportunities" strike all material through "property." on line 25 and insert "; and

(d) In actions brought by an Indian tribe for recovery of damages from injury to archaeological objects, archaeological sites, or historic archaeological resources, damages as measured in accordance with WAC 25-48-043 as it existed on the effective date of this section."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5972.

Senators Pearson and Liias spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5972.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5972 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5972, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5972, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias,

Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE SENATE BILL NO. 5972, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Senator Ericksen was excused.

MESSAGE FROM THE HOUSE

March 11, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6001 with the following amendment(s): 6001-S.E AMH CLIB H4539.3

Strike everything after the enacting clause and insert the following:

"2013-2015 FISCAL BIENNIUM GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 101. 2013 c 306 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation(((\$435,000))\$433,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

Sec. 102. 2013 c 306 s 102 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--State Appropriation.....\$504,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Within existing resources, the commission must work with stakeholders to study the safety of equipment, driver qualifications, insurance levels, safety of operations, and the past accidents of charter party carriers providing railroad crew transportation.

(2) The study must include a review of current practices regarding:

- (a) Driver qualifications, including a driver's experience and skill, physical condition, type or class of license, and any license suspensions or revocations;
(b) Equipment safety;
(c) Safety of operations;
(d) Passenger safety;
(e) Insurance coverage levels, including liability coverage, uninsured and underinsured motorist coverage, and property damage coverage; and
(f) Safety complaints received by the commission.

(3) This study must also include examination of past accidents involving vehicles regulated under chapter 81.61 RCW.

(4) The commission must provide a report to the legislature by

December 31, 2014, summarizing the findings to date, including recommendations for avoiding accidents in the future and providing recommended statutory changes that would enhance public safety.

Sec. 103. 2013 c 306 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation(((\$1,641,000))\$1,636,000
Puget Sound Ferry Operations Account--State Appropriation.....\$176,000
TOTAL APPROPRIATION(((\$1,817,000))\$1,812,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$932,000 of the motor vehicle account--state appropriation is provided solely for the office of financial management, from funds set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to identify, analyze, evaluate, and implement county transportation performance measures associated with transportation system policy goals outlined in RCW 47.04.280. The Washington state association of counties, in cooperation with state agencies, must: Identify, analyze, and report on county transportation system preservation; identify, evaluate, and report on opportunities to streamline reporting requirements for counties; and evaluate project management tools to help improve project delivery at the county level.
(2) \$70,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the state's share of the marine salary survey.

Sec. 104. 2013 c 306 s 106 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation(((\$1,208,000))\$1,203,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.
(2) \$857,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

Sec. 105. 2013 c 306 s 107 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation(((\$529,000))\$527,000

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2013 c 306 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation V Highway Safety Account--Federal Appropriation(((\$40,699,000))\$40,780,000
Highway Safety Account--Private/Local Appropriation(((\$50,000))

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.....	\$118,000
School Zone Safety Account--State Appropriation	
.....	..(((\$1,800,000))
.....\$1,700,000
TOTAL APPROPRIATION .....	..(((\$45,566,000))
.....	.....\$45,625,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall develop and implement, in collaboration with the Washington state patrol, a target zero team pilot program in Yakima and Spokane counties. The pilot program must demonstrate the effectiveness of intense, high visibility driving under the influence enforcement in Washington state. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program.

(2) \$20,000,000 of the highway safety account--federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2013-2015 fiscal biennium.

~~((4))~~ (3) The commission may continue to oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over one hundred ninety-five thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the pilot projects.

(b) By January 1, 2015, any local authority that is operating an automated traffic safety camera to detect speed violations must provide a summary to the transportation committees of the legislature concerning the use of the cameras and data regarding infractions, revenues, and costs.

(4)(a) The commission shall coordinate with counties to implement and administer a statewide yellow dot program that will provide a yellow dot window decal and yellow dot folder during the 2013-2015 fiscal biennium.

(b) The commission may utilize available federal dollars and state dollars to implement and administer the program. The commission may accept donations and partnership funds through the state's existing donation process and deposit the funds to the highway safety account for the start-up and continued support of the program.

(c) The commission, in conjunction with counties, shall maintain a separate web page that allows a person to download the yellow dot form to be placed in the yellow dot folder and lists the locations in which a person may pick up the yellow dot window decal and folder. The commission and counties may not collect any personal information. A person using the program is responsible for maintaining the information in the yellow dot folder. Participation in the program does not create any new or distinct obligation for emergency medical responders or law enforcement personnel to determine if there is a yellow dot folder in the motor vehicle or use the information contained in the yellow dot folder.

(d) The commission may adopt rules necessary to implement this subsection.

(5) During the 2013-2015 fiscal biennium, the commission shall continue to provide funding to counties for target zero task forces at the same annual allotment levels that were in place January 1, 2014. By December 1, 2014, the commission must report to the transportation committees of the legislature on any proposed changes in funding levels for target zero task forces in the 2015-2017 fiscal biennium.

Sec. 202. 2013 c 306 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation..	(((\$945,000))
.....	.....\$939,000
Motor Vehicle Account--State Appropriation	
.....	.....(((\$2,186,000))
.....	.....\$2,195,000
County Arterial Preservation Account--State	
Appropriation.....	.....(((\$1,456,000))
.....	.....\$1,446,000
TOTAL APPROPRIATION .....	.....(((\$4,587,000))
.....	.....\$4,580,000

Sec. 203. 2013 c 306 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account--State	
Appropriation.....	.....(((\$3,804,000))
.....	.....\$3,900,000

Sec. 204. 2013 c 306 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation	
.....	.....(((\$1,330,000))
.....	.....\$1,575,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$325,000 of the motor vehicle account--state appropriation is for a study of transportation cost drivers and potential efficiencies to contain project costs and gain more value from investments in Washington state's transportation system. The goal is to enable the department of transportation to construct bridge and highway projects more quickly and to build and operate them at a lower cost, while ensuring that appropriate environmental and regulatory protections are maintained and a quality project is delivered. The joint transportation committee must convene an advisory panel to provide study guidance and discuss potential efficiencies and recommendations. The scope of the study must be limited to state-level policies and practices relating to the planning, design, permitting, construction, financing, and operation of department of transportation roadway and bridge projects. The study must:

- (i) Identify best practices;
- (ii) Identify inefficiencies in state policy or agency practice where changes may save money;
- (iii) Recommend changes to improve efficiency and save money; and
- (iv) Identify potential savings to be achieved by adopting changes in practice or policy.

(b) The joint transportation committee shall issue a report of its findings to the house of representatives and senate transportation committees by December 31, 2013.

(2) The joint transportation committee shall coordinate a work group comprised of the department of licensing, the department of revenue, county auditors or other agents, and subagents to identify possible issues relating to the administration of, compliance with, and enforcement of the existing statutory requirement for a person to provide an unexpired driver's license when registering a vehicle. The work group shall provide recommendations on how administration and enforcement may be modified, as needed, to address any identified issues, including whether statutory changes may be needed. A report presenting the recommendations must be presented to the house of representatives and senate transportation committees by December 31, 2013.

(3) The joint transportation committee shall continue to convene a subcommittee for legislative oversight of the I-5/Columbia river crossing bridge replacement project. The Columbia river crossing legislative oversight subcommittee must be made up of six members: Two appointed by the cochair of the senate transportation committee, two appointed by the chair and ranking member of the house of representatives transportation committee, one designee of the governor, and one citizen jointly appointed by the four members of the joint transportation executive committee. The citizen appointee must be a Washington state resident of the area served by the bridge. At least two of the legislative members must be from the legislative districts served by the bridge. In addition to reviewing project and financing information, the subcommittee must also coordinate with the Oregon legislative oversight committee for the Columbia river crossing bridge.

(4) The joint transportation committee shall convene a work group to identify and evaluate internal refinance opportunities for the Tacoma Narrows bridge. The study must include a staff work group, including staff from the office of financial management, the transportation commission, the department of transportation, the office of the state treasurer, and the legislative transportation committees. The joint transportation committee shall issue a report of its findings to the house of representatives and the senate transportation committees by December 31, 2013.

(5) The joint transportation committee shall study and review the use of surplus property proceeds to fund facility replacement projects, and the possibility of using the north central region as a pilot. The joint transportation committee shall consult with the department of transportation and the office of financial management regarding the department's current process for prioritizing and funding facility improvement and replacement projects.

(6) \$250,000 of the motor vehicle account--state appropriation is for the joint transportation committee to evaluate the current status of electric vehicle charging stations in Washington, and to make recommendations regarding potential business models for financially- sustainable electric vehicle charging networks and alternative roles for public and private sector participation in those business models. Public sector participation may include public financing, funding, facilitation, and other incentives to encourage installation of electric vehicle charging stations. In conducting the study, the committee must coordinate with the department of transportation and consult with local governments and stakeholders in the electric vehicle industry. The committee may also consult with users of electric vehicles and stakeholders representing manufacturers and operators of electric vehicle charging stations. The committee shall submit an interim report by December 31, 2014, and a final report by March 1, 2015.

(7) The joint transportation committee shall coordinate a work group to review the existing titling and registration processes along with policies that county auditors, subagents, and agents must comply with when conducting title and registration transactions. The goal and related outcomes of the work group review are to provide recommendations to streamline processes, modernize policies, and identify potential information technology opportunities. Members of the work group shall only include county auditors, subagents, agents, and the department of licensing. The work group shall submit a report to the transportation committees of the legislature on or before December 1, 2014.

(8) The joint transportation committee shall coordinate a work group comprised of representatives from the department of licensing, the Washington state traffic safety commission, and other stakeholders as deemed necessary, along with interested legislators, to develop parameters for and make recommendations regarding a pilot program that would allow students to meet traffic safety education requirements online. Additionally, the work group shall make recommendations related to requiring driver training to

individuals between the ages of eighteen and twenty-four who have not previously passed a driver training education program or other methods of enhancing the safety of this high-risk group. The joint transportation committee shall issue a report of its findings to the transportation committees of the house of representatives and senate by December 1, 2014.

Sec. 205. 2013 c 306 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION	
Motor Vehicle Account--State Appropriation.....	
.....	.....(\$2,947,000))
.....	.....\$3,516,000
Multimodal Transportation Account--State	
Appropriation.....	.....\$112,000
TOTAL APPROPRIATION.....	.....(\$3,059,000))
.....	.....\$3,628,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Consistent with RCW 43.135.055, 47.60.290, and 47.60.315, during the 2013-2015 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of fares for the Washington state ferry system only in amounts not greater than those sufficient to generate the amount of revenue required by the biennial transportation budget. When adjusting ferry fares, the commission must consider input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the current ferry user survey.

(2) Consistent with RCW 43.135.055 and 47.46.100, during the 2013- 2015 fiscal biennium, the legislature authorizes the transportation commission to periodically review and, if necessary, adjust the schedule of toll charges applicable to the Tacoma Narrows bridge only in amounts not greater than those sufficient to support (a) any required costs for operating and maintaining the toll bridge, including the cost of insurance, (b) any amount required by law to meet the redemption of bonds and applicable interest payments, and (c) repayment of the motor vehicle fund.

(3) Consistent with RCW 43.135.055 and 47.56.880, during the 2013-2015 fiscal biennium, the legislature authorizes the transportation commission to set, periodically review, and, if necessary, adjust the schedule of toll charges applicable to the Interstate 405 express toll lanes.

(4)(a) \$400,000 of the motor vehicle account--state appropriation is provided solely for the development of the business case for the transition to a road usage charge system as the basis for funding the state transportation system, from the current motor fuel tax system. The funds are provided for fiscal year 2014 only.

(b) The legislature finds that the efforts started in the 2011-2013 fiscal biennium regarding the transition to a road usage charge system represent an important first step in the policy and conceptual development of potential alternative systems to fund transportation projects, but that the governance for the development needs clarification. The legislature also finds that significant amounts of research and public education are occurring in similar efforts in several states and that these efforts can and should be leveraged to advance the evaluation in Washington. The legislature intends, therefore, that the commission and its staff lead the policy development of the business case for a road usage charge system, with the goal of providing the business case to the governor and the legislative committees of the legislature in time for inclusion in the 2014 supplemental omnibus transportation appropriations act. The legislature intends for additional oversight in the business case development, with guidance from a steering committee as provided in chapter 86, Laws of 2012, augmented with participation by the joint transportation committee. The legislature further intends that the department of transportation continue to address administrative,

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technical, and conceptual operational issues related to road usage charge systems, and that the department serve as a resource for information gleaned from other states on this topic for the commission's efforts.

(c) For the purposes of this subsection (~~((4))~~) (4), the commission shall:

(i) Develop preliminary road usage charge policies that are necessary to develop the business case, as well as supporting research and data that will guide the potential application in Washington;

(ii) Develop the preferred operational concept or concepts that reflect the preliminary policies;

(iii) Evaluate the business case for the road usage charge system that would result from implementing the preliminary policies and preferred operational concept or concepts. The evaluation must assess likely financial outcomes if the system were to be implemented; and

(iv) Identify and document policy and other issues that are deemed important to further refine the preferred operational concept or concepts and to gain public acceptance. These identified issues should form the basis for continued work beyond this funding cycle.

(d) The commission shall convene a steering committee to guide the development of the business case. The membership must be the same as provided in chapter 86, Laws of 2012, except that the membership must also include the joint transportation committee executive members.

(e) The commission shall submit a report of the business case to the governor and the transportation committees of the legislature by December 15, 2013. The report must also include a proposed budget and work plan for fiscal year 2015. A progress report must be submitted to the governor and the joint transportation committee by November 1, 2013, including a presentation to the joint transportation committee.

~~((4))~~ (5) \$174,000 of the motor vehicle account--state appropriation is provided solely for the voice of Washington survey program. The funding must be utilized for continued program maintenance and two transportation surveys for the 2013-2015 fiscal biennium.

(6)(a) \$450,000 of the motor vehicle account--state appropriation is provided solely for a work plan to further develop the concept of a road usage charge system. The work plan must include: Refinement of initial policy analysis and development, a concept of operations that incorporates refined policy inputs, and a financial analysis evaluating the operational concept. The refinement of initial policy analysis and development funded under this subsection must be supplemented by the products of complementary policy refinement tasks delegated to the department of transportation in section 214 of this act and the office of the state treasurer in section 703 of this act. It is the intent of the legislature that consideration for potential planning for a pilot project and any risk analysis occur in the 2015 legislative session.

(b)(i) For the purposes of the refinement of initial policy analysis and development, the work plan must consider phasing and staging of how a road usage charge would be implemented as it relates to the types of vehicles that would be subject to a road usage charge and the nature and manner of a transition period.

(ii) For the purposes of this subsection (6)(b), the legislature intends that the commission focus its analysis by assuming that the exemptions under a road usage charge would be the same as those under the motor vehicle fuel and special fuel taxes. In addition, the commission must engage the road usage charge steering committee, which was reauthorized in chapter 306, Laws of 2013 for fiscal year 2014 and is hereby reauthorized in this act with the same membership, to continue in its role and, at a minimum, to guide the work specified in (a) of this subsection, including the following:

Assessing and recommending the type of vehicles that would be subject to the road usage charge, and assessing and recommending the options for the timing and duration of the transition period. The steering committee shall report its findings and guidance to the commission by December 1, 2014.

(c)(i) For the purposes of the development of the concept of operations, the development must incorporate the products of (b) of this subsection, and, to the extent practicable, the products of work conducted by the department of transportation in section 214 of this act and the office of the state treasurer in section 703 of this act.

(ii) To reduce system development and operational costs, for road user charge options that rely on in-vehicle devices to record mileage, the work plan must recommend how the state can utilize the technology and back-office platforms that are scheduled to be provided by commercial account managers under the Oregon road usage charge program.

(iii) In addition to a time permit and an odometer charge, the concept of operations recommendation must be developed to include a means for periodic payments based on mileage reporting utilizing methods other than onboard diagnostic in-vehicle devices.

(d) The work plan and recommendations, along with a proposed work plan and budget for the 2015-2017 fiscal biennium, must be submitted by the commission to the transportation committees of the legislature by January 15, 2015.

(7) Within existing resources, the commission shall undertake a study of the urban and rural financial and equity implications of a potential road usage charge system in Washington. The commission shall work with the department of transportation and the department of licensing to conduct this analysis. For any survey work that is considered, the commission should utilize the existing voice of Washington survey panel and budget to inform the study. The results must be presented to the governor and the legislature by January 15, 2015.

(8) \$125,000 of the motor vehicle account--state appropriation is provided solely to update the statewide transportation plan required under RCW 47.01.071(4) with the required federal elements to bring the plan into federal compliance. The legislature intends that a single, statewide transportation plan fulfill the requirements of RCW 47.01.071(4) and 47.06.040 and currently known federal planning requirements. The commission shall work collaboratively with the department of transportation to accomplish this intent. The commission shall submit the completed plan to the transportation committees of the legislature, and the department shall submit the completed plan to the United States department of transportation as required under 23 U.S.C. Sec. 135 by June 30, 2015. The commission shall provide a status update on this work to the transportation committees of the legislature by January 1, 2015.

Sec. 206. 2013 c 306 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD	
Motor Vehicle Account--State Appropriation	((904,000))
.....	\$879,000

Sec. 207. 2013 c 306 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL	
State Patrol Highway Account--State Appropriation.....	((370,354,000))
.....	\$366,805,000
State Patrol Highway Account--Federal Appropriation.....	((11,137,000))
.....	\$11,067,000
State Patrol Highway Account--Private/Local Appropriation.....	((3,591,000))
.....	\$3,572,000

Highway Safety Account--State Appropriation(((\$19,429,000))	
.....	\$19,265,000
Multimodal Transportation Account--State	
Appropriation.....(((\$273,000))	
.....	\$272,000
Ignition Interlock Device Revolving Account--State	
Appropriation.....(((\$573,000))	
.....	\$569,000
TOTAL APPROPRIATION.....(((\$405,357,000))	
.....	\$401,550,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall collaborate with the Washington traffic safety commission on the target zero team pilot program referenced in section 201 of this act.

(2) During the 2013-2015 fiscal biennium, the Washington state patrol shall relocate its data center to the state data center in Olympia. The Washington state patrol shall work with the department of enterprise services to negotiate the lease termination agreement for the current data center site.

(3) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(4) \$573,000 of the ignition interlock device revolving account-- state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(5) \$370,000 of the state patrol highway account--state appropriation is provided solely for costs associated with the pilot program described under section 216(~~((6))~~) (5) of this act. The Washington state patrol may incur costs related only to the assignment of cadets and necessary computer equipment and to the reimbursement of the department of transportation for contract costs. The appropriation in this subsection must be funded from the portion of the automated traffic safety camera infraction fines deposited into the state patrol highway account; however, if the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach three hundred seventy thousand dollars, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program. The Washington state patrol may not incur overtime as a result of this pilot program. The Washington state patrol shall not assign troopers to operate or deploy the pilot program equipment used in roadway construction zones.

(6) The cost allocation for any costs incurred for the facilities at the Olympia, Washington airport used for the Washington state patrol aviation section must be split evenly between the state patrol highway account and the general fund.

(7) The Washington state patrol shall work with the state interoperability executive committee to compile a list of recent studies evaluating the potential savings and benefits of consolidating law enforcement and emergency dispatching centers and report to the joint transportation committee by December 1, 2014, on the findings and recommendations of those studies. As part of this study, the Washington state patrol must look for potential efficiencies within state government.

(8) The Washington state patrol shall coordinate and support local law enforcement in Pierce county in providing traffic control

on the highways and other activities within current budget during the United States open national golf championship in June 2015.

Sec. 208. 2013 c 306 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING	
Marine Fuel Tax Refund Account--State	
Appropriation.....	\$34,000
Motorcycle Safety Education Account--State	
Appropriation.....(((\$4,409,000))	
.....	\$4,396,000
State Wildlife Account--State Appropriation	
.....(((\$885,000))	
.....	\$867,000
Highway Safety Account--State Appropriation	
.....(((\$156,679,000))	
.....	\$158,505,000
Highway Safety Account--Federal Appropriation	
.....(((\$4,392,000))	
.....	\$4,363,000
Motor Vehicle Account--State Appropriation	
.....(((\$76,819,000))	
.....	\$81,352,000
Motor Vehicle Account--Federal Appropriation.....	
.....	\$467,000
Motor Vehicle Account--Private/Local Appropriation	
.....	\$1,544,000
Ignition Interlock Device Revolving Account--State	
Appropriation.....(((\$2,656,000))	
.....	\$2,871,000
Department of Licensing Services Account--State	
Appropriation.....(((\$5,959,000))	
.....	\$5,983,000
TOTAL APPROPRIATION.....(((\$253,844,000))	
.....	\$260,382,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,235,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1752), Laws of 2013 (requirements for the operation of commercial motor vehicles in compliance with federal regulations). If chapter . . . (Substitute House Bill No. 1752), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(2) \$1,000,000 of the highway safety account--state appropriation is provided solely for information technology field system modernization.

(3) \$5,286,000 of the highway safety account--state appropriation is provided solely for business and technology modernization.

(4) \$2,355,000 of the motor vehicle account--state appropriation is provided solely for replacing prorated and fuel tax computer systems used to administer interstate licensing and the collection of fuel tax revenues.

(5) \$1,491,000 of the highway safety account--state appropriation is provided solely for the implementation of an updated central issuance system.

(6) \$201,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5152), Laws of 2013 (Sounders FC and Seahawks license plates). If chapter . . . (Substitute Senate Bill No. 5152), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

~~((4))~~ (7) \$425,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5182), Laws of 2013 (vehicle owner information). If chapter . . . (Substitute Senate Bill No. 5182),

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Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

((5)) \$172,000 of the highway safety account--state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5775), Laws of 2013 (veterans/drivers' licenses). If chapter . . . (Senate Bill No. 5775), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(6) \$652,000)) (8) ~~\$289,000~~ of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Second Engrossed Substitute Senate Bill No. 5785), Laws of ((2013)) 2014 (license plates). If chapter . . . (Second Engrossed Substitute Senate Bill No. 5785), Laws of ((2013)) 2014 is not enacted by June 30, ((2013)) 2014, the amount provided in this subsection lapses.

((7)) \$78,000 of the motor vehicle account--state appropriation and \$3,707,000 of the highway safety account--state appropriation are provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5857), Laws of 2013 (vehicle-related fees). If chapter . . . (Engrossed Substitute Senate Bill No. 5857), Laws of 2013 is not enacted by June 30, 2013, the amount provided in this subsection lapses.

(8)) (9) The appropriation in this section reflects the department charging an amount sufficient to cover the full cost of providing the data requested under RCW 46.12.630(1)(b).

((9)) (10)(a) The department must convene a work group to examine the use of parking placards and special license plates for persons with disabilities and develop a strategic plan for ending any abuse. In developing this plan, the department must work with the department of health, disabled citizen advocacy groups, and representatives from local government.

(b) The work group must be composed of no more than two representatives from each of the entities listed in (a) of this subsection. The work group may, when appropriate, consult with any other public or private entity in order to complete the strategic plan.

(c) The strategic plan must include:

(i) Oversight measures to ensure that parking placards and special license plates for persons with disabilities are being properly issued, including: (A) The entity responsible for coordinating a randomized review of applications for special parking privileges; (B) a volunteer panel of medical professionals to conduct such reviews; (C) a means to protect the anonymity of both the medical professional conducting a review and the medical professional under review; (D) a means to protect the privacy of applicants by removing any personally identifiable information; and (E) possible sanctions against a medical professional for repeated improper issuances of parking placards or special license plates for persons with disabilities, including those sanctions listed in chapter 18.130 RCW; and

(ii) The creation of a publicly accessible system in which the validity of parking placards and special license plates for persons with disabilities may be verified. This system must not allow the public to access any personally identifiable information or protected health information of a person who has been issued a parking placard or special license plate.

(d) The work group must convene by July 1, 2013, and terminate by December 1, 2013.

(e) By December 1, 2013, the work group must deliver to the legislature and the appropriate legislative committees the strategic plan required under this subsection, together with its findings, recommendations, and any necessary draft legislation in order to implement the strategic plan.

((10)) (11) \$3,082,000 of the highway safety account--state appropriation is provided solely for exam and licensing activities,

including the workload associated with providing driver record abstracts, and is subject to the following additional conditions and limitations:

(a) The department may furnish driving record abstracts only to those persons or entities expressly authorized to receive the abstracts under Title 46 RCW;

(b) The department may furnish driving record abstracts only for an amount that does not exceed the specified fee amounts in RCW 46.52.130 (2)(e)(v) and (4); and

(c) The department may not enter into a contract, or otherwise participate in any arrangement, with a third party or other state agency for any service that results in an additional cost, in excess of the fee amounts specified in RCW 46.52.130 (2)(e)(v) and (4), to statutorily authorized persons or entities purchasing a driving record abstract.

(12) \$229,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1129), Laws of 2014 (ferry vessel replacement). If chapter . . . (Engrossed Second Substitute House Bill No. 1129), Laws of 2014 is not enacted by June 30, 2014, the amount provided in this subsection lapses.

(13) \$96,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1902), Laws of 2014 (intermittent-use trailer license plates). If chapter . . . (Engrossed Second Substitute House Bill No. 1902), Laws of 2014 is not enacted by June 30, 2014, the amount provided in this subsection lapses.

(14) \$42,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2100), Laws of 2014 (Seattle University license plates). If chapter . . . (House Bill No. 2100), Laws of 2014 is not enacted by June 30, 2014, the amount provided in this subsection lapses.

(15) \$46,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2700), Laws of 2014 (breast cancer awareness license plates). If chapter . . . (House Bill No. 2700), Laws of 2014 is not enacted by June 30, 2014, the amount provided in this subsection lapses.

(16) \$42,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2752), Laws of 2014 (Washington state tree license plates). If chapter . . . (Engrossed House Bill No. 2752), Laws of 2014 is not enacted by June 30, 2014, the amount provided in this subsection lapses.

(17) \$32,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2741), Laws of 2014 (initial vehicle registration). If chapter . . . (House Bill No. 2741), Laws of 2014 is not enacted by June 30, 2014, the amount provided in this subsection lapses.

(18) Within existing resources, the department must convene a work group that includes, at a minimum, representatives from the department of transportation, the trucking industry, manufacturers of compressed natural gas and liquefied natural gas, and any other stakeholders as deemed necessary, for the following purposes:

(a) To evaluate the annual license fee in lieu of fuel tax under RCW 82.38.075 to determine a fee that more closely represents the average consumption of vehicles by weight and to make recommendations to the transportation committees of the legislature by December 1, 2014, on an updated fee schedule; and

(b) To develop a transition plan to move vehicles powered by liquefied natural gas and compressed natural gas from the annual license fee in lieu of fuel tax to the fuel tax under RCW 82.38.030. The transition plan must incorporate stakeholder feedback and must include draft legislation and cost and revenue estimates. The transition plan must be submitted to the transportation committees

of the legislature by December 1, 2015.

(c) This subsection takes effect if both chapter . . . (Engrossed Substitute Senate Bill No. 6440), Laws of 2014 (compressed natural gas and liquefied natural gas) and chapter . . . (Substitute House Bill No. 2753), Laws of 2014 (compressed natural gas and liquefied natural gas) are not enacted by June 30, 2014.

(19) \$36,000 of the motor vehicle account--state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5467), Laws of 2014 (vehicle owner list furnishment requirements). If chapter . . . (Substitute Senate Bill No. 5467), Laws of 2014 is not enacted by June 30, 2014, the amount provided in this subsection lapses.

(20) The department must convene a work group to study the issue of regulating tow truck operators that are not licensed as registered tow truck operators under chapter 46.55 RCW. The work group must examine the advisability of regulating such operators, including any potential benefits to public safety, and possible methodologies for accomplishing this regulation. The work group must include the department, representatives of the Washington state patrol, organized groups of registered tow truck operators, and automobile clubs. The work group may also include hulk haulers, wreckers, transporters, and other stakeholders relating to the issue of unregulated towing for monetary compensation. The work group shall convene as necessary and report its recommendations and draft legislation to the transportation committees of the legislature by December 1, 2014.

(21) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. This requirement must be included as part of the systems design in the department's business and technology modernization. A person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

Sec. 209. 2013 c 306 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High-Occupancy Toll Lanes Operations Account--State Appropriation.....	(\$1,851,000)
.....	\$1,942,000
Motor Vehicle Account--State Appropriation.....	(\$509,000)
.....	\$514,000
State Route Number 520 Corridor Account--State Appropriation.....	(\$32,419,000)
.....	\$34,267,000
State Route Number 520 Civil Penalties Account--State Appropriation.....	(\$4,169,000)
.....	\$4,156,000
Tacoma Narrows Toll Bridge Account--State Appropriation.....	(\$23,730,000)
.....	\$25,007,000
Puget Sound Ferry Operations Account--State Appropriation.....	\$250,000
Interstate 405 Express Toll Lanes Operations Account--State Appropriation.....	\$2,019,000
TOTAL APPROPRIATION.....	(\$62,928,000)
.....	\$68,155,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The legislature finds that the department's tolling division has expanded greatly in recent years to address the demands of administering several newly tolled facilities using emerging toll collection technologies. The legislature intends for the department

to continue its good work in administering the tolled facilities of the state, while at the same time implementing controls and processes to ensure the efficient and judicious administration of toll payer dollars.

(b) The legislature finds that the department has undertaken a cost-of-service study in the winter and spring of 2013 for the purposes of identifying in detail the costs of operating and administering tolling on state route number 520, state route number 167 high-occupancy toll lanes, and the Tacoma Narrows bridge. The purpose of the study is to provide results to establish a baseline by which future activity may be compared and opportunities identified for cost savings and operational efficiencies. In addition, the legislature finds that the state auditor has undertaken a performance audit of the department's contract for the customer service center and back office processing of tolling transactions. The audit findings, which are expected to include lessons learned, are due in late spring 2013.

(c) Using the results of the cost-of-service study and the state audit as a basis, the department shall conduct a review of operations using lean management principles in order to eliminate inefficiencies and redundancies, incorporate lessons learned, and identify opportunities to conduct operations more efficiently and effectively. Within current statutory and budgetary tolling policy, the department shall use the results of the review to improve operations in order to conduct toll operations within the appropriations provided in subsections (2) through (4) of this section. The department shall submit the review, along with the status of and plans for the implementation of review recommendations, to the office of financial management and the house of representatives and senate transportation committees by October 15, 2013.

(2) (~~(\$10,482,000)~~) \$10,343,000 of the Tacoma Narrows toll bridge account--state appropriation, (~~(\$17,056,000)~~) \$16,534,000 of the state route number 520 corridor account--state appropriation, (~~(\$1,226,000)~~) \$1,217,000 of the high-occupancy toll lanes operations account--state appropriation, and (~~(\$509,000)~~) \$514,000 of the motor vehicle account-- state appropriation are provided solely for nonvendor costs of administering toll operations, including the costs of: Staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs.

(3) (~~(\$10,907,000)~~) \$11,265,000 of the Tacoma Narrows toll bridge account--state appropriation, (~~(\$9,363,000)~~) \$9,730,000 of the state route number 520 corridor account--state appropriation, and \$625,000 of the high-occupancy toll lanes operations account--state appropriation are provided solely for vendor-related costs of operating tolled facilities, including the costs of: The customer service center; cash collections on the Tacoma Narrows bridge; electronic payment processing; and toll collection equipment maintenance, renewal, and replacement.

(4) \$1,300,000 of the Tacoma Narrows toll bridge account--state appropriation and \$6,000,000 of the state route number 520 corridor account--state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this section, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

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(5) (~~(\$4,169,000)~~) \$4,156,000 of the state route number 520 civil penalties account--state appropriation and \$1,039,000 of the Tacoma Narrows toll bridge account--state appropriation are provided solely for expenditures related to the toll adjudication process. The department shall report on the civil penalty process to the office of financial management and the house of representatives and senate transportation committees by the end of each calendar quarter. The reports must include a summary table for each toll facility that includes: The number of notices of civil penalty issued; the number of recipients who pay before the notice becomes a penalty; the number of recipients who request a hearing and the number who do not respond; workload costs related to hearings; the cost and effectiveness of debt collection activities; and revenues generated from notices of civil penalty.

(6) The Tacoma Narrows toll bridge account--state appropriation in this section reflects reductions in management costs of \$1,235,000.

(7) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(8) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the use of consultants in the tolling program. The reports must include the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consulting contracts.

(9)(a) \$250,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the development of a plan to integrate and transition customer service, reservation, and payment systems currently provided by the marine division to ferry users into the statewide tolling customer service center.

(b)(i) The department shall develop a plan that addresses:

(A) A phased implementation approach, beginning with "Good To Go" as a payment option for ferry users;

(B) The feasibility, schedule, and cost of creating a single account-based system for toll road and ferry users;

(C) Transitioning customer service currently provided by the marine division to the statewide tolling customer service center; and

(D) Transitioning existing and planned ferry reservation system support from the marine division to the statewide tolling customer service center.

(ii) The plan must be provided to the office of financial management and the transportation committees of the legislature by January 14, 2014.

(10)(a) \$2,019,000 of the Interstate 405 express toll lanes operations account--state appropriation is provided solely for operating and maintenance costs of the Interstate 405 express toll lanes program, including staff costs related to operating an additional toll facility, consulting support for operations, purchase of transponders, costs related to adjudication, credit card fees, printing and postage, and customer service center support. Of the amount provided in this subsection, \$519,000 of the Interstate 405 express toll lanes operations account--state appropriation must be placed in unallotted status by the office of financial management until a plan to begin tolling the Interstate 405 express toll lanes during the summer of 2015 is finalized and approved by the office of financial management, in consultation with the chairs and ranking member of the transportation committees of the legislature.

(b) The funds provided in (a) of this subsection are provided through a transfer from the motor vehicle account--state appropriation in section 407(19) of this act. These funds are a loan to the Interstate 405 express toll lanes operations account--state

appropriation, and the legislature assumes that these funds will be reimbursed to the motor vehicle account at a later date when the Interstate 405 express toll lanes are operational.

(11) \$1,060,000 of the Tacoma narrows toll bridge account--state appropriation, \$2,003,000 of the state route number 520 corridor account--state appropriation, and \$99,000 of the high occupancy toll lanes operations account--state appropriation are provided solely in anticipation of, and to prepare for, the procurement of a new tolling customer service center. Of the amounts provided in this subsection, \$480,000 of the Tacoma narrows toll bridge account--state appropriation, \$906,000 of the state route number 520 corridor account--state appropriation, and \$45,000 of the high occupancy toll lanes operations account--state appropriation must be placed in unallotted status by the office of financial management until a procurement plan is finalized and approved by the office of financial management, in consultation with the chairs and ranking member of the transportation committees of the legislature. Beginning July 1, 2014, the department shall report quarterly to the governor, legislature, and state auditor on: (a) The department's effort to mitigate risk to the state, (b) the development of a request for proposals, and (c) the overall progress towards procuring a new tolling customer service center.

Sec. 210. 2013 c 306 s 210 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION--INFORMATION			
TECHNOLOGY--PROGRAM C			
Transportation Partnership Account--State			
Appropriation.....			\$1,460,000
Motor Vehicle Account--State Appropriation....			(((\$68,773,000))
			\$65,936,000
Multimodal Transportation Account--State			
Appropriation.....			(((\$363,000))
			\$2,883,000
Transportation 2003 Account (Nickel Account)--State			
Appropriation.....			\$1,460,000
Puget Sound Ferry Operations Account--State			
Appropriation.....			\$263,000
TOTAL APPROPRIATION.....			(((\$72,056,000))
			\$72,002,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$290,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(2) \$1,460,000 of the transportation partnership account--state appropriation and \$1,460,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for maintaining the department's project management reporting system.

Sec. 211. 2013 c 306 s 211 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION--FACILITY			
OPERATIONS, AND CONSTRUCTION--PROGRAM			
D--OPERATING			
Motor Vehicle Account--State Appropriation....			
			(((\$26,251,000))
			\$26,114,000

The appropriation in this section is subject to the following conditions and limitations: \$850,000 of the motor vehicle account-- state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

Sec. 212. 2013 c 306 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F
Aeronautics Account--State Appropriation .....((\$7,361,000)) .....\$7,909,000
Aeronautics Account--Federal Appropriation .....\$2,150,000
TOTAL APPROPRIATION .....((\$9,511,000)) .....\$10,059,000

The appropriations in this section are subject to the following conditions and limitations: ((~~\$3,500,000~~)) \$4,065,000 of the aeronautics account--state appropriation is provided solely for airport investment studies and the airport aid grant program, which provides competitive grants to public airports for pavement, safety, maintenance, planning, and security.

Sec. 213. 2013 c 306 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM MANAGEMENT AND SUPPORT--PROGRAM H
Motor Vehicle Account--State Appropriation ....((\$47,607,000)) .....\$48,687,000
Motor Vehicle Account--Federal Appropriation.....\$500,000
Multimodal Transportation Account--State Appropriation.....\$250,000
TOTAL APPROPRIATION .....((\$48,357,000)) .....\$49,437,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,423,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(2) The real estate services division of the department must recover the cost of its efforts from sale proceeds and fund additional future sales from those proceeds.

(3) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife for recreational use and fish and wildlife restoration efforts is consistent with the public interest in order to preserve the area for the use of the public and the betterment of the natural environment. The department shall work with the department of fish and wildlife and transfer and convey the Dryden pit site to the department of fish and wildlife as-is for an adjusted fair market value reflecting site conditions, the proceeds of which must be deposited in the motor vehicle fund. The department is not responsible for any costs associated with the cleanup or transfer of this property. This subsection expires June 30, 2014.

(4) The legislature recognizes that the trail known as the Apple Capital Loop, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on existing state route number 28. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) Nos. 2-09-04537 and 2-09-04569 to Douglas county and the city of East Wenatchee is consistent with the public interest. The legislature directs the department to transfer the property to Douglas county and the city of East Wenatchee. The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes. Douglas county and the city of East Wenatchee must agree to accept responsibility for trail segments within their respective jurisdictions and sign an agreement with the state that the transfer of these parcels to their respective jurisdictions

extinguishes any state obligations to improve, maintain, or be in any way responsible for these assets. This subsection expires June 30, 2014.

(5) The legislature recognizes that the SR 20/Cook Road realignment and extension project in the city of Sedro-Woolley will enhance the state and local highway systems by providing a more direct route from state route number 20 and state route number 9 to Interstate 5, and will reduce traffic on state route number 20 and state route number 9, improving the capacity of each route. Furthermore, the legislature declares that certain portions of the department's property held for highway purposes located primarily to the north and west of state route number 20, between state route number 20 to the south and F and S Grade Road to the north, in the incorporated limits of Sedro-Woolley in Skagit county, can help facilitate completion of the project. Therefore, consistent with RCW 47.12.063, 47.12.080, and 47.12.120, it is the intent of the legislature that the department sell, transfer, or lease, as appropriate, to the city of Sedro-Woolley only those portions of the property necessary to construct the project, including necessary staging areas. However, any staging areas should revert to the department within three years of completion of the project.

(6) Within the amounts provided in this section, the department shall create a quality assurance position. This position must provide independent project quality assurance validation and ensure that quality assurance audit functions are accountable at the highest level of the organization.

(7) To maximize available resources, the department's efforts to eliminate fish passage barriers caused by state roads and highways must be based on the principle of maximizing habitat recovery through a coordinated investment strategy that, to the maximum extent practical and allowable, prioritizes opportunities: To correct multiple fish barriers in whole streams rather than through individual, isolated projects; to coordinate with other entities sponsoring barrier removals, such as regional fisheries enhancement groups, in a manner that achieves the greatest cost savings to all parties; and to eliminate barriers located furthest downstream in a stream system. The department must also recognize that many of the barriers owned by the state are located in the same stream systems as barriers that are owned by cities and counties with limited financial resources for correction and that state/local partnership opportunities should be sought to address these barriers. This subsection takes effect if chapter . . . (Second Substitute House Bill No. 2251), Laws of 2014 is not enacted by June 30, 2014.

(8) \$1,453,000 of the motor vehicle account--state appropriation is provided solely to support increased departmental efforts to dispose of surplus property as directed in subsection (2) of this section. These additional funds are expected to result in up to \$5,000,000 per fiscal biennium in additional revenues through increasing the sale of surplus property. By December 1, 2014, the department shall report to the governor and the chairs and ranking members of the senate and house of representatives transportation committees on the number of surplus property parcels sold and the amount of revenue generated from those sales during 2014.

Sec. 214. 2013 c 306 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K
Motor Vehicle Account--State Appropriation .....((\$570,000)) .....\$589,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that the efforts started in the 2011-2013 fiscal biennium regarding the transition to a road usage charge system represent an important first step in the policy and conceptual development of potential alternative systems to fund transportation

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projects, but that the governance for the development needs clarification. The legislature also finds that significant amounts of research and public education are occurring in similar efforts in several states and that these efforts can and should be leveraged to advance the evaluation in Washington. The legislature intends, therefore, that the transportation commission and its staff lead the policy development of the business case for a road usage charge system, with the goal of providing the business case to the governor and the legislative committees of the legislature in time for inclusion in the 2014 supplemental omnibus transportation appropriations act. The legislature intends for additional oversight in the business case development, with guidance from a steering committee as provided in chapter 86, Laws of 2012 for the transportation commission, augmented with participation by the joint transportation committee. The legislature further intends that, through the economic partnerships program, the department continue to address administrative, technical, and conceptual operational issues related to road usage charge systems, and that the department serve as a resource for information gleaned from other states on this topic for the transportation commission's efforts.

(2) The economic partnerships program must continue to explore retail partnerships at state-owned park-and-ride facilities, as authorized in RCW 47.04.295.

(3) The department, in collaboration with the transportation commission, shall work with the office of the state treasurer and the state's bond counsel to explore legal approaches for ensuring that any reduction, refunding, crediting, or repeal of the motor vehicle fuel tax, in whole or in part, can be accomplished without unlawfully impairing the legal rights of motor vehicle fuel tax bond holders. The results of this work must be shared with the transportation committees of the legislature and the office of financial management by September 1, 2014.

(4) \$21,000 of the motor vehicle account--state appropriation is provided solely as matching funds for the department to partner with other transportation agencies located in the western region of North America to develop strategies and methods for reporting, collecting, crediting, and remitting road usage charges resulting from inter-jurisdictional travel. At least one partnering jurisdiction must share a common border with Washington. The results of this work must be reported to the governor, the transportation commission, and the transportation committees of the legislature by September 1, 2014.

Sec. 215. 2013 c 306 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Highway Safety Account--State Appropriation\$10,000,000
Motor Vehicle Account--State Appropriation

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$377,779,000)~~ of the motor vehicle account--state appropriation and \$10,000,000 of the highway safety account--state appropriation are provided solely for the maintenance program to achieve specific levels of service on the thirty maintenance targets listed by statewide priority in LEAP Transportation Document 2013-4 as developed April 23, 2013. Beginning in February 2014, the department shall report to the legislature annually on its updated maintenance accountability process targets and whether or not the department was able to achieve its targets.

(2) ~~\$8,450,000~~) \$10,910,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

~~((3) \$1,305,000)~~ (2) \$2,605,000 of the motor vehicle account--state appropriation is provided solely for utility fees assessed by

local governments as authorized under RCW 90.03.525 for the mitigation of storm water runoff from state highways.

~~((4))~~ (3) The department shall submit a budget decision for the 2014 legislative session package that details all costs associated with utility fees assessed by local governments as authorized under RCW 90.03.525.

~~((5))~~ (4) \$50,000 of the motor vehicle account--state appropriation is provided solely for clearing and pruning dangerous trees along state route number 542 between mile markers 43 and 48 to prevent safety hazards and delays.

~~((6))~~ (5) \$2,277,000 of the motor vehicle account--state appropriation is provided solely to replace or rehabilitate critical equipment needed to perform snow and ice removal activities and roadway maintenance. These funds may not be used to purchase passenger cars as defined in RCW 46.04.382.

Sec. 216. 2013 c 306 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q-- OPERATING

Motor Vehicle Account--State Appropriation ~~....(\$50,504,000)~~
.....\$50,055,000
Motor Vehicle Account--Federal Appropriation.....\$2,050,000
Motor Vehicle Account--Private/Local Appropriation \$250,000
TOTAL APPROPRIATION ~~.....(\$52,804,000)~~
.....\$52,355,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) \$9,000,000 of the motor vehicle account--state appropriation is provided solely for the department's incident response program.

(3) During the 2013-2015 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(4) The department shall work with the cities of Lynnwood and Edmonds to provide traffic light synchronization on state route number 524.

~~((6))~~ (5) The department, in consultation with the Washington state patrol, must continue a pilot program for the state patrol to

issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. For the purpose of this pilot program, during the 2013-2015 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors may be present or where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on any public roadway pursuant to ongoing construction. The department shall use the following guidelines to administer the program:

(a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2013-2015 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued under this subsection (~~((6))~~) (5) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic safety camera infraction notice issued, along with instructions for its completion and use.

~~((7))~~ (6) \$102,000 of the motor vehicle account--state appropriation is provided solely to replace or rehabilitate critical equipment needed to perform traffic control. These funds may not be used to purchase passenger cars as defined in RCW 46.04.382.

Sec. 217. 2013 c 306 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S	
Motor Vehicle Account--State Appropriation.....	(\$27,281,000)
.....	\$27,079,000

Motor Vehicle Account--Federal Appropriation.....	(\$30,000)
.....	\$280,000
Multimodal Transportation Account--State Appropriation.....	(\$973,000)
.....	\$1,131,000
TOTAL APPROPRIATION.....	(\$28,284,000)
.....	\$28,490,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the motor vehicle account-- state appropriation is provided solely for enhanced disadvantaged business enterprise outreach to increase the pool of disadvantaged businesses available for department contracts. The department must submit a status report on disadvantaged business enterprise outreach to the transportation committees of the legislature by November 15, 2014.

Sec. 218. 2013 c 306 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T	
Motor Vehicle Account--State Appropriation....	(\$20,109,000)
.....	\$19,818,000
Motor Vehicle Account--Federal Appropriation.....	(\$24,885,000)
.....	\$26,085,000
Multimodal Transportation Account--State Appropriation.....	\$662,000
Multimodal Transportation Account--Federal Appropriation.....	\$2,809,000
Multimodal Transportation Account--Private/Local Appropriation.....	\$100,000
TOTAL APPROPRIATION.....	(\$48,565,000)
.....	\$49,474,000

The appropriations in this section are subject to the following conditions and limitations: ~~((4))~~ Within available resources, the department must collaborate with the affected metropolitan planning organizations, regional transportation planning organizations, transit agencies, and private transportation providers to develop a plan to reduce vehicle demand, increase public transportation options, and reduce vehicle miles traveled on corridors affected by growth at Joint Base Lewis-McChord.

Sec. 219. 2013 c 306 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES-- PROGRAM U	
Motor Vehicle Account--State Appropriation....	(\$81,628,000)
.....	\$74,198,000
Motor Vehicle Account--Federal Appropriation.....	\$400,000
Multimodal Transportation Account--State Appropriation.....	(\$40,000)
.....	\$3,068,000
TOTAL APPROPRIATION.....	(\$82,068,000)
.....	\$77,666,000

The appropriations in this section are subject to the following conditions and limitations: The department of enterprise services must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

Sec. 220. 2013 c 306 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V	
State Vehicle Parking Account--State Appropriation	
.....	(\$452,000)
.....	\$754,000

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Regional Mobility Grant Program Account--State	
Appropriation.....	(\$49,948,000)
	\$51,111,000
Rural Mobility Grant Program Account--State	
Appropriation.....	\$17,000,000
Multimodal Transportation Account--State	
Appropriation.....	(\$39,057,000)
	\$39,325,000
Multimodal Transportation Account--Federal	
Appropriation.....	\$3,280,000
Motor Vehicle Account--Federal Appropriation.....	\$160,000
TOTAL APPROPRIATION.....	(\$109,737,000)
	\$111,630,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$5,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2011 as reported in the "Summary of Public Transportation - 2011" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$17,000,000 of the rural mobility grant program account--state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(c) \$520,000 of the amount provided in this subsection is provided solely for the purchase of additional vans for use by vanpools serving ~~((soldiers and civilian employees at))~~ or traveling through the Joint Base Lewis-McChord I-5 corridor between mile post 116 and 127.

(4) ~~(\$9,948,000)~~ \$11,111,000 of the regional mobility grant program account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2013-2))~~ 2014-2 ALL PROJECTS - Public Transportation - Program (V) as developed ((April 23, 2013)) March 10, 2014.

(5)(a) \$40,000,000 of the regional mobility grant program account-- state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ~~((2013-2))~~ 2014-2 ALL PROJECTS - Public Transportation - Program (V) as developed ((April 23, 2013)) March 10, 2014. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2013, and December 15, 2014, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2013-2015 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) ~~(\$6,122,000)~~ \$6,424,000 of the total appropriation in this section is provided solely for CTR grants and activities. Of this amount:

(a) \$3,900,000 of the multimodal transportation account--state appropriation is provided solely for grants to local jurisdictions, selected by the CTR board, for the purpose of assisting employers meet CTR goals;

(b) \$1,770,000 of the multimodal transportation account--state appropriation is provided solely for state costs associated with CTR. The department shall develop more efficient methods of CTR assistance and survey procedures; and

(c) ~~(\$452,000)~~ \$754,000 of the state vehicle parking account--state appropriation is provided solely for CTR-related expenditures, including all expenditures related to the guaranteed ride home program and the STAR pass program.

(8) An affected urban growth area that has not previously implemented a commute trip reduction program as of the effective date of this section is exempt from the requirements in RCW 70.94.527.

(9) \$200,000 of the multimodal transportation account--state appropriation is contingent on the timely development of an annual report summarizing the status of public transportation systems as identified under RCW 35.58.2796.

(10) \$160,000 of the motor vehicle account--federal appropriation is provided solely for King county metro to study demand potential for a state route number 18 and Interstate 90 park and ride location, to size the facilities appropriately, to perform site analysis, and to develop preliminary design concepts. When studying potential park and ride locations pursuant to this subsection, King county metro must take into consideration the effect of the traffic using the weigh station at the Interstate 90 and state route number 18 interchange at exit 25 and, to the maximum extent practicable, choose a park and ride location that minimizes traffic impacts for the Interstate 90 and state route number 18 interchange and the weigh station.

Sec. 221. 2013 c 306 s 221 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION--MARINE--PROGRAM X			
Puget Sound Ferry Operations Account--State			
Appropriation.....		(\$485,076,000))	
.....			\$483,404,000
Puget Sound Ferry Operations Account--Private/Local			
Appropriation.....			\$121,000
TOTAL APPROPRIATION		(\$485,197,000))	
.....			\$483,525,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2013-2015 supplemental and 2015-2017 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) Until a reservation system is operational on the San Juan islands inter-island route, the department shall provide the same priority loading benefits on the San Juan islands inter-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

(3) For the 2013-2015 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(4) ~~(\$112,342,000))~~ \$113,157,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2013-2015 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, are contingent upon the enactment of section 701 ~~(of this act)~~, chapter 306, Laws of 2013. The amount provided in this subsection represent the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall develop a fuel reduction plan to be submitted as part of its 2014 supplemental budget proposal. The plan must include fuel saving proposals, such as vessel modifications, vessel speed reductions, and changes to operating procedures, along with anticipated fuel saving estimates.

(5) \$100,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(6) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(7) \$3,049,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the operating program share of the \$7,259,000 in lease payments for the ferry division's headquarters building. Consistent with the 2012 facilities oversight plan, the department shall strive to consolidate office space in downtown Seattle by the end of 2015. The

department shall consider renewing the lease for the ferry division's current headquarters building only if the lease rate is reduced at least fifty percent and analysis shows that this is the least cost and risk option for the department. Consolidation with other divisions or state agencies, or a reduction in leased space, must also be considered as part of any headquarters lease renewal analysis.

(8) \$5,000,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the purchase of a 2013-2015 marine insurance policy. Within this amount, the department is expected to purchase a policy with the lowest deductible possible, while maintaining at least existing coverage levels for ferry vessels, and providing coverage for all terminals.

(9) Within existing resources, the department must evaluate the feasibility of using re-refined used motor oil processed in Washington state as a ferry fuel source. The evaluation must include, but is not limited to, research on existing entities currently using the process for re-refined fuel, any required combustible engine modifications, additional needed equipment on the vessels or fueling locations, cost analysis, compatibility with B-5 blended diesel, and meeting engine performance specifications. The department must establish an evaluation group that includes, but is not limited to, persons experienced in the re-refined motor oil industry. The department must deliver a report containing the results of the evaluation to the transportation committees of the legislature and the office of financial management by December 1, 2014.

(10) \$71,000 of the Puget Sound ferry operations account--state appropriation is provided solely for one traffic attendant for ferry terminal traffic control at the Fauntleroy ferry terminal.

Sec. 222. 2013 c 306 s 222 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION--RAIL--PROGRAM Y--OPERATING			
Multimodal Transportation Account--State			
Appropriation.....		(\$32,924,000))	
.....			\$46,026,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$27,319,000))~~ \$40,289,000 of the multimodal transportation account--state appropriation is provided solely for ~~((the Amtrak service contract and Talgo maintenance contract associated with providing))~~ operating and maintaining state-supported passenger rail service. In recognition of the increased costs the state is expected to absorb due to changes in federal law, the department is directed to analyze the Amtrak contract proposal and find cost saving alternatives. The department shall report to the transportation committees of the legislature before the 2014 regular legislative session on its revisions to the Amtrak contract, including a review of the appropriate costs within the contract for concession services, policing, host railroad incentives, and station services and staffing needs. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report any changes that would affect the state subsidy amount appropriated in this subsection. Through a competitive process, the department may contract with a private entity for services related to operations and maintenance of the Amtrak Cascades route, including, but not limited to, concession services.

(2) Amtrak Cascades runs may not be eliminated.

(3) The department shall continue a pilot program by partnering with the travel industry on the Amtrak Cascades service between Vancouver, British Columbia, and Seattle to test opportunities for increasing ridership, maximizing farebox recovery, and stimulating private investment. The pilot program must run from December 31, 2013, to December 31, 2014, and evaluate seasonal differences in the program and the effect of advertising. The department may

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offer to Washington universities an opportunity for business students to work as interns on the analysis of the pilot program process and results. The department shall report on the results of the pilot program to the office of financial management and the legislature by January 31, 2015.

(4) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the department to develop an inventory of short line rail infrastructure that can be used to support a data-driven approach to identifying system needs. The department shall work with short line rail owners and operators within the state, provide status updates periodically to the joint transportation committee, submit a progress report of its findings to the transportation committees of the legislature and the office of financial management by December 15, 2014, submit a preliminary report of key findings and recommendations to the transportation committees of the legislature and the office of financial management by March 1, 2015, and submit a final report to the transportation committees of the legislature and the office of financial management by June 30, 2015.

Sec. 223. 2013 c 306 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Table with 2 columns: Description and Amount. Rows include Motor Vehicle Account--State Appropriation, Motor Vehicle Account--Federal Appropriation, and TOTAL APPROPRIATION.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2013 c 306 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Table with 2 columns: Description and Amount. Rows include Freight Mobility Investment Account--State Appropriation, Freight Mobility Multimodal Account--State Appropriation, Freight Mobility Multimodal Account--Private/Local Appropriation, Highway Safety Account--State Appropriation, Motor Vehicle Account--State Appropriation, Motor Vehicle Account--Federal Appropriation, and TOTAL APPROPRIATION.

((The appropriations in this section are subject to the following conditions and limitations: Except as provided otherwise in this section, the total appropriation in this section is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1256), Laws of 2013 (addressing project selection by the freight mobility strategic investment board). If chapter . . . (Substitute House Bill No. 1256), Laws of 2013 is not enacted by June 30, 2013, the amounts provided in this section lapse.))

Sec. 302. 2013 c 306 s 302 (uncodified) is amended to read as follows:

Table with 2 columns: Description and Amount. Row includes State Patrol Highway Account--State Appropriation.

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 of the state patrol highway account--state appropriation is provided solely for unforeseen emergency repairs on facilities.

(2) \$426,000 of the state patrol highway account--state appropriation is provided solely for the replacement of the roofs of the Marysville district office and vehicle inspection building and Spokane East office.

(3) \$450,000 of the state patrol highway account--state appropriation is provided solely for upgrades to scales at Ridgefield Port of Entry, Dryden, South Pasco, Deer Park, and Kelso required to meet current certification requirements.

(4) ~~(\$850,000)~~ \$1,200,000 of the state patrol highway account-- state appropriation is provided solely for the replacement of the damaged and unrepairable scale house at the Everett southbound I-5 weigh scales, including equipment, weigh-in-motion technology, and an ALPR camera.

(5) The Washington state patrol, in cooperation with the Washington state department of transportation, must study the federal funding options available for weigh station construction and improvements on the national highway system. A study report must be provided by July 1, 2014, to the office of financial management and the transportation committees of the legislature with recommendations on utilizing federal funds for weigh station projects.

Sec. 303. 2013 c 306 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Table with 2 columns: Description and Amount. Rows include Rural Arterial Trust Account--State Appropriation, Highway Safety Account--State Appropriation, Motor Vehicle Account--State Appropriation, County Arterial Preservation Account--State Appropriation, and TOTAL APPROPRIATION.

Sec. 304. 2013 c 306 s 304 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Table with 2 columns: Description and Amount. Rows include Small City Pavement and Sidewalk Account--State Appropriation, Highway Safety Account--State Appropriation, Transportation Improvement Account--State Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations: The highway safety account--state appropriation is provided solely for:

(1) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;

(2) The small city pavement program to help cities meet urgent preservation needs; and

(3) The small city low-energy street light retrofit demonstration program.

Sec. 305. 2013 c 306 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITIES--PROGRAM D--

(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Transportation Partnership Account--State	
Appropriation.....	(((\$13,425,000))
.....	\$14,390,000
Motor Vehicle Account--State Appropriation.....	(((\$8,106,000))
.....	\$9,469,000
TOTAL APPROPRIATION.....	(((\$21,531,000))
.....	\$23,859,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature recognizes that the Marginal Way site (King county parcel numbers 3024049182 & 5367202525) is surplus state-owned real property under the jurisdiction of the department and that the public would benefit significantly if this site is used to provide important social services. Therefore, the legislature declares that committing the Marginal Way site to this use is consistent with the public interest.

Pursuant to RCW 47.12.063, the department shall work with the owner of King county parcel number 7643400010, which abuts both parcels of the Marginal Way site, and shall convey the Marginal Way site to that abutting property owner for the appraised fair market value of the parcels, the proceeds of which must be deposited in the motor vehicle fund. The conveyance is conditional upon the purchaser's agreement to commit the use of the Marginal Way site to operations with the goal of ending hunger in western Washington. The department may not make this conveyance before September 1, 2013, and may not make this conveyance after (January 15) September 1, 2014.

The Washington department of transportation is not responsible for any costs associated with the cleanup or transfer of the Marginal Way site.

(2) (((\$13,425,000)) \$14,390,000 of the transportation partnership account--state appropriation is provided solely for the construction of a new traffic management and emergency operations center on property owned by the department on Dayton Avenue in Shoreline (project 100010T). Consistent with the office of financial management's 2012 study, it is the intent of the legislature to appropriate no more than \$15,000,000 for the total construction costs. The department shall report to the transportation committees of the legislature and the office of financial management by June 30, 2014, on the progress of the construction of the traffic management and emergency operations center, including a schedule for terminating the current lease of the Goldsmith building in Seattle.

Sec. 306. 2013 c 306 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Multimodal Transportation Account--State	
Appropriation.....	\$1,000,000
Transportation Partnership Account--State	
Appropriation.....	(((\$1,536,032,000))
.....	\$1,313,555,000
Motor Vehicle Account--State Appropriation....	(((\$61,508,000))
.....	\$69,478,000
Motor Vehicle Account--Federal Appropriation	(((\$473,359,000))
.....	\$516,181,000
Motor Vehicle Account--Private/Local Appropriation	.....
.....	(((\$208,452,000))
.....	\$166,357,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation.....	(((\$242,253,000))
.....	\$325,778,000
State Route Number 520 Corridor Account--State	
Appropriation.....	(((\$737,205,000))

.....	\$880,111,000
State Route Number 520 Corridor Account--Federal	
Appropriation.....	\$300,000,000
Special Category C Account--State Appropriation	.....
TOTAL APPROPRIATION.....	(((\$3,559,933,000))
.....	\$3,572,584,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2013-4)) 2014-1 as developed ((April 23, 2013)) March 10, 2014, Program - Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section ((603)) 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account--state appropriation and motor vehicle account--federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2013-2)) 2014-2 ALL PROJECTS as developed ((April 23, 2013)) March 10, 2014, Program - Highway Improvement Program (I). ((It is the intent of the legislature to direct))The department ((to give first priority of)) shall apply any federal funds gained through efficiencies or the redistribution process in an amount up to \$27,200,000 for cost overruns related to the pontoon design errors on the SR 520 Bridge Replacement and HOV project (8B11003) as described in subsection (12)(f) of this section. Any federal funds gained through efficiencies or the redistribution process that are in excess of \$27,200,000 must then be applied to the "Contingency (Unfunded) Highway Preservation Projects" as identified in LEAP Transportation Document ((2013-2)) 2014-2 ALL PROJECTS as developed ((April 23, 2013)) March 10, 2014, Program - Highway Preservation Program (P). However, no additional federal funds may be allocated to the I- 5/Columbia River Crossing project (400506A).

(3) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) The transportation 2003 account (nickel account)--state appropriation includes up to (((\$217,604,000)) \$246,710,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(5) The transportation partnership account--state appropriation includes up to (((\$1,156,217,000)) \$811,595,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(6) The motor vehicle account--state appropriation includes up to \$30,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(((\$)) (7)(a) (((\$5,000,000)) \$6,174,000 of the motor vehicle account--federal appropriation and (((\$200,000)) \$269,000 of the motor vehicle account--state appropriation are provided solely for the I-90 Comprehensive Tolling Study and Environmental Review project (100067T). The department shall prepare a detailed environmental impact statement that complies with the national environmental policy act regarding tolling Interstate 90 between Interstate 5 and Interstate 405 for the purposes of both managing traffic and providing funding for the construction of the unfunded state route number 520 from Interstate 5 to Medina project. As part of the preparation of the statement, the department must review any impacts to the network of highways and roads surrounding Lake Washington. In developing this statement, the department must provide significant outreach to potential affected communities.

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The department may consider traffic management options that extend as far east as Issaquah.

(b)(i) As part of the project in this subsection ~~((8))~~ (7), the department shall perform a study of all funding alternatives to tolling Interstate 90 to provide funding for construction of the unfunded state route number 520 and explore and evaluate options to mitigate the effect of tolling on affected residents and all other users of the network of highways and roads surrounding Lake Washington including, but not limited to:

(A) Allowing all Washington residents to traverse a portion of the tolled section of Interstate 90 without paying a toll. Residents may choose either (I) the portion of Interstate 90 between the easternmost landing west of Mercer Island and the westernmost landing on Mercer Island, or (II) the portion of Interstate 90 between the westernmost landing east of Mercer Island and the easternmost landing on Mercer Island;

(B) Assessing a toll only when a driver traverses, in either direction, the entire portion of Interstate 90 between the easternmost landing west of Mercer Island and the westernmost landing east of Mercer Island; and

(C) Allowing affected residents to choose one portion of the tolled section of Interstate 90 upon which they may travel without paying a toll. Residents may choose either (I) the portion of Interstate 90 between the easternmost landing west of Mercer Island and the westernmost landing on Mercer Island, or (II) the portion of Interstate 90 between the westernmost landing east of Mercer Island and the easternmost landing on Mercer Island.

(ii) The department may also consider any alternative mitigation options that conform to the purpose of this subsection ~~((8))~~ (7).

(iii) For the purposes of this subsection ~~((8))~~ (7), "affected resident" means anyone who must use a portion of Interstate 90 west of Interstate 405 upon which tolling is considered in order to access necessary medical services, such as a hospital.

~~((9) \$541,901,000)~~ (8) \$490,796,000 of the transportation partnership account--state appropriation, ~~((144,954,000))~~ \$156,979,000 of the motor vehicle account--federal appropriation, ~~((129,779,000))~~ \$132,191,000 of the motor vehicle account--private/local appropriation, and ~~((78,004,000))~~ \$123,305,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the SR 99/Alaskan Way Viaduct - Replacement project (809936Z). Amounts appropriated in this subsection may not be spent for the purpose of public transportation mitigation, except pursuant to an agreement or agreements between the department and King county as that agreement or agreements existed on January 1, 2013.

~~((10))~~ (9) The department shall reconvene an expert review panel of no more than three members as described under RCW 47.01.400 for the purpose of updating the work that was previously completed by the panel on the Alaskan Way viaduct replacement project and to ensure that an appropriate and viable financial plan is created and regularly reviewed. The expert review panel must be selected cooperatively by the chairs of the senate and house of representatives transportation committees, the secretary of transportation, and the governor. The expert review panel must report findings and recommendations to the transportation committees of the legislature, the governor's Alaskan Way viaduct project oversight committee, and the transportation commission annually until the project is operationally complete. This subsection takes effect if chapter ... (Substitute House Bill No. 1957), Laws of 2013 is not enacted by June 30, 2013.

~~((11) \$7,408,000)~~ (10) \$7,103,000 of the transportation partnership account--state appropriation, ~~((14,594,000))~~ \$22,774,000 of the transportation 2003 account (nickel account)--state appropriation, ~~((3,730,000 of the motor vehicle account--state appropriation))~~ \$1,000,000 of the multimodal

transportation account-- state appropriation, and ~~((41,395,000))~~ \$51,712,000 of the motor vehicle account--federal appropriation are provided solely for the US 395/North Spokane Corridor projects (600010A & 600003A). Any future savings on the projects must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor projects or any future phase of the projects.

~~((12) \$114,369,000)~~ (11) \$129,952,000 of the transportation partnership account--state appropriation and ~~((53,755,000))~~ \$58,583,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C) or the I-405 Renton to Bellevue project.

~~((13))~~ (12)(a) The SR 520 Bridge Replacement and HOV project ~~((8BI1003))~~ (8BI1003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, ~~((819,524,625))~~ \$923,000,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) The state route number 520 corridor account--state appropriation includes up to ~~((668,142,000))~~ \$814,784,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(c) The state route number 520 corridor account--federal appropriation includes up to \$300,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(d) ~~((153,124,000))~~ \$165,175,000 of the transportation partnership account--state appropriation, \$300,000,000 of the state route number 520 corridor account--federal appropriation, and ~~((737,205,000))~~ \$880,111,000 of the state route number 520 corridor account--state appropriation are provided solely for the SR 520 Bridge Replacement and HOV project ~~((8BI1003))~~ (8BI1003). Of the amounts appropriated in this subsection ~~((13))~~ (12)(d), ~~((105,085,000))~~ \$84,001,000 of the state route number 520 corridor account--federal appropriation and ~~((227,415,000))~~ \$354,411,000 of the state route number 520 corridor account--state appropriation must be put into unallotted status and are subject to review by the office of financial management. The director of the office of financial management shall consult with the joint transportation committee prior to making a decision to allot these funds.

(e) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

(f) The legislature finds that the most appropriate way to pay for the cost overruns related to change orders, additional sales tax, and future risks associated with pontoon design errors is for the state to issue triple pledge bonds in the 2015-2017 fiscal biennium resulting in \$110,961,000 in proceeds, and use efficiencies, including the use of least cost planning or practical design, and favorable bids in the highway construction program to generate an additional \$61,066,000 towards paying for the estimated project overruns. Of this additional \$61,066,000, \$33,866,000 should come from the transportation partnership account--state appropriation and \$27,200,000 should come from federal funds. As the department identifies savings in federal funds during the 2013-2015 fiscal biennium, the department shall prioritize the use of these funds towards the anticipated \$27,200,000 in federal funds needed to address cost overruns before expending state funds during this fiscal biennium. The legislature assumes that issuing bonds to complete

this project as listed in LEAP Transportation Document 2014-1 as developed March 10, 2014, does not require a comprehensive financial plan for a project that completes the state route number 520 corridor to Interstate 5.

(g) The department's 2014 supplemental budget allotment submittal must include a project-specific plan detailing how the department will achieve the mandatory budget savings in (f) of this subsection, including the use of least cost planning or practical design as a means to generate savings, as referenced in subsection (23) of this section. The use of least cost planning or practical design may result in a reduction of project cost, but not a reduction of functional scope. The director of financial management shall notify the transportation committees of the legislature in writing seven days prior to approving any allotment modifications under this subsection.

(13) Within the amounts provided in this section, the department must continue to work with the Seattle department of transportation in their joint planning, design, outreach, and operation of the remaining west side elements including, but not limited to, the Montlake lid, the bicycle/pedestrian path, the effective network of transit connections, and the Portage Bay bridge of the SR 520 Bridge Replacement and HOV project.

(14) ~~(\$1,100,000)~~ \$1,062,000 of the motor vehicle account-- federal appropriation is provided solely for the 31st Ave SW Overpass Widening and Improvement project (L1100048).

(15) ~~(\$22,602,000)~~ \$25,243,000 of the motor vehicle account-- state appropriation is provided solely to advance the design, preliminary engineering, and rights-of-way acquisition for the priority projects identified in LEAP Transportation Document ~~(2013-3)~~ 2014-3 as developed ~~(April 23, 2013)~~ March 10, 2014. Funds must be used to advance the emergent, initial development of these projects for the purpose of expediting delivery of the associated major investments when funding for such investments becomes available. Funding may be reallocated between projects to maximize the accomplishment of design and preliminary engineering work and rights-of-way acquisition, provided that all projects are addressed. It is the intent of the legislature that, while seeking to maximize the outcomes in this section, the department shall provide for continuity of both the state and consulting engineer workforce, while strategically utilizing private sector involvement to ensure consistency with the department's business plan for staffing in the highway construction program in the current fiscal biennium.

(16) If a planned roundabout in the vicinity of state route number 526 and 84th Street SW would divert commercial traffic onto neighborhood streets, the department may not proceed with improvements at state route number 526 and 84th Street SW until the traffic impacts in the vicinity of state route number 526 and 40th Avenue West are addressed.

(17) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Prior to the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2015, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

(18) The legislature finds that "right-sizing" is a lean, metric-based approach to determining project investments. This concept entails compromise between project cost and design, incorporating local community needs, desired outcomes, and

available funding. Furthermore, the legislature finds that the concepts and principles the department has utilized in the safety analyst program have been effective tools to prioritize projects and reduce project costs. Therefore, the department shall establish a pilot project on the SR 3/Belfair Bypass - New Alignment (300344C) to begin implementing the concept of "right-sizing" in the highway construction program.

(19) For urban corridors that are all or partially within a metropolitan planning organization boundary, for which the department has not initiated environmental review, and that require an environmental impact statement, at least one alternative must be consistent with the goals set out in RCW 47.01.440.

(20) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's 2014 budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(21) ~~(\$28,963,000)~~ \$19,513,000 of the motor vehicle account-- state appropriation ~~(**)~~ and \$9,450,000 of the motor vehicle account--federal appropriation are provided solely for improvement program support activities (095901X). \$18,000,000 of this amount must be held in unallotted status until the office of financial management certifies that the department's 2014 supplemental budget request conforms to the terms of subsection (20) of this section.

~~((23))~~ (22) Any new advisory group that the department convenes during the 2013-2015 fiscal biennium must be representative of the interests of the entire state of Washington.

(23) Practical design offers targeted benefits to a state transportation system within available fiscal resources. This delivers value not just for individual projects, but for the entire system. Applying practical design standards will also preserve and enhance safety and mobility. The department shall implement a practical design strategy for transportation design standards. By June 30, 2015, the department shall report to the governor and the house of representatives and senate transportation committees on where practical design has been applied or is intended to be applied in the department and the cost savings resulting from the use of practical design.

(24) The department of transportation shall accept transfer to the state highway system of Quarry Road (also known as the Granite Falls Alternate Route) as a partially controlled limited access facility, consistent with the right-of-way and limited access plan adopted by Snohomish county and the city of Granite Falls in 2008. The department of transportation shall defend any and all claims related to access and challenges to the limited access designation. This subsection takes effect ninety days after the date the governor signs this act if an agreement between the department of transportation and Snohomish county has not been signed by the effective date of this act.

Sec. 307. 2013 c 306 s 307 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION--PRESERVATION--PROGRAM P			
Transportation Partnership Account--State			
Appropriation.....			(((\$36,480,000))
.....			\$34,966,000
Highway Safety Account--State Appropriation .			(((\$10,000,000))
.....			\$13,500,000
Motor Vehicle Account--State Appropriation			(((\$58,503,000))
.....			\$59,796,000
Motor Vehicle Account--Federal Appropriation			(((\$580,062,000))
.....			\$595,604,000
Motor Vehicle Account--Private/Local Appropriation			
.....			(((\$11,270,000))

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.....	\$11,827,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation.....	..((\$2,285,000))
.....	\$2,650,000
Tacoma Narrows Toll Bridge Account--State Appropriation	
.....	\$120,000
TOTAL APPROPRIATION .....	..((\$698,600,000))
.....	\$718,463,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2013-4)) 2014-1 as developed ((April 23, 2013)) March 10, 2014, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section ((603)) 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account--state appropriation and motor vehicle account--federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2013-2)) 2014-2 ALL PROJECTS as developed ((April 23, 2013)) March 10, 2014, Program - Highway Preservation Program (P). ((It is the intent of the legislature to direct)) The department ((to give first priority of)) shall apply any federal funds gained through efficiencies or the redistribution process in an amount up to \$27,200,000 for cost overruns related to the pontoon design errors on the SR 520 Bridge Replacement and HOV project (8B11003) as described in section 306(12)(f) of this act. Any federal funds gained through efficiencies or the redistribution process that are in excess of \$27,200,000 must then be applied to the "Contingency (Unfunded) Highway Preservation Projects" as identified in LEAP Transportation Document ((2013-2)) 2014-2 ALL PROJECTS as developed ((April 23, 2013)) March 10, 2014, Program - Highway Preservation Program (P). However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(3) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) (((\$27,278,000)) \$26,610,000 of the motor vehicle account--federal appropriation, \$51,000 ((and \$1,141,000)) of the motor vehicle account--state appropriation, and \$769,000 of the highway safety account--state appropriation are provided solely for the SR 167/Puyallup River Bridge Replacement project (316725A). This project must be completed as a design-build project. The department must work with local jurisdictions and the community during the environmental review process to develop appropriate esthetic design elements, at no additional cost to the department, and traffic management plans pertaining to this project. The department must report to the transportation committees of the legislature on estimated cost and/or time savings realized as a result of using the design-build process.

(5) The department shall examine the use of electric arc furnace slag for use as an aggregate for new roads and paving projects in high traffic areas and report back to the legislature on its current use in other areas of the country and any characteristics that can provide greater wear resistance and skid resistance in new pavement construction.

Sec. 308. 2013 c 306 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q-- CAPITAL

Motor Vehicle Account--State Appropriation .....	..((\$3,194,000))
.....	\$4,915,000
Motor Vehicle Account--Federal Appropriation .....	..((\$7,959,000))
.....	\$9,152,000
Motor Vehicle Account--Private/Local Appropriation	\$200,000
TOTAL APPROPRIATION .....	..((\$11,153,000))
.....	\$14,267,000

The appropriations in this section are subject to the following conditions and limitations: ((~~\$694,000~~)) \$195,000 of the motor vehicle account--state appropriation is provided solely for project 000005Q as state matching funds for federally selected competitive grants or congressional earmark projects. These moneys must be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 309. 2013 c 306 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State	
Appropriation.....	..((\$53,036,000))
.....	\$63,825,000
Puget Sound Capital Construction Account--Federal	
Appropriation.....	..((\$91,692,000))
.....	\$118,444,000
Puget Sound Capital Construction Account--Private/Local	
Appropriation.....	..((\$1,145,000))
.....	\$1,312,000
Multimodal Transportation Account--State	
Appropriation.....	..((\$1,534,000))
.....	\$2,588,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation.....	..((\$143,941,000))
.....	\$190,031,000
Transportation Partnership Account--State	
Appropriation.....	\$2,813,000
TOTAL APPROPRIATION .....	..((\$291,348,000))
.....	\$379,013,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2013-2)) 2014-2 ALL PROJECTS as developed ((April 23, 2013)) March 10, 2014, Program - Washington State Ferries Capital Program (W).

(2) The Puget Sound capital construction account--state appropriation includes up to \$20,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(3) (((\$143,633,000)) \$137,425,000 of the transportation 2003 account (nickel account)--state appropriation ((is)), \$2,338,000 of the transportation partnership account--state appropriation, and \$300,000 of the Puget Sound capital construction account--federal appropriation are provided solely for the acquisition of two 144-car vessels (projects L2200038 and L2200039). The department shall use as much already procured equipment as practicable on the 144-car vessels.

(4) (((\$8,270,000)) \$14,728,000 of the Puget Sound capital construction account--federal appropriation, ((~~\$3,935,000~~)) \$4,038,000 of the Puget Sound capital construction account--state appropriation, and ((~~\$1,534,000~~)) \$1,535,000 of the multimodal transportation account--state appropriation are provided solely for the Mukilteo ferry terminal (project 952515P). To the greatest

extent practicable, the department shall seek additional federal funding for this project. Within the multimodal transportation account--state appropriation amount provided in this subsection, the department shall lease to the city in which the project is located a portion of the department's property associated with this project to provide safe, temporary public access from the easterly terminus of First Street to the vicinity of Front Street. The department shall provide the lease at no cost in recognition of the impacts of this project to the city and require appropriate liability and maintenance coverage in the terms of the lease. Public access must be installed and removed at no cost to the state prior to construction of the multimodal terminal project.

(5) (~~(\$4,000,000)~~) \$4,935,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital repair costs (project 999910K). Funds may only be spent after approval by the office of financial management.

(6) Consistent with RCW 47.60.662, which requires the Washington state ferry system to collaborate with passenger-only ferry and transit providers to provide service at existing terminals, the department shall ensure that multimodal access, including for passenger-only ferries and transit service providers, is not precluded by any future modifications at the terminal.

(7) (~~(\$3,800,000)~~) \$4,026,000 of the Puget Sound capital construction account--state appropriation is provided solely for the reservation and communications system projects (L200041 & L200042).

(8) \$4,210,000 of the Puget Sound capital construction account-- state appropriation is provided solely for the capital program share of \$7,259,000 in lease payments for the ferry division's headquarters building. Consistent with the 2012 facilities oversight plan, the department shall strive to consolidate office space in downtown Seattle by the end of 2015. The department shall consider renewing the lease for the ferry division's current headquarters building only if the lease rate is reduced at least fifty percent and analysis shows that this is the least cost and risk option for the department. Consolidation with other divisions or state agencies, or a reduction in leased space, must also be considered as part of any headquarters lease renewal analysis.

(9) (~~(\$21,950,000)~~) \$23,737,000 of the total appropriation is for preservation work on the Hyak super class vessel (project 944431D), including installation of a power management system and more efficient propulsion systems, that in combination are anticipated to save up to twenty percent in fuel and reduce maintenance costs. Upon completion of this project, the department shall provide a report to the transportation committees of the legislature on the fuel and maintenance savings achieved for this vessel and the potential to save additional funds through other vessel conversions.

(10) The transportation 2003 account (nickel account)--state appropriation includes up to \$50,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(11) \$50,000,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the acquisition of one 144-car vessel (project L1000063). If chapter ... (Engrossed Second Substitute House Bill No. 1129), Laws of 2014 (ferry vessel replacement) is not enacted by June 30, 2014, the amount provided in the subsection lapses.

(12) If the department pursues a conversion of the existing diesel powered Issaquah class fleet to a different fuel source or engine technology, the department must use a design-build procurement process.

(13) \$350,000 of the Puget Sound capital construction account--state appropriation is provided solely for the issuance of a request for proposals to convert the Issaquah class vessels to use liquefied natural gas and to provide a one-time stipend to the entity awarded the conversion contract. Of the amounts provided in this

subsection:

(a) \$100,000 of the Puget Sound capital construction account--state appropriation is for the department to issue a request for proposals for a design-build contract consistent with RCW 47.20.780 to convert six Issaquah class vessels to be powered by liquefied natural gas. Consistent with RCW 47.56.030(2)(c), the legislature finds that the performance needs of the department in converting to liquefied natural gas are for engines with the lowest life-cycle costs, and the department must weigh this criteria as a priority when evaluating the proposals. To encourage cost saving ideas, the department shall limit prescribing design elements in the proposal to those approved or required by the United States coast guard in the liquefied natural gas waterways suitability assessment or those otherwise essential to provide clear direction to bidders. The request for proposals must include a process for evaluating proposals that may include alternative financing arrangements that are in compliance with state private financing law. When evaluating the financial merits of any liquefied natural gas conversion request for proposals, the department shall give consideration to the inability of the state to fund a liquefied natural gas conversion using currently available public resources. The department shall issue the request for proposals within forty-five days of rejecting the liquefied natural gas request for proposals issued under section 308(11), chapter 86, Laws of 2012 or receiving final findings from the United States coast guard on the liquefied natural gas waterways suitability assessment, whichever is later.

(b) \$250,000 of the Puget Sound capital construction account--state appropriation is for the entity awarded the contract pursuant to this subsection.

Sec. 310. 2013 c 306 s 310 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL			
Essential Rail Assistance Account--State			
Appropriation.....			(((\$861,000))
			\$1,020,000
Transportation Infrastructure Account--State			
Appropriation.....			(((\$8,582,000))
			\$9,190,000
Multimodal Transportation Account--State			
Appropriation.....			(((\$33,156,000))
			\$44,085,000
Multimodal Transportation Account--Federal			
Appropriation.....			(((\$333,881,000))
			\$430,193,000
Multimodal Transportation Account--Private/Local			
Appropriation.....			\$409,000
TOTAL APPROPRIATION			
			(((\$376,480,000))
			\$484,897,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2013-2)) 2014-2 ALL PROJECTS as developed ((April 23, 2013)) March 10, 2014, Program - Rail ((Capital)) Program (Y).

(b) Within the amounts provided in this section, (~~(\$7,332,000)~~) \$7,669,000 of the transportation infrastructure account--state appropriation is for low-interest loans through the freight rail investment bank program identified in the LEAP transportation document referenced in (a) of this subsection. The department shall issue freight rail investment bank program loans with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loans.

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(c) Within the amounts provided in this section, (~~(\$2,439,000)~~) \$2,440,000 of the multimodal transportation account--state appropriation, \$1,250,000 of the transportation infrastructure account--state appropriation, and \$311,000 of the essential rail assistance account--state appropriation are for statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in (a) of this subsection.

(2) Unsuccessful 2012 freight rail assistance program grant applicants may be awarded freight rail investment bank program loans, if eligible. (~~(If any funds remain in the freight rail investment bank or freight rail assistance program reserves (projects F01001A and F01000A), or any approved grants or loans are terminated.)~~) The department shall issue a call for projects for the freight rail investment bank loan program and the freight rail assistance grant program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 1, (~~(2013)~~) 2014, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(3) (~~(\$314,647,000)~~) \$424,400,000 of the multimodal transportation account--federal appropriation and (~~(\$4,867,000)~~) \$10,658,000 of the multimodal transportation account--state appropriation are provided solely for expenditures related to passenger high-speed rail grants. Except for the Mount Vernon project (P01101A), the multimodal transportation account--state appropriation funds reflect one and one-half percent of the total project funds, and are provided solely for expenditures that are not eligible for federal reimbursement. Of the amounts provided in this subsection, \$31,500,000 of the multimodal transportation account--federal appropriation is provided solely for the purchase of two new train sets for the state-supported intercity passenger rail service. The department must apply for any federal waivers required to purchase thenew train sets, as allowable under existing competitive bidding practices, and seek federal funds in addition to those available from the high-speed rail grants.

(4) As allowable under federal rail authority rules and existing competitive bidding practices, when purchasing new train sets, the department shall give preference to bidders that propose train sets with characteristics and maintenance requirements most similar to those currently owned by the department.

(5) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds and the status of such applications.

(6)(a) (~~(\$550,000)~~) \$709,000 of the essential rail assistance account--state appropriation, \$241,000 of the transportation infrastructure account--state appropriation, and \$1,893,000 of the multimodal transportation account--state appropriation are provided solely for the purpose of rehabilitation and maintenance of the Palouse river and Coulee City railroad line (project F01111B). The department shall complete an evaluation and assessment of future maintenance needs on the line to ensure appropriate levels of state investment.

(b) Expenditures from the essential rail assistance account--state appropriation in this section may not exceed the combined total of:

- (i) Revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and
- (ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad line.

(7) (~~(\$31,500,000)~~) of the multimodal transportation account--federal appropriation is provided solely for the purchase of two new train sets for the state-supported intercity passenger rail

service. The department must apply for any federal waivers required to purchase the new train sets, as allowable under existing competitive bidding practices, and seek federal funds in addition to those available from the high-speed rail grants)) (a) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost-benefit methodology developed during the 2008 interim using the legislative priorities specified in (b) of this subsection. The department shall report its cost-benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

(b) The legislative priorities to be used in the cost-benefit methodology are, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

Sec. 311. 2013 c 306 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF
TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--
CAPITAL

Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal	
Appropriation.....	\$1,602,000
((Freight Mobility Investment Account--State	
Appropriation.....	\$11,794,000))
Transportation Partnership Account--State	
Appropriation.....	(\$7,214,000))
.....	\$9,236,000
Highway Safety Account--State Appropriation .	(\$11,255,000))
.....	\$8,915,000
Motor Vehicle Account--State Appropriation	(\$6,918,000))
.....	\$2,201,000
Motor Vehicle Account--Federal Appropriation	(\$28,413,000))
.....	\$34,581,000
((Freight Mobility Multimodal Account--State	
Appropriation.....	\$9,736,000
Freight Mobility Multimodal Account--Private/Local	
Appropriation.....	\$1,320,000))
Multimodal Transportation Account--State	
Appropriation.....	(\$13,913,000))
.....	\$18,740,000
TOTAL APPROPRIATION	(\$92,372,000))
.....	\$75,482,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2013-2)~~) 2014-2 ALL PROJECTS as developed (~~(April 23, 2013)~~) March 10, 2014, Program - Local Programs (Z).

(2) With each department budget submittal, the department shall provide an update on the status of the repayment of the twenty million dollars of unobligated federal funds authority advanced by the department in September 2010 to the city of Tacoma for the Murray Morgan/11th Street bridge project. The department may negotiate with the city of Tacoma an agreement for repayment of the funds over a period of up to twenty-five years at terms agreed upon by the department and the city. The funds previously advanced by the department to the city are not to be considered a general obligation of the city but instead an obligation payable from identified revenues set aside for the repayment of the funds.

(3) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) ~~(\$12,160,000)~~ \$16,543,000 of the multimodal transportation account--state appropriation, ~~(\$6,824,000)~~ \$8,724,000 of the transportation partnership account--state appropriation, and \$62,000 of the motor vehicle account--federal appropriation are provided solely for pedestrian and bicycle safety program projects.

(b) \$11,700,000 of the motor vehicle account--federal appropriation ~~((\$5,200,000 of the motor vehicle account state appropriation,))~~ and \$6,750,000 of the highway safety account--state appropriation are provided solely for newly selected safe routes to school projects, and ~~(\$3,400,000)~~ \$6,503,000 of the motor vehicle account--federal appropriation and ~~(\$2,055,000)~~ \$2,165,000 of the highway safety account--state appropriation are reappropriated for safe routes to school projects selected in the previous biennia. The amount provided for new projects is consistent with federal funding levels from the 2011-2013 omnibus transportation appropriations act and the intent of the fee increases in chapter 74, Laws of 2012 and chapter 80, Laws of 2012. ~~(The motor vehicle account state appropriation in this subsection (3)(b) is the amount made available by the repeal of the deduction from motor vehicle fuel tax liability for handling losses of motor vehicle fuel, as identified in chapter . . . (Substitute House Bill No. 2041), Laws of 2013 (handling losses of motor vehicle fuel). If chapter . . . (Substitute House Bill No. 2041), Laws of 2013 is not enacted by June 30, 2013, the motor vehicle account state appropriation in this subsection (3)(b) lapses.)~~

(4) ~~(\$84,000 of the motor vehicle account--state appropriation, \$3,250,000 of the motor vehicle account--federal appropriation, \$2,450,000 of the highway safety account--state appropriation, \$11,794,000 of the freight mobility investment account--state appropriation, \$9,736,000 of the freight mobility multimodal account-- state appropriation, and \$1,320,000 of the freight mobility multimodal account--private/local appropriation are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2013-B as developed April 23, 2013. If chapter . . . (Substitute House Bill No. 1256), Laws of 2013 is enacted by June 30, 2013, the amounts provided in this subsection lapse.~~

(5)) The department may enter into contracts and make expenditures for projects on behalf of and selected by the freight mobility strategic investment board from the amounts provided in section 301 of this act.

~~((6))~~ (5) The department shall submit a report to the transportation committees of the legislature by December 1, 2013, and December 1, 2014, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program (OLP600P). The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

~~((7))~~ (6) \$50,000 of the motor vehicle account--state appropriation is provided solely for the installation of a guard rail on Deer Harbor Road in San Juan county (L2220054).

Sec. 312. 2013 c 306 s 312 (uncodified) is amended to read as follows:

ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

(1) As part of its budget submittal for the ~~((2014 supplemental))~~ 2015 biennial budget, the department of transportation shall provide an update to the report provided to the legislature in 2013 that: (a) Compares the original project cost estimates approved in the 2003 and 2005 project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and (e) identifies contingency amounts allocated to projects.

(2) As part of its budget submittal for the ~~((2014 supplemental))~~ 2015 biennial budget, the department of transportation shall provide an annual report on the number of toll credits the department has accumulated and how the department has used the toll credits.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2013 c 306 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account--State	
Appropriation.....	(\$10,406,000)
	\$3,099,000
Motor Vehicle Account--State Appropriation.....	(\$450,000)
	\$187,000
State Route Number 520 Corridor Account--State	
Appropriation.....	\$3,866,000
Highway Bond Retirement Account--State	
Appropriation.....	(\$1,074,580,000)
	\$1,086,801,000
Ferry Bond Retirement Account--State Appropriation	
	\$31,824,000
Transportation Improvement Board Bond Retirement	
Account--State Appropriation	(\$16,267,000)
	\$16,268,000
Nondebt-Limit Reimbursable Bond Retirement Account--State	
Appropriation.....	\$25,825,000
Toll Facility Bond Retirement Account--State	
Appropriation.....	\$52,050,000
((Toll Facility Bond Retirement Account--Federal	
Appropriation.....	\$64,982,000))
Transportation 2003 Account (Nickel Account)--State	
Appropriation.....	(\$1,958,000)
	\$682,000
((Special Category C Account--State Appropriation.....	\$2,000))
TOTAL APPROPRIATION.....	(\$1,282,210,000)
	\$1,220,602,000

Sec. 402. 2013 c 306 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account--State	
Appropriation.....	(\$1,156,000)

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.....	\$588,000
Motor Vehicle Account--State Appropriation.....	(((\$50,000))
.....	\$32,000
State Route Number 520 Corridor Account--State	
Appropriation.....	\$531,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation.....	(((\$218,000))
.....	\$123,000
TOTAL APPROPRIATION.....	(((\$1,955,000))
.....	\$1,274,000

NEW SECTION. Sec. 403. A new section is added to 2013 c 306 (uncodified) to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Toll Facility Bond Retirement Account--Federal
Appropriation.....\$69,913,000

Sec. 404. 2013 c 306 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax distributions to cities and counties.....(((\$474,610,000))
.....\$478,598,000

Sec. 405. 2013 c 306 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS
Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers.....(((\$1,235,491,000))
.....\$1,242,728,000

Sec. 406. 2013 c 306 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--TRANSFERS
Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers.....(((\$138,627,000))
.....\$138,494,000

Sec. 407. 2013 c 306 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

- (1) Recreational Vehicle Account--State
Appropriation: For transfer to the Motor Vehicle Account--State.....\$1,300,000
- (2) Multimodal Transportation Account--State
Appropriation: For transfer to the Puget Sound Ferry Operations Account--State.....\$13,000,000
- (3) Rural Mobility Grant Program Account--State
Appropriation: For transfer to the Multimodal Transportation Account--State.....\$3,000,000
- (4) Motor Vehicle Account--State
Appropriation: For transfer to the Special Category C Account--State.....\$1,500,000
- (5) Capital Vessel Replacement Account--State
Appropriation: For transfer to the Transportation 2003 Account (Nickel Account)--State.....(((\$7,702,000))
.....\$7,571,000
- (6) Multimodal Transportation Account--State
Appropriation: For transfer to the Public Transportation Grant Program Account--State.....\$26,000,000
- (7) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Ferry Operations Account--State.....\$28,000,000

- (8) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Capital Construction Account--State.....\$28,000,000
- (9) State Route Number 520 Civil Penalties Account--State Appropriation: For transfer to the State Route Number 520 Corridor Account--State \$886,000
- (10) Multimodal Transportation Account--State
Appropriation: For transfer to the Highway Safety Account--State.....(((\$10,000,000))
.....\$14,000,000
- (11) Motor Vehicle Account--State Appropriation:
For transfer to the State Patrol Highway Account--State.....\$27,000,000
- (12) Highway Safety Account--State Appropriation:
For transfer to the Puget Sound Ferry Operations Account--State.....\$42,000,000
- (13) Advanced Environmental Mitigation Revolving Account--State Appropriation: For transfer to the Motor Vehicle Account--State.....\$2,000,000
- (14) Advanced Right-of-Way Revolving Fund--State
Appropriation: For transfer to the Motor Vehicle Account--State.....\$6,000,000
- (15) Tacoma Narrows Toll Bridge Account--State
Appropriation: For transfer to the Motor Vehicle Account--State.....\$950,000
- (16) License Plate Technology Account--State
Appropriation: For transfer to the Highway Safety Account--State.....\$3,000,000
- (17) Motor Vehicle Account--State Appropriation:
For transfer to the Transportation Equipment Fund--State.....\$3,915,000
- (18) ((Multimodal Transportation Account--State
Appropriation: For transfer to the Motor Vehicle Account--State.....\$10,000,000))
 - (a) Capital Vessel Replacement Account--State
Appropriation: For transfer to Transportation 2003 Account (Nickel Account)--State.....\$11,128,000
- (b) If chapter . (Engrossed Second Substitute House Bill No. 1129),
Laws of 2014 (ferry vessel replacement) is not enacted by June 30, 2014, the amount transferred in (a) of this subsection lapses.
- (19) Motor Vehicle Account--State Appropriation: For transfer to the Interstate 405 Express Toll Lanes Operations Account--State.....\$2,019,000

COMPENSATION

Sec. 501. 2013 c 306 s 517 (uncodified) is amended to read as follows:

COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION--INSURANCE BENEFITS

No agreement has been reached between the governor and the health care super coalition under chapter 41.80 RCW for the 2013-2015 fiscal biennium. Appropriations in this act for fiscal year 2014 for state agencies, including institutions of higher education, are sufficient to continue the provisions of the 2011-2013 collective bargaining agreement. An agreement was reached between the governor and the health care super coalition under chapter 41.80 RCW for fiscal year 2015. The agreement includes employer contributions to premiums at eighty-five percent of the total weighted average of the projected health care premiums. Appropriations in this act for fiscal year 2015 are sufficient to fund the provisions of the fiscal year 2015 collective bargaining agreement, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$809 per eligible employee for fiscal year 2014. For fiscal year 2015, the monthly employer funding rate must not exceed (~~(\$820)~~) \$703 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or other changes to benefits consistent with the collective bargaining agreement and RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy must be \$150.00 per month.

Sec. 502. 2013 c 306 s 518 (uncodified) is amended to read as follows:

COMPENSATION--REPRESENTED EMPLOYEES
OUTSIDE SUPER COALITION--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$809 per eligible employee for fiscal year 2014. For fiscal year 2015, the monthly employer funding rate must not exceed (~~(\$820)~~) \$703 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy must be \$150.00 per month.

Sec. 503. 2013 c 306 s 519 (uncodified) is amended to read as follows:

COMPENSATION--NONREPRESENTED
EMPLOYEES--INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$809 per eligible employee

for fiscal year 2014. For fiscal year 2015, the monthly employer funding rate must not exceed (~~(\$820)~~) \$703 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2014 and 2015, the subsidy must be \$150.00 per month.

IMPLEMENTING PROVISIONS

Sec. 601. 2013 c 306 s 603 (uncodified) is amended to read as follows:

FUND TRANSFERS

(1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in the LEAP list titled (~~(2013-4)~~) 2014-1 as developed (~~(April 23, 2013)~~) March 10, 2014, which consists of a list of specific projects by fund source and amount over a ten-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a ten-year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 account (nickel account) projects on the LEAP transportation documents referenced in this act. However, this section does not apply to the I-5/Columbia River Crossing project (400506A). For the 2011-2013 and 2013-2015 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, or transportation partnership account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2014 supplemental omnibus transportation appropriations act, any unexpended 2011-2013 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

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(e) Transfers may not occur for projects not identified on the applicable project list;

(f) Transfers may not be made while the legislature is in session; and

(g) Transfers between projects may be made, without the approval of the director of the office of financial management, by the department of transportation until the transfer amount by project exceeds two hundred fifty thousand dollars, or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of financial management and the chairs of the house of representatives and senate transportation committees.

(2) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(4) The office of financial management shall document approved transfers and schedule changes in the transportation executive information system, compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP transportation documents referenced in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

NEW SECTION. Sec. 602. A new section is added to 2013 c 306 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Except as otherwise provided in this act, the department may enter into a new agreement with King county for the purpose of public transportation mitigation for the SR 99/Alaskan Way Viaduct - Replacement project through the end of the 2013-2015 fiscal biennium. Before expending any funds, the department must inform the transportation committees of the legislature of the amount and source of the funds.

NEW SECTION. Sec. 603. A new section is added to 2013 c 306 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

(1) The department shall submit a report to the transportation committees of the legislature detailing engineering errors on highway construction projects resulting in project cost increases in excess of five hundred thousand dollars. The department must submit a full report within ninety days of the negotiated change order resulting from the engineering error.

(2) The department's full report must include an assessment and review of:

- (a) How the engineering error happened;
- (b) The department of the employee or employees responsible for the engineering error, without disclosing the name of the employee or employees;
- (c) What corrective action was taken;
- (d) The estimated total cost of the engineering error and how the department plans to mitigate that cost;
- (e) Whether the cost of the engineering error will impact the overall project financial plan; and
- (f) What action the secretary has recommended to avoid similar engineering errors in the future.

MISCELLANEOUS 2013-2015 FISCAL BIENNIUM

Sec. 701. RCW 47.28.030 and 2011 c 367 s 710 are each amended to read as follows:

(1)(a) A state highway shall be constructed, altered, repaired, or improved, and improvements located on property acquired for right-of-way purposes may be repaired or renovated pending the use

of such right-of-way for highway purposes, by contract or state forces. The work or portions thereof may be done by state forces when the estimated costs thereof are less than fifty thousand dollars and effective July 1, 2005, sixty thousand dollars.

(b) When delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by state forces when the estimated cost thereof is less than eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars.

(c) When the department of transportation determines to do the work by state forces, it shall enter a statement upon its records to that effect, stating the reasons therefor.

(d) To enable a larger number of small businesses and veteran, minority, and women contractors to effectively compete for department of transportation contracts, the department may adopt rules providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars.

(2) The rules adopted under this section:

(a) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(b) Need not require the furnishing of a bid deposit nor a performance bond, but if a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, material suppliers, mechanics, and subcontractors from the previous partial payment; and

(c) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient.

(3) The department of transportation shall comply with such goals and rules as may be adopted by the office of minority and women's business enterprises to implement chapter 39.19 RCW with respect to contracts entered into under this chapter. The department may adopt such rules as may be necessary to comply with the rules adopted by the office of minority and women's business enterprises under chapter 39.19 RCW.

(4)(a) For the period of March 15, ~~((2014))~~ 2014, through June 30, ~~((2013))~~ 2015, work for less than one hundred twenty thousand dollars may be performed on ferry vessels and terminals by state forces.

(b) The department shall hire a disinterested, third party to conduct an independent analysis to identify methods of reducing out-of-service times for vessel maintenance, preservation, and improvement projects. The analysis must include options that consider consolidating work while vessels are at shipyards by having state forces perform services traditionally performed at Eagle Harbor at the shipyard and decreasing the allowable time at shipyards. The analysis must also compare the out-of-service vessel times of performing services by state forces versus contracting out those services which in turn must be used to form a recommendation as to what the threshold of work performed on ferry vessels and terminals by state forces should be. This analysis must be presented to the transportation committees of the senate and house of representatives by December 1, 2010.

(c) The department shall develop a proposed ferry vessel maintenance, preservation, and improvement program and present it to the transportation committees of the senate and house of

representatives by December 1, 2010. The proposed program must:

(i) Improve the basis for budgeting vessel maintenance, preservation, and improvement costs and for projecting those costs into a sixteen-year financial plan;

(ii) Limit the amount of planned out-of-service time to the greatest extent possible, including options associated with department staff as well as commercial shipyards; and

(iii) Be based on the service plan in the capital plan, recognizing that vessel preservation and improvement needs may vary by route.

(d) In developing the proposed ferry vessel maintenance, preservation, and improvement program, the department shall consider the following, related to reducing vessel out-of-service time:

(i) The costs compared to benefits of Eagle Harbor repair and maintenance facility operations options to include staffing costs and benefits in terms of reduced out-of-service time;

(ii) The maintenance requirements for on-vessel staff, including the benefits of a systemwide standard;

(iii) The costs compared to benefits of staff performing preservation or maintenance work, or both, while the vessel is underway, tied up between sailings, or not deployed;

(iv) A review of the department's vessel maintenance, preservation, and improvement program contracting process and contractual requirements;

(v) The costs compared to benefits of allowing for increased costs associated with expedited delivery;

(vi) A method for comparing the anticipated out-of-service time of proposed projects and other projects planned during the same construction period;

(vii) Coordination with required United States coast guard dry dockings;

(viii) A method for comparing how proposed projects relate to the service requirements of the route on which the vessel normally operates; and

(ix) A method for evaluating the ongoing maintenance and preservation costs associated with proposed improvement projects.

Sec. 702. RCW 81.53.281 and 2003 c 190 s 3 are each amended to read as follows:

There is hereby created in the state treasury a "grade crossing protective fund" to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, 81.53.291, and 81.53.295; for grants and/or subsidies to public, private, and nonprofit entities for rail safety projects authorized or ordered by the commission; and for personnel and associated costs related to supervising and administering rail safety grants and/or subsidies. During the 2013-2015 fiscal biennium, funds in this account may also be used to conduct the study required under section 102 of this act. The commission shall transfer from the public service revolving fund's miscellaneous fees and penalties accounts moneys appropriated for these purposes as needed. At the time the commission makes each allocation of cost to said grade crossing protective fund, it shall certify that such cost shall be payable out of said fund. When federal-aid highway funds are involved, the department of transportation shall, upon entry of an order by the commission requiring the installation or upgrading of a grade crossing protective device, submit to the commission an estimate for the cost of the proposed installation and related work. Upon receipt of the estimate the commission shall pay to the department of transportation the percentage of the estimate specified in RCW 81.53.295, as now or hereafter amended, to be used as the grade crossing protective fund portion of the cost of the installation and related work.

The commission may adopt rules for the allocation of money from the grade crossing protective fund.

NEW SECTION. Sec. 703. A new section is added to 2013 c 306 (uncodified) to read as follows:

The office of the state treasurer shall explore the fiscal implications with respect to outstanding motor vehicle fuel transportation bonds and to future transportation bond sales, relating to any reduction, refunding, crediting, or repeal of the motor vehicle fuel tax, in whole or in part, that may occur in a transition to a potential road usage charge by which transportation activities may be funded in the future. The exploration of fiscal implications must examine possible effects on the state credit rating, interest rates, and other factors that affect the cost of financing transportation projects. The draft report of this work must be shared with the transportation committees of the legislature, the transportation commission, and the office of financial management by September 1, 2014. A final report must be provided to the transportation committees of the legislature, the transportation commission, and the office of financial management by December 31, 2014.

Sec. 704. RCW 82.70.020 and 2013 c 306 s 718 are each amended to read as follows:

(1) Employers in this state who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to their own or other employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, ((2014)) 2015, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per employee per fiscal year.

(2) Property managers who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to persons employed at a worksite in this state managed by the property manager for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, ((2014)) 2015, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per person per fiscal year.

(3) The credit under this section is equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per fiscal year. No refunds may be granted for credits under this section.

(4) A person may not receive credit under this section for amounts paid to or on behalf of the same employee under both chapters 82.04 and 82.16 RCW.

(5) A person may not take a credit under this section for amounts claimed for credit by other persons.

Sec. 705. RCW 82.70.040 and 2013 c 306 s 719 are each amended to read as follows:

(1)(a)(i) The department shall keep a running total of all credits allowed under RCW 82.70.020 during each fiscal year. The department shall not allow any credits that would cause the total amount allowed to exceed two million seven hundred fifty thousand dollars in any fiscal year. This limitation includes any deferred credits carried forward under subsection (2)(b)(i) of this section from prior years.

(ii) During the 2013-2015 fiscal biennium, the department shall not allow any credits that would cause the total amount allowed to exceed one million five hundred thousand dollars in any fiscal year. This limitation includes any deferred credits carried forward under subsection (2)(b)(i) of this section from prior years.

(b) If the total amount of credit applied for by all applicants in any year exceeds the limit in this subsection, the department shall ratably reduce the amount of credit allowed for all applicants so that the limit in this subsection is not exceeded. If a credit is reduced

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under this subsection, the amount of the reduction may not be carried forward and claimed in subsequent fiscal years.

(2)(a) Tax credits under RCW 82.70.020 may not be claimed in excess of the amount of tax otherwise due under chapter 82.04 or 82.16 RCW.

(b)(i) Through June 30, 2005, a person with taxes equal to or in excess of the credit under RCW 82.70.020, and therefore not subject to the limitation in (a) of this subsection, may elect to defer tax credits for a period of not more than three years after the year in which the credits accrue. No credits deferred under this subsection (2)(b)(i) may be used after June 30, 2008. A person deferring tax credits under this subsection (2)(b)(i) must submit an application as provided in RCW 82.70.025 in the year in which the deferred tax credits will be used. This application is subject to the provisions of subsection (1) of this section for the year in which the tax credits will be applied. If a deferred credit is reduced under subsection (1)(b) of this section, the amount of deferred credit disallowed because of the reduction may be carried forward as long as the period of deferral does not exceed three years after the year in which the credit was earned.

(ii) For credits approved by the department after June 30, 2005, the approved credit may be carried forward to subsequent years until used. Credits carried forward as authorized by this subsection are subject to the limitation in subsection (1)(a) of this section for the fiscal year for which the credits were originally approved.

(3) No person shall be approved for tax credits under RCW 82.70.020 in excess of two hundred thousand dollars in any fiscal year. This limitation does not apply to credits carried forward from prior years under subsection (2)(b) of this section.

(4) No person may claim tax credits after June 30, ~~((2014))~~ 2015.

(5) Credits may not be carried forward other than as authorized in subsection (2)(b) of this section.

(6) No person is eligible for tax credits under RCW 82.70.020 if the additional revenues for the multimodal transportation account created by Engrossed Substitute House Bill No. 2231 are terminated.

Sec. 706. RCW 82.70.050 and 2003 c 364 s 5 are each amended to read as follows:

(1) During the 2013-2015 fiscal biennium, the director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken under RCW 82.70.020 during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(2) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, shall deposit to the general fund a sum equal to the dollar amount of the credit provided under RCW 82.70.020 from the multimodal transportation account.

Sec. 707. RCW 82.70.900 and 2013 c 306 s 720 are each amended to read as follows:

This chapter expires ((July 1, 2014, except for RCW 82.70.050, which expires January 1, 2015)) June 30, 2015.

Sec. 708. RCW 90.03.525 and 2005 c 319 s 140 are each amended to read as follows:

(1) The rate charged by a local government utility to the department of transportation with respect to state highway right-of-way or any section of state highway right-of-way for the construction, operation, and maintenance of storm water control facilities under chapters 35.67, 35.92, 36.89, 36.94, 57.08, and 86.15 RCW, shall be thirty percent of the rate for comparable real property, except as otherwise provided in this section. The rate charged to the department with respect to state highway right-of-way or any section of state highway right-of-way within a local government utility's jurisdiction shall not, however, exceed the

rate charged for comparable city street or county road right-of-way within the same jurisdiction. The legislature finds that the aforesaid rates are presumptively fair and equitable because of the traditional and continuing expenditures of the department of transportation for the construction, operation, and maintenance of storm water control facilities designed to control surface water or storm water runoff from state highway rights-of-way.

(2) Charges paid under subsection (1) of this section by the department of transportation must be used solely for storm water control facilities that directly reduce ((state highway)) runoff impacts or implementation of best management practices that will reduce the need for such facilities. ~~((By January 1st of each year, beginning with calendar year 1997, the local government utility, in coordination with the department, shall develop a plan for the expenditure of the charges for that calendar year. The plan must be consistent with the objectives identified in RCW 90.78.010. In addition, beginning with the submittal for 1998, the utility shall provide a progress report on the use of charges assessed for the prior year. No charges may be paid until the plan and report have been submitted to the department.))~~

(3) The utility imposing the charge and the department of transportation may, however, agree to either higher or lower rates with respect to the construction, operation, or maintenance of any specific storm water control facilities ~~((based upon the annual plan prescribed in subsection (2) of this section))~~. If, after mediation, the local government utility and the department of transportation cannot agree upon the proper rate, either may commence an action in the superior court for the county in which the state highway right-of-way is located to establish the proper rate. The court in establishing the proper rate shall take into account the extent and adequacy of storm water control facilities constructed by the department and the actual benefits to the sections of state highway rights-of-way from storm water control facilities constructed, operated, and maintained by the local government utility. Control of surface water runoff and storm water runoff from state highway rights-of-way shall be deemed an actual benefit to the state highway rights-of-way. The rate for sections of state highway right-of-way as determined by the court shall be set forth in terms of the percentage of the rate for comparable real property, but shall in no event exceed the rate charged for comparable city street or county road right-of-way within the same jurisdiction.

(4) The legislature finds that the federal clean water act (national pollutant discharge elimination system, 40 C.F.R. parts 122- 124), the state water pollution control act, chapter 90.48 RCW, and the highway runoff program under chapter 90.71 RCW, mandate the treatment and control of storm water runoff from state highway rights-of-way owned by the department of transportation. Appropriations made by the legislature to the department of transportation for the construction, operation, and maintenance of storm water control facilities are intended to address applicable federal and state mandates related to storm water control and treatment. This section is not intended to limit opportunities for sharing the costs of storm water improvements between cities, counties, and the state.

MISCELLANEOUS

NEW SECTION. **Sec. 801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 802.** Section 701 of this act takes effect if chapter . . . (Engrossed House Bill No. 2684), Laws of 2014 (ferry vessel and terminal work) is not enacted by April 15, 2014.

NEW SECTION. **Sec. 803.** Section 708 of this act expires June 30, 2015.

NEW SECTION. **Sec. 804.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of Bill)

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Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6001. Senators Eide, King and Liias spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6001.

The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6001 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6001, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6001, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dansel, Hasegawa, Holmquist Newbry and Padden

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 6001, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 2014

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6265. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 6265-S.E AMH CODY H4543.1, and passed the bill as amended by the House.

On page 6, line 12, strike all of section 4 and insert the following:

"Sec. 4. RCW 70.02.010 and 2013 c 200 s 1 are each amended to read as follows:

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The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Admission" has the same meaning as in RCW 71.05.020.
- (2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:
 - (a) Statutory, regulatory, fiscal, medical, or scientific standards;
 - (b) A private or public program of payments to a health care provider; or
 - (c) Requirements for licensing, accreditation, or certification.
- (3) "Commitment" has the same meaning as in RCW 71.05.020.
- (4) "Custody" has the same meaning as in RCW 71.05.020.
- (5) "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.
- (6) "Department" means the department of social and health services.
- (7) "Designated mental health professional" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.
- (8) "Detention" or "detain" has the same meaning as in RCW 71.05.020.
- (9) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.
- (10) "Discharge" has the same meaning as in RCW 71.05.020.
- (11) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.
- (12) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to:
 - (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or
 - (b) Prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.
- (13) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.
- (14) "Health care" means any care, service, or procedure provided by a health care provider:
 - (a) To diagnose, treat, or maintain a patient's physical or mental condition; or
 - (b) That affects the structure or any function of the human body.
- (15) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.
- (16) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.
- (17) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:
 - (a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care

coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset for the benefit of the health care provider, health care facility, or third-party payor.

(18) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(19) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

(20) "Imminent" has the same meaning as in RCW 71.05.020.

(21) "Information and records related to mental health services" means a type of health care information that relates to all information and records ~~((including mental health treatment records))~~ compiled, obtained, or maintained in the course of providing services by a mental health service agency ~~((as defined in this section))~~ or mental health professional to persons who are receiving or have received services for mental illness. The term includes mental health information contained in a medical bill, registration records, as defined in RCW 71.05.020, and all other records regarding the person maintained by the department, by regional support networks and their staff, and by treatment facilities. ((This may)) The term further includes documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by

a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated community mental health program as defined in RCW 71.24.025(6). The term does not include psychotherapy notes.

(22) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity of any person upon whom an HIV antibody test or other sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

(23) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(24) "Legal counsel" has the same meaning as in RCW 71.05.020.

(25) "Local public health officer" has the same meaning as in RCW 70.24.017.

(26) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(27) "Mental health professional" (~~has the same meaning as in RCW 71.05.020~~) means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary of social and health services under chapter 71.05 RCW, whether that person works in a private or public setting.

(28) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community mental health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(29) ("Mental health treatment records" include registration records, as defined in RCW 71.05.020, and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staff, and by treatment facilities. "Mental health treatment records" include mental health information contained in a medical bill including, but not limited to, mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. "Mental health treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(30)) "Minor" has the same meaning as in RCW 71.34.020.

~~((31))~~ (30) "Parent" has the same meaning as in RCW 71.34.020.

~~((32))~~ (31) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

~~((33))~~ (32) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

~~((34))~~ (33) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~((35))~~ (34) "Professional person" has the same meaning as in RCW 71.05.020.

~~((36))~~ (35) "Psychiatric advanced registered nurse practitioner" has the same meaning as in RCW 71.05.020.

~~((37))~~ (36) "Psychotherapy notes" means notes recorded, in any medium, by a mental health professional documenting or analyzing the contents of conversations during a private counseling session or group, joint, or family counseling session, and that are separated from the rest of the individual's medical record. The term excludes mediation prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: Diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

(37) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(38) "Release" has the same meaning as in RCW 71.05.020.

(39) "Resource management services" has the same meaning as in RCW 71.05.020.

(40) "Serious violent offense" has the same meaning as in RCW 71.05.020.

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(41) "Sexually transmitted infection" or "sexually transmitted disease" has the same meaning as "sexually transmitted disease" in RCW 70.24.017.

(42) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

(43) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

(44) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

Sec. 5. RCW 70.02.020 and 2013 c 200 s 2 are each amended to read as follows:

(1) Except as authorized elsewhere in this chapter, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient to any other person without the patient's written authorization. A disclosure made under a patient's written authorization must conform to the authorization.

(2) ((A patient has a right to receive an accounting of all disclosures of mental health treatment records except disclosures made under RCW 71.05.425.

(3))) A patient has a right to receive an accounting of disclosures of health care information((, except for mental health treatment records which are addressed in subsection (2) of this section.)) made by a health care provider or a health care facility in the six years before the date on which the accounting is requested, except for disclosures:

- (a) To carry out treatment, payment, and health care operations;
- (b) To the patient of health care information about him or her;
- (c) Incident to a use or disclosure that is otherwise permitted or required;
- (d) Pursuant to an authorization where the patient authorized the disclosure of health care information about himself or herself;
- (e) Of directory information;
- (f) To persons involved in the patient's care;
- (g) For national security or intelligence purposes if an accounting of disclosures is not permitted by law;
- (h) To correctional institutions or law enforcement officials if an accounting of disclosures is not permitted by law; and
- (i) Of a limited data set that excludes direct identifiers of the patient or of relatives, employers, or household members of the patient.

Sec. 6. RCW 70.02.050 and 2013 c 200 s 3 are each amended to read as follows:

(1) A health care provider or health care facility may disclose health care information, except for information and records related to sexually transmitted diseases which are addressed in RCW 70.02.220, about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

- (a) To a person who the provider or facility reasonably believes is providing health care to the patient;
- (b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, actuarial services to, or other health care operations for or on behalf of the health care

provider or health care facility; or for assisting the health care provider or health care facility in the delivery of health care and the health care provider or health care facility reasonably believes that the person:

- (i) Will not use or disclose the health care information for any other purpose; and
- (ii) Will take appropriate steps to protect the health care information;

(c) To any person if the health care provider or health care facility reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation under this chapter on the part of the provider or facility to so disclose. The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies is not subject to disclosure unless disclosure is permitted in RCW 70.02.230; or

(d) ~~((To an official of a penal or other custodial institution in which the patient is detained; or~~

~~—(e))~~ For payment, including information necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(2) A health care provider shall disclose health care information, except for information and records related to sexually transmitted diseases, unless otherwise authorized in RCW 70.02.220, about a patient without the patient's authorization if the disclosure is:

- (a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws, or to investigate unprofessional conduct or ability to practice with reasonable skill and safety under chapter 18.130 RCW. Any health care information obtained under this subsection is exempt from public inspection and copying pursuant to chapter 42.56 RCW; or
- (b) When needed to protect the public health.

Sec. 7. RCW 70.02.200 and 2013 c 200 s 4 are each amended to read as follows:

(1) In addition to the disclosures authorized by RCW 70.02.050 and 70.02.210, a health care provider or health care facility may disclose health care information, except for information and records related to sexually transmitted diseases and information related to mental health services which are addressed by RCW 70.02.220 through 70.02.260, about a patient without the patient's authorization, to:

- (a) Any other health care provider or health care facility reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;
- (b) Immediate family members of the patient, including a patient's state registered domestic partner, or any other individual with whom the patient is known to have a close personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(c) A health care provider or health care facility who is the successor in interest to the health care provider or health care facility maintaining the health care information;

(d) A person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(e) Provide directory information, unless the patient has instructed the health care provider or health care facility not to make the disclosure;

(f) Fire, police, sheriff, or other public authority, that brought, or caused to be brought, the patient to the health care facility or health care provider if the disclosure is limited to the patient's name, residence, sex, age, occupation, condition, diagnosis, estimated or actual discharge date, or extent and location of injuries as determined by a physician, and whether the patient was conscious when admitted;

(g) Federal, state, or local law enforcement authorities and the health care provider, health care facility, or third-party payor believes in good faith that the health care information disclosed constitutes evidence of criminal conduct that occurred on the premises of the health care provider, health care facility, or third-party payor; ~~(and)~~

(h) Another health care provider, health care facility, or third-party payor for the health care operations of the health care provider, health care facility, or third-party payor that receives the information, if each entity has or had a relationship with the patient who is the subject of the health care information being requested, the health care information pertains to such relationship, and the disclosure is for the purposes described in RCW 70.02.010(17) (a) and (b); and

(i) An official of a penal or other custodial institution in which the patient is detained.

(2) In addition to the disclosures required by RCW 70.02.050 and 70.02.210, a health care provider shall disclose health care information, except for information related to sexually transmitted diseases and information related to mental health services which are addressed by RCW 70.02.220 through 70.02.260, about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(b) To federal, state, or local law enforcement authorities, upon receipt of a written or oral request made to a nursing supervisor, administrator, or designated privacy official, in a case in which the patient is being treated or has been treated for a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm, or an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believed to have been intentionally inflicted upon a person, or a blunt force injury that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act, the following information, if known:

- (i) The name of the patient;
- (ii) The patient's residence;
- (iii) The patient's sex;
- (iv) The patient's age;
- (v) The patient's condition;
- (vi) The patient's diagnosis, or extent and location of injuries as determined by a health care provider;
- (vii) Whether the patient was conscious when admitted;
- (viii) The name of the health care provider making the determination in (b)(v), (vi), and (vii) of this subsection;
- (ix) Whether the patient has been transferred to another facility; and
- (x) The patient's discharge time and date;

(c) Pursuant to compulsory process in accordance with RCW 70.02.060.

Sec. 8. RCW 70.02.210 and 2013 c 200 s 5 are each amended to read as follows:

(1)~~(a)~~ A health care provider or health care facility may disclose health care information about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is for use in a research project that an institutional review board has determined:

~~((a))~~ ~~(i)~~ Is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure;

~~((b))~~ ~~(ii)~~ Is impracticable without the use or disclosure of the health care information in individually identifiable form;

~~((c))~~ ~~(iii)~~ Contains reasonable safeguards to protect the information from redisclosure;

~~((d))~~ ~~(iv)~~ Contains reasonable safeguards to protect against identifying, directly or indirectly, any patient in any report of the research project; and

~~((e))~~ ~~(v)~~ Contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes of the project, information that would enable the patient to be identified, unless an institutional review board authorizes retention of identifying information for purposes of another research project.

(b) Disclosure under (a) of this subsection may include health care information and records of treatment programs related to chemical dependency addressed in chapter 70.96A RCW and as authorized by federal law.

(2) In addition to the disclosures required by RCW 70.02.050 and 70.02.200, a health care provider or health care facility shall disclose health care information about a patient without the patient's authorization if:

(a) The disclosure is to county coroners and medical examiners for the investigations of deaths;

(b) The disclosure is to a procurement organization or person to whom a body part passes for the purpose of examination necessary to assure the medical suitability of the body part; or

(c) The disclosure is to a person subject to the jurisdiction of the federal food and drug administration in regards to a food and drug administration-regulated product or activity for which that person has responsibility for quality, safety, or effectiveness of activities.

Sec. 9. RCW 70.02.230 and 2013 c 200 s 7 are each amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, 70.96A.150, 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

- (i) Employed by the facility;
- (ii) Who has medical responsibility for the patient's care;
- (iii) Who is a designated mental health professional;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

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(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and

only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(ii);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court;

(p) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the ~~((treatment facility))~~ mental health service agency where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department;

(s) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services ~~((contained in the mental health treatment records))~~ could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(t) Consistent with the requirements of the federal health information portability and accountability act, to a licensed mental health professional or a health care professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is providing care to a person, or to whom a person has been referred for evaluation or treatment, to assure coordinated care and treatment of that person. Psychotherapy notes ~~((as defined in 45 C.F.R. Sec. 164.501,))~~ may not be released without authorization of the person who is the subject of the request for release of information;

(u) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (t) of this subsection;

(v) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the ~~((mental health treatment records))~~ information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(w) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(x) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(y) To all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department may release without written authorization of

the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1) ~~((e))~~ (d). The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department may not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(z)(i) To the secretary of social and health services for either program evaluation or research, or both so long as the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(3) Whenever federal law or federal regulations restrict the release of information contained in the ~~((treatment records))~~ information and records related to mental health services of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(3)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

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(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 10. RCW 70.02.270 and 2013 c 200 s 11 are each amended to read as follows:

(1) No person who receives health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, or actuarial services, or other health care operations for or on behalf of a health care provider or health care facility, may use or disclose any health care information received from the health care provider or health care facility in any manner that ~~((is inconsistent with the duties of the health care provider or health care facility under this chapter))~~ would violate the requirements of this chapter if performed by the health care provider or health care facility.

(2) A health care provider or health care facility that has a contractual relationship with a person to provide services described under subsection (1) of this section ~~((must))~~ may terminate the contractual relationship with the person if the health care provider or health care facility learns that the person has engaged in a pattern of activity that violates the person's duties under subsection (1) of this section, unless the person took reasonable steps to correct the breach of confidentiality or has discontinued the violating activity.

Sec. 11. RCW 70.02.280 and 2013 c 200 s 12 are each amended to read as follows:

A health care provider, health care facility, and their assistants, employees, agents, and contractors may not:

(1) Use or disclose health care information for marketing or fund-raising purposes, unless permitted by federal law; or

(2) ~~((Sell health care information to a third party, except in a form that is deidentified and aggregated; or~~

(3))) Sell health care information to a third party, except ~~((for the following purposes)):~~

(a) For purposes of treatment or payment;

(b) For purposes of sale, transfer, merger, or consolidation of a business;

(c) For purposes of remuneration to a third party for services;

(d) As disclosures are required by law;

(e) For purposes of providing access to or accounting of disclosures to an individual;

(f) For public health purposes;

(g) For research;

(h) With an individual's authorization;

(i) Where a reasonable cost-based fee is paid to prepare and transmit health information, where authority to disclose the information is provided in this chapter; or

(j) In a format that is deidentified and aggregated.

Sec. 12. RCW 70.02.310 and 2013 c 200 s 15 are each amended to read as follows:

(1) Resource management services shall establish procedures to provide reasonable and timely access to information and records related to mental health services for an individual ~~((mental health treatment records))~~. However, access may not be denied at any time to records of all medications and somatic treatments received by the person.

(2) Following discharge, a person who has received mental health services has a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) ~~((Mental health treatment records))~~ Information and records related to mental health services may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge resource management services shall inform all persons who have received mental health services of their rights as provided in this chapter and RCW 71.05.620.

Sec. 13. RCW 70.02.340 and 2013 c 200 s 18 are each amended to read as follows:

The department of social and health services shall adopt rules related to the disclosure of ~~((mental health treatment records))~~ information and records related to mental health services in this chapter.

Sec. 14. RCW 71.05.445 and 2013 c 200 s 31 are each amended to read as follows:

(1)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health service provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132 and the offender has provided the mental health service provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132, the mental health service provider is not required to notify the department of corrections that the mental health service provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

(2) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties.

(3) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in RCW 71.05.020, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(4) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.

(5) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(6) Whenever federal law or federal regulations restrict the release of information (~~(contained in the treatment records of)~~ and records related to mental health services for any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(7) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(8) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

Sec. 15. RCW 70.02.030 and 2005 c 468 s 3 are each amended to read as follows:

(1) A patient may authorize a health care provider or health care facility to disclose the patient's health care information. A health care provider or health care facility shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider or health care facility denies the patient access to health care information under RCW 70.02.090.

(2) A health care provider or health care facility may charge a reasonable fee for providing the health care information and is not required to honor an authorization until the fee is paid.

(3) To be valid, a disclosure authorization to a health care provider or health care facility shall:

- (a) Be in writing, dated, and signed by the patient;
- (b) Identify the nature of the information to be disclosed;
- (c) Identify the name and institutional affiliation of the person or class of persons to whom the information is to be disclosed;
- (d) Identify the provider or class of providers who are to make the disclosure;
- (e) Identify the patient; and
- (f) Contain an expiration date or an expiration event that relates to the patient or the purpose of the use or disclosure.

(4) Unless disclosure without authorization is otherwise permitted under RCW 70.02.050 or the federal health insurance portability and accountability act of 1996 and its implementing regulations, an authorization may permit the disclosure of health care information to a class of persons that includes:

- (a) Researchers if the health care provider or health care facility obtains the informed consent for the use of the patient's health care information for research purposes; or
- (b) Third-party payors if the information is only disclosed for payment purposes.

(5) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

(6) When an authorization permits the disclosure of health care information to a financial institution or an employer of the patient for purposes other than payment, the authorization as it pertains to

those disclosures shall expire (~~(ninety days)~~) one year after the signing of the authorization, unless the authorization is renewed by the patient.

(7) A health care provider or health care facility shall retain the original or a copy of each authorization or revocation in conjunction with any health care information from which disclosures are made.

(8) Where the patient is under the supervision of the department of corrections, an authorization signed pursuant to this section for health care information related to mental health or drug or alcohol treatment expires at the end of the term of supervision, unless the patient is part of a treatment program that requires the continued exchange of information until the end of the period of treatment.

Sec. 16. RCW 70.02.045 and 2000 c 5 s 2 are each amended to read as follows:

Third-party payors shall not release health care information disclosed under this chapter, except (~~(to the extent that health care providers are authorized to do so under RCW 70.02.050)~~) as permitted under this chapter.

NEW SECTION. Sec. 17. Sections 1 through 7 and 9 through 16 of this act take effect July 1, 2014.

NEW SECTION. Sec. 18. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Frockt moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6265.

Senators Frockt and Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Frockt that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6265.

The motion by Senator Frockt carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6265 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6265, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6265, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Erickson

ENGROSSED SUBSTITUTE SENATE BILL NO. 6265, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

March 12, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6440 with the following amendment(s): 6440-S.E AMH HUNT H4547.4

Strike everything after the enacting clause and insert the following:

**"PART I
Tax Performance Statement**

NEW SECTION. **Sec. 101.** (1) The legislature finds that current law taxes natural gas as a traditional home heating or electric generation fuel while not taking into account the benefits of natural gas use as a transportation fuel. The legislature further finds that the construction and operation of a natural gas liquefaction plant and compressed natural gas refueling stations as well as the ongoing use of compressed and liquefied natural gas will lead to positive job creation, economic development, environmental benefits, lower fuel costs, and increased tax revenues to the state. The legislature further finds that it is sound tax policy to provide uniform tax treatment of natural gas used as a transportation fuel, regardless of whether the taxpayer providing the natural gas is a gas distribution business or not, so as to prevent any particular entity from receiving a competitive advantage solely through a structural inefficiency in the tax code.

(2)(a) This subsection is the tax performance statement for this act. The performance statement is only intended to be used for subsequent evaluation of the tax changes made in this act. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(b) The legislature categorizes the tax changes in this act as changes intended to accomplish the general purposes indicated in RCW 82.32.808(2) (c) and (d).

(c) It is the legislature's specific public policy objectives to promote job creation and positive economic development; lower carbon dioxide, sulfur dioxide, nitrogen dioxide, and particulate emissions; and secure optimal liquefied natural gas pricing for the state of Washington and other public entities.

(d) To measure the effectiveness of the exemption provided in this act in achieving the specific public policy objective described in (c) of this subsection, the joint legislative audit and review committee must evaluate the following:

(i) The number of employment positions and wages at a natural gas liquefaction facility located in Washington and operated by a gas distribution business where some or all of the liquefied natural gas is sold for use as a transportation fuel. If the average number of employment positions at the liquefaction facility once it is operationally complete equals or exceeds eighteen and average annual wages for employment positions at the facility exceed thirty-five thousand dollars, it is presumed that the public policy objective of job creation has been achieved.

(ii) The estimated total cost of construction of a liquefaction plant by a gas distribution company, including costs for machinery and equipment. If the total cost equals or exceeds two hundred fifty million dollars, it is presumed that the public policy objective of positive economic development has been achieved.

(iii) The estimated fuel savings by the Washington state ferry system and other public entities through the use of liquefied natural gas purchased from a gas distribution business.

(iv) The estimated reduction in carbon dioxide, sulfur dioxide, nitrogen dioxide, and particulate emissions, resulting from the use of liquefied natural gas and compressed natural gas as a transportation

fuel where the natural gas is sold by a gas distribution business. The emissions of liquefied and compressed natural gas must be specifically compared with an equivalent amount of diesel fuel. If the estimated annual reduction in emissions exceeds the following benchmarks, it is presumed that the public policy objective of reducing emissions has been achieved:

- (A) Three hundred million pounds of carbon dioxide;
- (B) Two hundred thousand pounds of particulates;
- (C) Four hundred thousand pounds of sulfur dioxide; and
- (D) Four hundred fifty thousand pounds of nitrogen dioxide.

(e)(i) The following data sources are intended to provide the informational basis for the evaluation under (d) of this subsection:

- (A) Employment data provided by the state employment security department;
- (B) Ferry fuel purchasing data provided by the state department of transportation;
- (C) Diesel and other energy pricing data found on the United States energy information administration's web site; and
- (D) Information provided by a gas distribution business on the annual report required under RCW 82.32.534.

(ii) In addition to the data source described under (e)(i) of this subsection, the joint legislative audit and review committee may use any other data it deems necessary in performing the evaluation under (d) of this subsection.

(3) A gas distribution business claiming the exemption under RCW 82.08.02565 or 82.12.02565 must file the annual report under RCW 82.32.534 or any successor document. In addition to the information contained in the report, the report must also include the amount of liquefied natural gas and compressed natural gas sold by the gas distribution business as a transportation fuel. A gas distribution business is not required to file the annual survey under RCW 82.32.585, as would otherwise be required under RCW 82.32.808(5).

(4) The joint legislative audit and review committee must perform the review required in this section in a manner consistent with its tax preference review process under chapter 43.136 RCW. The committee must perform the review in calendar year 2025.

**PART II
Fuel Taxes and Sales Taxes**

Sec. 201. RCW 82.38.030 and 2013 c 225 s 103 are each amended to read as follows:

(1) There is levied and imposed upon fuel licensees a tax at the rate of twenty-three cents per each gallon of fuel(~~(, or each one hundred cubic feet of compressed natural gas)~~), measured at standard pressure and temperature.

(2) Beginning July 1, 2003, an additional and cumulative tax rate of five cents per each gallon of fuel(~~(, or each one hundred cubic feet of compressed natural gas)~~), measured at standard pressure and temperature is imposed on fuel licensees. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative tax rate of three cents per each gallon of fuel(~~(, or each one hundred cubic feet of compressed natural gas)~~), measured at standard pressure and temperature is imposed on fuel licensees.

(4) Beginning July 1, 2006, an additional and cumulative tax rate of three cents per each gallon of fuel(~~(, or each one hundred cubic feet of compressed natural gas)~~), measured at standard pressure and temperature is imposed on fuel licensees.

(5) Beginning July 1, 2007, an additional and cumulative tax rate of two cents per each gallon of fuel(~~(, or each one hundred cubic feet of compressed natural gas)~~), measured at standard pressure and temperature is imposed on fuel licensees.

(6) Beginning July 1, 2008, an additional and cumulative tax rate of one and one-half cents per each gallon of fuel (~~or each one hundred cubic feet of compressed natural gas~~), measured at standard pressure and temperature is imposed on fuel licensees.

(7) Taxes are imposed when:

(a) Fuel is removed in this state from a terminal if the fuel is removed at the rack unless the removal is by a licensed supplier or distributor for direct delivery to a destination outside of the state, or the removal is by a fuel supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the fuel immediately before the removal is not a licensed supplier; or

(ii) The removal is at the refinery rack unless the removal is to a licensed supplier or distributor for direct delivery to a destination outside of the state, or the removal is to a licensed supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Fuel enters into this state for sale, consumption, use, or storage, unless the fuel enters this state for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320, if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensed supplier; or

(ii) The entry is not by bulk transfer;

(d) Fuel enters this state by means outside the bulk transfer-terminal system and is delivered directly to a licensed terminal unless the owner is a licensed distributor or supplier;

(e) Fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the fuel;

(f) Blended fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended fuel subject to tax is the difference between the total number of gallons of blended fuel removed or sold and the number of gallons of previously taxed fuel used to produce the blended fuel;

(g) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the fuel tax;

(h) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;

(i) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(j) Fuel is sold by a licensed fuel supplier to a fuel distributor or fuel blender and the fuel is not removed from the bulk transfer-terminal system.

Sec. 202. RCW 82.38.075 and 2013 c 225 s 110 are each amended to read as follows:

(1) To encourage the use of nonpolluting fuels, an annual license fee in lieu of the tax imposed by RCW 82.38.030 is imposed upon the use of liquefied natural gas, compressed natural gas, or propane used in any motor vehicle. The annual license fee must be based upon the following schedule and formula:

VEHICLE TONNAGE (GVW)	FEE
0 - 6,000	\$ 45
6,001 - 10,000	\$ 45
10,001 - 18,000	\$ 80
18,001 - 28,000	\$110
28,001 - 36,000	\$150

36,001 and above

\$250

(2) To determine the annual license fee for a registration year, the appropriate dollar amount in the schedule is multiplied by the fuel tax rate per gallon effective on July 1st of the preceding calendar year and the product is divided by 12 cents.

(3) The department, in addition to the resulting fee, must charge an additional fee of five dollars as a handling charge for each license issued.

(4) The vehicle tonnage fee must be prorated so the annual license will correspond with the staggered vehicle licensing system.

(5) A decal or other identifying device issued upon payment of the annual fee must be displayed as prescribed by the department as authority to purchase this fuel.

(6) Persons selling or dispensing natural gas or propane may not sell or dispense this fuel for their own use or the use of others into tanks of vehicles powered by this fuel which do not display a valid decal or other identifying device.

(7) Commercial motor vehicles registered in a foreign jurisdiction under the provisions of the international registration plan are subject to the annual fee.

(8) Motor vehicles registered in a foreign jurisdiction, except those registered under the international registration plan under chapter 46.87 RCW, are exempt from this section.

(9) Vehicles registered in jurisdictions outside the state of Washington are exempt from this section.

~~((8))~~ (10) Any person selling or dispensing liquefied natural gas, compressed natural gas, or propane into the tank of a motor vehicle powered by this fuel, except as prescribed in this chapter, is subject to the penalty provisions of this chapter.

Sec. 203. RCW 82.80.010 and 2013 c 225 s 641 are each amended to read as follows:

(1) ~~(For purposes of this section:)~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and special fuel as defined in RCW 82.38.020~~(, respectively,)~~ and sells or distributes the fuel into a county~~(s)~~.

(b) "Person" has the same meaning as in RCW 82.04.030.

(2) Subject to the conditions of this section, any county may levy, by approval of its legislative body and a majority of the registered voters of the county voting on the proposition at a general or special election, additional excise taxes equal to ten percent of the statewide ~~((motor vehicle fuel tax rate under RCW 82.38.030 on each gallon of motor vehicle fuel as defined in RCW 82.38.020 and on each gallon of special fuel))~~ fuel tax rates under RCW 82.38.030 on motor vehicle fuel and special fuel as defined in RCW 82.38.020 sold within the boundaries of the county. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the county fuel excise tax. An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition must state the tax rate that is proposed. The county's authority to levy additional excise taxes under this section includes the incorporated and unincorporated areas of the county. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapter 82.38 RCW. The proposed tax may not be levied less than one month from the date the election results are certified by the county election officer. The commencement date for the levy of any tax under this section must be the first day of January, April, July, or October.

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(3) The local option motor vehicle fuel tax on ~~((each gallon of))~~ motor vehicle fuel and on ~~((each gallon of))~~ special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of a county to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a county must contract with the department of revenue for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of revenue may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer must distribute monthly to the levying county and cities contained therein the proceeds of the additional excise taxes collected under this section, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b) and under the conditions and limitations provided in RCW 82.80.080.

(8) The proceeds of the additional excise taxes levied under this section must be used strictly for transportation purposes in accordance with RCW 82.80.070.

(9) A county may not levy the tax under this section if they are levying the tax in RCW 82.80.110 or if they are a member of a regional transportation investment district levying the tax in RCW 82.80.120.

Sec. 204. RCW 82.80.110 and 2013 c 225 s 642 are each amended to read as follows:

(1) ~~((For purposes of this section:))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and special fuel as defined in RCW 82.38.020~~((, respectively,))~~ and sells or distributes the fuel into a county~~((;))~~.

(b) "Person" has the same meaning as in RCW 82.04.030.

(2) For purposes of dedication to a regional transportation investment district plan under chapter 36.120 RCW, subject to the conditions of this section, a county may levy additional excise taxes equal to ten percent of the statewide ~~((motor vehicle fuel tax rate under RCW 82.38.030 on each gallon of motor vehicle fuel as defined in RCW 82.38.020 and on each gallon of special fuel))~~ fuel tax rates under RCW 82.38.030 on motor vehicle fuel and special fuel as defined in RCW ~~((82.32.020 [82.38.020]))~~ 82.38.020 sold within the boundaries of the county. The additional excise tax is subject to the approval of the county's legislative body and a majority of the registered voters of the county voting on the proposition at a general or special election. An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition must state that the revenues from the tax will be used for a regional transportation investment district plan. The county's authority to levy additional excise taxes under this section includes the incorporated and unincorporated areas of the county. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the county fuel excise tax. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapter 82.38 RCW. The proposed tax may not be levied less than one month from the date the election results are certified by the

county election officer. The commencement date for the levy of any tax under this section will be the first day of January, April, July, or October.

(3) The local option motor vehicle fuel tax on ~~((each gallon of))~~ motor vehicle fuel and on ~~((each gallon of))~~ special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of a county to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a county must contract with the department of revenue for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of revenue may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer must distribute monthly to the county levying the tax as part of a regional transportation investment plan, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b).

(8) The proceeds of the additional taxes levied by a county in this section, to be used as a part of a regional transportation investment plan, must be used in accordance with chapter 36.120 RCW, but only for those areas that are considered "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(9) A county may not levy the tax under this section if they are a member of a regional transportation investment district that is levying the tax in RCW 82.80.120 or the county is levying the tax in RCW 82.80.010.

Sec. 205. RCW 82.80.120 and 2013 c 225 s 643 are each amended to read as follows:

(1) ~~((For purposes of this section:))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and special fuel as defined in RCW 82.38.020~~((, respectively,))~~ and sells or distributes the fuel into a county~~((;))~~.

(b) "Person" has the same meaning as in RCW 82.04.030;

(c) "District" means a regional transportation investment district under chapter 36.120 RCW.

(2) A regional transportation investment district under chapter 36.120 RCW, subject to the conditions of this section, may levy additional excise taxes equal to ten percent of the statewide ~~((motor vehicle fuel tax rate under RCW 82.38.030 on each gallon of motor vehicle fuel as defined in RCW 82.38.020 and on each gallon of special fuel))~~ fuel tax rates under RCW 82.38.030 on motor vehicle fuel and special fuel as defined in RCW 82.38.020 sold within the boundaries of the district. The additional excise tax is subject to the approval of a majority of the voters within the district boundaries. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the district's fuel excise tax. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapter 82.38 RCW. The proposed tax may not be levied less than one month from the date the election results are certified. The commencement date for the levy of any tax under this section will be the first day of January, April, July, or October.

(3) The local option motor vehicle fuel tax on ~~((each gallon of))~~ motor vehicle fuel and on ~~((each gallon of))~~ special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of the district to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a district must contract with the department of revenue for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of revenue may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer must distribute monthly to the district levying the tax as part of the regional transportation investment district plan, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b).

(8) The proceeds of the additional taxes levied by a district in this section, to be used as a part of a regional transportation investment district plan, must be used in accordance with chapter 36.120 RCW, but only for those areas that are considered "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(9) A district may only levy the tax under this section if the district is comprised of boundaries identical to the boundaries of a county or counties. A district may not levy the tax in this section if a member county is levying the tax in RCW 82.80.010 or 82.80.110.

Sec. 206. RCW 82.47.010 and 1998 c 176 s 85 are each amended to read as follows:

((The definitions set forth in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Motor vehicle fuel" has the meaning given in RCW 82.36.010.

(2) "Special fuel" has the meaning given in RCW 82.38.020.

(3) "Motor vehicle" has the meaning given in RCW 82.36.010.))

For purposes of this chapter, unless the context clearly requires otherwise, "fuel," "motor vehicle fuel," "special fuel," and "motor vehicle" have the meaning given in RCW 82.38.020.

Sec. 207. RCW 46.16A.060 and 2011 c 114 s 6 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director may not issue or renew a motor vehicle registration or change the registered owner of a registered vehicle for any motor vehicle required to be inspected under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance or a valid certificate of acceptance issued as required under chapter 70.120 RCW; or (b) exempt, as described in subsection (2) of this section. The certificates must have a date of validation that is within twelve months of the assigned registration renewal date. Certificates for fleet or owner tested diesel vehicles may have a date of validation that is within twelve months of the assigned registration renewal date.

(2) The following motor vehicles are exempt from emission test requirements:

(a) Motor vehicles that are less than five years old or more than twenty-five years old;

(b) Motor vehicles that are a 2009 model year or newer;

(c) Motor vehicles powered exclusively by electricity, propane, compressed natural gas, liquefied natural gas, or liquid petroleum gas;

(d) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

(e) Farm vehicles as defined in RCW 46.04.181;

(f) Street rod vehicles as defined in RCW 46.04.572 and custom vehicles as defined in RCW 46.04.161;

(g) Used vehicles that are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW;

(h) Classes of motor vehicles exempted by the director of the department of ecology; and

(i) Hybrid motor vehicles that obtain a rating by the environmental protection agency of at least fifty miles per gallon of gas during city driving. For purposes of this section, a hybrid motor vehicle is one that uses propulsion units powered by both electricity and gas.

(3) The department of ecology ~~((shall))~~ must provide information to motor vehicle owners:

(a) Regarding the boundaries of emission contributing areas and restrictions established under this section that apply to vehicles registered in such areas; and

(b) On the relationship between motor vehicles and air pollution and steps motor vehicle owners should take to reduce motor vehicle related air pollution.

(4) The department of licensing ~~((shall))~~ must:

(a) Notify all registered motor vehicle owners affected by the emission testing program that they must have an emission test to renew their registration;

(b) Adopt rules implementing and enforcing this section, except for subsection (2)(e) of this section, as specified in chapter 34.05 RCW.

(5) A motor vehicle may not be registered, leased, rented, or sold for use in the state, starting with the model year as provided in RCW 70.120A.010, unless the vehicle:

(a) Has seven thousand five hundred miles or more; or

(b)(i) Is consistent with the vehicle emission standards and carbon dioxide equivalent emission standards adopted by the department of ecology; and

(ii) Has a California certification label for all emission standards, and carbon dioxide equivalent emission standards necessary to meet fleet average requirements.

(6) The department of licensing, in consultation with the department of ecology, may adopt rules necessary to implement this section and may provide for reasonable exemptions to these requirements. The department of ecology may exempt public safety vehicles from meeting the standards where the department finds that vehicles necessary to meet the needs of public safety agencies are not otherwise reasonably available.

Sec. 208. RCW 46.37.467 and 1995 c 369 s 23 are each amended to read as follows:

(1) Every automobile, truck, motorcycle, motor home, or off-road vehicle that is fueled by an alternative fuel source ~~((shall))~~ must bear a reflective placard issued by the national fire protection association indicating that the vehicle is so fueled. Violation of this subsection is a traffic infraction.

(2) As used in this section "alternative fuel source" includes propane, compressed natural gas, liquefied natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.

(3) If a placard for a specific alternative fuel source has not been issued by the national fire protection association, a placard issued by the chief of the Washington state patrol, through the director of fire protection, ~~((shall be))~~ is required. The chief of the Washington state patrol, through the director of fire protection, ~~((shall))~~ must develop rules for the design, size, and placement of the placard

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which ~~(shall)~~ remains effective until a specific placard is issued by the national fire protection association.

NEW SECTION. Sec. 209. (1) The department of licensing must convene a work group that includes, at a minimum, representatives from the department of transportation, the trucking industry, manufacturers of compressed natural gas and liquefied natural gas, and any other stakeholders as deemed necessary, for the following purposes:

(a) To evaluate the annual license fee in lieu of fuel tax under RCW 82.38.075 to determine a fee that more closely represents the average consumption of vehicles by weight and to make recommendations to the transportation committees of the legislature by December 1, 2014, on an updated fee schedule.

(b) To develop a transition plan to move vehicles powered by liquefied natural gas, compressed natural gas, and propane from the annual license fee in lieu of fuel tax to the fuel tax under RCW 82.38.030. The transition plan must incorporate stakeholder feedback and must include draft legislation and cost and revenue estimates. The transition plan must be submitted to the transportation committees of the legislature by December 1, 2015.

(2) The department of revenue must convene a work group that includes, at a minimum, representatives from the department of transportation, the marine shipping industry, manufacturers of liquefied natural gas, and any other stakeholders as deemed necessary, for the purpose of examining the appropriate level and manner of taxing liquefied natural gas used for marine vessel transportation. The department must make recommendations to the fiscal committees of the legislature by December 1, 2025.

**PART III
State and Local Business Taxes**

NEW SECTION. Sec. 301. A new section is added to chapter 82.16 RCW to read as follows:

(1) The provisions of this chapter do not apply to sales by a gas distribution business of:

(a) Compressed natural gas or liquefied natural gas, where the compressed natural gas or liquefied natural gas is to be sold or used as transportation fuel; or

(b) Natural gas from which the buyer manufactures compressed natural gas or liquefied natural gas, where the compressed natural gas or liquefied natural gas is to be sold or used as transportation fuel.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) For the purposes of this section, "transportation fuel" means fuel for the generation of power to propel a motor vehicle as defined in RCW 46.04.320, a vessel as defined in RCW 88.02.310, or a locomotive or railroad car.

Sec. 302. RCW 82.04.310 and 2007 c 58 s 1 are each amended to read as follows:

(1) This chapter ~~(shall)~~ does not apply to any person in respect to a business activity with respect to which tax liability is specifically imposed under the provisions of chapter 82.16 RCW including amounts derived from activities for which a deduction is allowed under RCW 82.16.050. The exemption in this subsection does not apply to sales of natural gas, including compressed natural gas and liquefied natural gas, by a gas distribution business, if such sales are exempt from the tax imposed under chapter 82.16 RCW as provided in section 301 of this act.

(2) This chapter does not apply to amounts received by any person for the sale of electrical energy for resale within or outside the state.

(3)(a) This chapter does not apply to amounts received by any person for the sale of natural or manufactured gas in a calendar year if that person sells within the United States a total amount of natural or manufactured gas in that calendar year that is no more than twenty percent of the amount of natural or manufactured gas that it consumes within the United States in the same calendar year.

(b) For purposes of determining whether a person has sold within the United States a total amount of natural or manufactured gas in a calendar year that is no more than twenty percent of the amount of natural or manufactured gas that it consumes within the United States in the same calendar year, the following transfers of gas are not considered to be the sale of natural or manufactured gas:

(i) The transfer of any natural or manufactured gas as a result of the acquisition of another business, through merger or otherwise; or

(ii) The transfer of any natural or manufactured gas accomplished solely to comply with federal regulatory requirements imposed on the pipeline transportation of such gas when it is shipped by a third-party manager of a person's pipeline transportation.

Sec. 303. RCW 82.04.120 and 2011 c 23 s 3 are each amended to read as follows:

(1) "To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and includes:

(a) The production or fabrication of special made or custom made articles;

(b) The production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician;

(c) Cutting, delimiting, and measuring of felled, cut, or taken trees; ~~(and)~~

(d) Crushing and/or blending of rock, sand, stone, gravel, or ore; and

(e) The production of compressed natural gas or liquefied natural gas for use as a transportation fuel as defined in section 301 of this act.

(2) "To manufacture" does not include:

(a) Conditioning of seed for use in planting; cubing hay or alfalfa;

(b) Activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen, or canned outside this state;

(c) The growing, harvesting, or producing of agricultural products;

(d) Packing of agricultural products, including sorting, washing, rinsing, grading, waxing, treating with fungicide, packaging, chilling, or placing in controlled atmospheric storage;

(e) The production of digital goods;

(f) The production of computer software if the computer software is delivered from the seller to the purchaser by means other than tangible storage media, including the delivery by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser; and

(g) Except as provided in subsection (1)(e) of this section, any activity that is integral to any public service business as defined in RCW 82.16.010 and with respect to which the gross income associated with such activity: (i) Is subject to tax under chapter 82.16 RCW; or (ii) would be subject to tax under chapter 82.16 RCW if such activity were conducted in this state or if not for an exemption or deduction.

(3) With respect to wastewater treatment facilities:

(a) "To manufacture" does not include the treatment of wastewater, the production of reclaimed water, and the production of class B biosolids; and

(b) "To manufacture" does include the production of class A or exceptional quality biosolids, but only with respect to the processing activities that occur after the biosolids have reached class B standards.

Sec. 304. RCW 82.12.022 and 2011 c 174 s 304 are each amended to read as follows:

(1) A use tax is levied on every person in this state for the privilege of using natural gas or manufactured gas, including compressed natural gas and liquefied natural gas, within this state as a consumer.

(2) The tax must be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the public utility tax on gas distribution businesses under RCW 82.16.020. The "value of the article used" does not include any amounts that are paid for the hire or use of a gas distribution business as defined in RCW 82.16.010(2) in transporting the gas subject to tax under this subsection if those amounts are subject to tax under that chapter.

(3) The tax levied in this section does not apply to the use of natural or manufactured gas delivered to the consumer by other means than through a pipeline.

(4) The tax levied in this section does not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid a tax under RCW 82.16.020 with respect to the gas for which exemption is sought under this subsection.

(5)(a) The tax levied in this section does not apply to the use of natural or manufactured gas by an aluminum smelter as that term is defined in RCW 82.04.217 before January 1, 2017.

(b) A person claiming the exemption provided in this subsection (5) must file a complete annual report with the department under RCW 82.32.534.

(6) The tax imposed by this section does not apply to the use of natural gas, compressed natural gas, or liquefied natural gas, if the consumer uses the gas for transportation fuel as defined in section 301 of this act.

(7) There is a credit against the tax levied under this section in an amount equal to any tax paid by:

(a) The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 82.16.020 by another state with respect to the gas for which a credit is sought under this subsection; or

(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another state with respect to the gas for which a credit is sought under this subsection.

~~((7))~~ (8) The use tax imposed in this section must be paid by the consumer to the department.

~~((8))~~ (9) There is imposed a reporting requirement on the person who delivered the gas to the consumer to make a quarterly report to the department. Such report must contain the volume of gas delivered, name of the consumer to whom delivered, and such other information as the department may require by rule.

~~((9))~~ (10) The department may adopt rules under chapter 34.05 RCW for the administration and enforcement of sections 1 through 6, chapter 384, Laws of 1989.

Sec. 305. RCW 82.14.230 and 2010 c 127 s 5 are each amended to read as follows:

(1) The governing body of any city, while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this chapter, fix and impose on every person a use tax for the privilege of using natural gas or manufactured gas in the city as a consumer.

(2) The tax is imposed in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the tax on natural gas businesses under RCW 35.21.870 in the city in which the article is used. The "value of the article used," does not include any amounts that are paid for the hire or use of a natural gas business

in transporting the gas subject to tax under this subsection if those amounts are subject to tax under RCW 35.21.870.

(3) The tax imposed under this section does not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid a tax under RCW 35.21.870 with respect to the gas for which exemption is sought under this subsection.

(4) There is a credit against the tax levied under this section in an amount equal to any tax paid by:

(a) The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 35.21.870 by another municipality or other unit of local government with respect to the gas for which a credit is sought under this subsection; or

(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another municipality or other unit of local government with respect to the gas for which a credit is sought under this subsection.

(5) The use tax imposed must be paid by the consumer. The administration and collection of the tax imposed is pursuant to RCW 82.14.050.

(6) The tax authorized by this section does not apply to the use of natural gas, compressed natural gas, or liquefied natural gas, if the consumer uses the gas for transportation fuel as defined in section 301 of this act.

Sec. 306. RCW 35.21.870 and 1984 c 225 s 6 are each amended to read as follows:

(1) No city or town may impose a tax on the privilege of conducting an electrical energy, natural gas, steam energy, or telephone business at a rate which exceeds six percent unless the rate is first approved by a majority of the voters of the city or town voting on such a proposition.

(2)(a) If a city or town is imposing a rate of tax under subsection (1) of this section in excess of six percent on April 20, 1982, the city or town ~~((shall))~~ must decrease the rate to a rate of six percent or less by reducing the rate each year on or before November 1st by ordinances to be effective on January 1st of the succeeding year, by an amount equal to one-tenth the difference between the tax rate on April 20, 1982, and six percent.

(b) Nothing in this subsection prohibits a city or town from reducing its rates by amounts greater than the amounts required in this subsection.

(3) Voter approved rate increases under subsection (1) of this section ~~((shall))~~ may not be included in the computations under this subsection.

(4) No city or town may impose a tax on the privilege of conducting a natural gas business with respect to sales that are exempt from the tax imposed under chapter 82.16 RCW as provided in section 301 of this act at a rate higher than its business and occupation tax rate on the sale of tangible personal property or, if the city or town does not impose a business and occupation tax on the sale of tangible personal property, at a rate greater than .002.

Sec. 307. RCW 82.14.030 and 2008 c 86 s 101 are each amended to read as follows:

(1) The governing body of any county or city, while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this chapter, impose a sales and use tax in accordance with the terms of this chapter. Such tax ~~((shall))~~ must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW, upon the occurrence of any taxable event within the county or city as the case may be. ~~((Except as provided in RCW 82.14.230,))~~ This sales and use tax ~~((shall))~~ does not apply to natural or manufactured gas, except for natural gas that is used as a transportation fuel as defined in section 301 of this act and is taxable by the state under chapters 82.08 and 82.12 RCW. The rate of such tax imposed by a county ~~((shall be))~~ is five-tenths of one percent of the selling price (in the case of a sales

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tax) or value of the article used (in the case of a use tax). The rate of such tax imposed by a city ((~~shall~~) may not exceed five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). However, in the event a county imposes a sales and use tax under this subsection, the rate of such tax imposed under this subsection by any city therein ((~~shall~~) may not exceed four hundred and twenty-five one-thousandths of one percent.

(2) In addition to the tax authorized in subsection (1) of this section, the governing body of any county or city may by resolution or ordinance impose an additional sales and use tax in accordance with the terms of this chapter. Such additional tax ((~~shall~~) must be collected upon the same taxable events upon which the tax imposed under subsection (1) of this section is imposed. The rate of such additional tax imposed by a county ((~~shall be~~) is up to five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such additional tax imposed by a city ((~~shall be~~) is up to five-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). However, in the event a county imposes a sales and use tax under the authority of this subsection at a rate equal to or greater than the rate imposed under the authority of this subsection by a city within the county, the county ((~~shall~~) must receive fifteen percent of the city tax. In the event that the county imposes a sales and use tax under the authority of this subsection at a rate which is less than the rate imposed under this subsection by a city within the county, the county ((~~shall~~) must receive that amount of revenues from the city tax equal to fifteen percent of the rate of tax imposed by the county under the authority of this subsection. The authority to impose a tax under this subsection is intended in part to compensate local government for any losses from the phase-out of the property tax on business inventories.

PART IV

Export and Machinery and Equipment Sales and Use Tax Exemptions

Sec. 401. RCW 82.08.02565 and 2011 c 23 s 2 are each amended to read as follows:

(1)(a) The tax levied by RCW 82.08.020 does not apply to sales to a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation, to sales to a person engaged in testing for a manufacturer or processor for hire of machinery and equipment used directly in a testing operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment.

(b) Except as provided in (c) of this subsection, sellers making tax-exempt sales under this section must obtain from the purchaser an exemption certificate in a form and manner prescribed by the department by rule. The seller must retain a copy of the certificate for the seller's files.

(c)(i) The exemption under this section is in the form of a remittance for a gas distribution business, as defined in RCW 82.16.010, claiming the exemption for machinery and equipment used for the production of compressed natural gas or liquefied natural gas for use as a transportation fuel.

(ii) A gas distribution business claiming an exemption from state and local tax in the form of a remittance under this section must pay the tax under RCW 82.08.020 and all applicable local sales taxes. Beginning July 1, 2017, the gas distribution business may then apply to the department for remittance of state and local sales and use taxes. A gas distribution business may not apply for a remittance more frequently than once a quarter. The gas

distribution business must specify the amount of exempted tax claimed and the qualifying purchases for which the exemption is claimed. The gas distribution business must retain, in adequate detail, records to enable the department to determine whether the business is entitled to an exemption under this section, including: Invoices; proof of tax paid; and documents describing the machinery and equipment.

(iii) The department must determine eligibility under this section based on the information provided by the gas distribution business, which is subject to audit verification by the department. The department must on a quarterly basis remit exempted amounts to qualifying businesses who submitted applications during the previous quarter.

(iv) Beginning July 1, 2028, a gas distribution business may not apply for a refund under this section or RCW 82.12.02565.

(2) For purposes of this section and RCW 82.12.02565:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities, and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts. "Machinery and equipment" includes pollution control equipment installed and used in a manufacturing operation, testing operation, or research and development operation to prevent air pollution, water pollution, or contamination that might otherwise result from the manufacturing operation, testing operation, or research and development operation. "Machinery and equipment" also includes digital goods.

(b) "Machinery and equipment" does not include:

(i) Hand-powered tools;

(ii) Property with a useful life of less than one year;

(iii) Buildings, other than machinery and equipment that is permanently affixed to or becomes a physical part of a building; and

(iv) Building fixtures that are not integral to the manufacturing operation, testing operation, or research and development operation that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) Machinery and equipment is "used directly" in a manufacturing operation, testing operation, or research and development operation if the machinery and equipment:

(i) Acts upon or interacts with an item of tangible personal property;

(ii) Conveys, transports, handles, or temporarily stores an item of tangible personal property at the manufacturing site or testing site;

(iii) Controls, guides, measures, verifies, aligns, regulates, or tests tangible personal property at the site or away from the site;

(iv) Provides physical support for or access to tangible personal property;

(v) Produces power for, or lubricates machinery and equipment;

(vi) Produces another item of tangible personal property for use in the manufacturing operation, testing operation, or research and development operation;

(vii) Places tangible personal property in the container, package, or wrapping in which the tangible personal property is normally sold or transported; or

(viii) Is integral to research and development as defined in RCW 82.63.010.

(d) "Manufacturer" means a person that qualifies as a manufacturer under RCW 82.04.110. "Manufacturer" also includes a person that prints newspapers or other materials.

(e) "Manufacturing" means only those activities that come within the definition of "to manufacture" in RCW 82.04.120 and are taxed as manufacturing or processing for hire under chapter 82.04 RCW, or would be taxed as such if such activity were conducted in this state or if not for an exemption or deduction. "Manufacturing"

also includes printing newspapers or other materials. An activity is not taxed as manufacturing or processing for hire under chapter 82.04 RCW if the activity is within the purview of chapter 82.16 RCW.

(f) "Manufacturing operation" means the manufacturing of articles, substances, or commodities for sale as tangible personal property. A manufacturing operation begins at the point where the raw materials enter the manufacturing site and ends at the point where the processed material leaves the manufacturing site. With respect to the production of class A or exceptional quality biosolids by a wastewater treatment facility, the manufacturing operation begins at the point where class B biosolids undergo additional processing to achieve class A or exceptional quality standards. Notwithstanding anything to the contrary in this section, the term also includes that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. The term does not include the preparation of food products on the premises of a person selling food products at retail.

(g) "Cogeneration" means the simultaneous generation of electrical energy and low-grade heat from the same fuel.

(h) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010 by a manufacturer or processor for hire.

(i) "Testing" means activities performed to establish or determine the properties, qualities, and limitations of tangible personal property.

(j) "Testing operation" means the testing of tangible personal property for a manufacturer or processor for hire. A testing operation begins at the point where the tangible personal property enters the testing site and ends at the point where the tangible personal property leaves the testing site. The term also includes the testing of tangible personal property for use in that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. The term does not include the testing of tangible personal property for use in the production of electricity by a light and power business as defined in RCW 82.16.010 or the preparation of food products on the premises of a person selling food products at retail.

Sec. 402. RCW 82.12.02565 and 2003 c 5 s 5 are each amended to read as follows:

(1) The provisions of this chapter (~~shall~~) do not apply in respect to the use by a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation, to the use by a person engaged in testing for a manufacturer or processor for hire of machinery and equipment used directly in a testing operation, or to the use of labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment.

(2) The definitions, conditions, and requirements in RCW 82.08.02565 apply to this section.

Sec. 403. RCW 82.14.050 and 2012 1st sp.s. c 9 s 1 are each amended to read as follows:

(1) The counties, cities, and transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under RCW 82.14.440, regional transportation investment districts, and transportation benefit districts under chapter 36.73 RCW must contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which must deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax

authorized by this chapter that is collected by the department of revenue must be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Beginning January 1, 2013, the department of revenue must make deposits in the local sales and use tax account on a monthly basis on the last business day of the month in which distributions required in (a) of this subsection are due. Moneys in the local sales and use tax account may be withdrawn only for:

(a) Distribution to counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, regional transportation investment districts, and transportation benefit districts imposing a sales and use tax; and

(b) Making refunds of taxes imposed under the authority of this chapter and RCW 81.104.170 and exempted under RCW 82.08.962 (~~and~~), 82.12.962, 82.08.02565, and 82.12.02565.

(2) All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, insofar as they are applicable to state sales and use taxes, are applicable to taxes imposed pursuant to this chapter.

(3) Counties, cities, transportation authorities, public facilities districts, and regional transportation investment districts may not conduct independent sales or use tax audits of sellers registered under the streamlined sales tax agreement.

(4) Except as provided in RCW 43.08.190 and subsection (5) of this section, all earnings of investments of balances in the local sales and use tax account must be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, regional transportation investment districts, and transportation benefit districts monthly.

(5) Beginning January 1, 2013, the state treasurer must determine the amount of earnings on investments that would have been credited to the local sales and use tax account if the collections had been deposited in the account over the prior month. When distributions are made under subsection (1)(a) of this section, the state treasurer must transfer this amount from the state general fund to the local sales and use tax account and must distribute such sums to the counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, regional transportation investment districts, and transportation benefit districts.

Sec. 404. RCW 82.14.060 and 2009 c 469 s 108 are each amended to read as follows:

(1)(a) Monthly, the state treasurer must distribute from the local sales and use tax account to the counties, cities, transportation authorities, public facilities districts, and transportation benefit districts the amount of tax collected on behalf of each taxing authority, less:

(i) The deduction provided for in RCW 82.14.050; and

(ii) The amount of any refunds of local sales and use taxes exempted under RCW 82.08.962 (~~and~~), 82.12.962, 82.08.02565, and 82.12.02565, which must be made without appropriation.

(b) The state treasurer (~~shall~~) must make the distribution under this section without appropriation.

(2) In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution (~~shall~~) may not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

Sec. 405. RCW 82.08.0261 and 1980 c 37 s 28 are each amended to read as follows:

(1) Except as otherwise provided in this section, the tax levied by RCW 82.08.020 (~~shall~~) does not apply to sales of tangible personal property (other than the type referred to in RCW 82.08.0262) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce(~~:- PROVIDED, That~~). However,

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any actual use of such property in this state ~~((shall))~~ is, at the time of such actual use, ~~((be))~~ subject to the tax imposed by chapter 82.12 RCW.

(2)(a) With respect to the sale of liquefied natural gas to a business operating as a private or common carrier by water in interstate or foreign commerce, the buyer is entitled to a partial exemption from the tax levied by RCW 82.08.020 and the associated local sales taxes. The exemption under this subsection (2) is for the state and local retail sales taxes on ninety percent of the amount of the liquefied natural gas transported and consumed outside this state by the buyer.

(b) Sellers are relieved of the obligation to collect the state and local retail sales taxes on sales eligible for the partial exemption provided in this subsection (2) to buyers who are registered with the department if the seller:

(i) Obtains a completed exemption certificate from the buyer, which must include the buyer's tax registration number with the department; or

(ii) Captures the relevant data elements as allowed under the streamlined sales and use tax agreement, including the buyer's tax registration number with the department.

(c) Buyers entitled to a partial exemption under this subsection (2) must either:

(i) Pay the full amount of state and local retail sales tax to the seller on the sale, including the amount of tax qualifying for exemption under this subsection (2), and then request a refund of the exempted portion of the tax from the department within the time allowed for making refunds under RCW 82.32.060; or

(ii) If the seller did not collect the retail sales tax from the buyer, remit to the department the state and local retail sales taxes due on all liquefied natural gas consumed in this state and on ten percent of the liquefied natural gas that is transported and consumed outside of this state.

(3) This section does not apply to the sale of liquefied natural gas on or after July 1, 2028, for use as fuel in any marine vessel.

NEW SECTION. Sec. 406. A new section is added to chapter 46.68 RCW to read as follows:

(1) The finished fuel account is created in the state treasury. Money received from revenues transferred under section 407 of this act must be deposited into the account. Money in the account may be spent only after appropriation. Funds may be used only to construct, improve, repair, or rehabilitate Washington state ferry boat vessels, or to convert such vessels to operate using special fuels other than diesel fuel or using other alternative energy sources.

(2) This section expires July 1, 2028.

NEW SECTION. Sec. 407. A new section is added to chapter 82.32 RCW to read as follows:

(1) By the last workday of the second and fourth calendar quarters, the state treasurer must transfer the amount specified in subsection (2) of this section from the general fund to the finished fuel account created in section 406 of this act. The first transfer under this subsection must occur by December 31, 2017.

(2) By December 15th and by June 15th of each year, the department must estimate the increase in state general fund revenues from the taxes collected under RCW 82.08.0261(2)(a) on the nonexempt portion of liquefied natural gas sales in the current and prior calendar quarters and notify the state treasurer of the increase.

(3) This section expires July 1, 2028.

NEW SECTION. Sec. 408. A new section is added to chapter 43.135 RCW to read as follows:

(1) RCW 43.135.034(4) does not apply to the transfers under section 407 of this act.

(2) This section expires July 1, 2028.

NEW SECTION. Sec. 409. A new section is added to chapter 39.42 RCW to read as follows:

(1) The purpose of eliminating a portion of the sales exemption under RCW 82.08.0261 for liquefied natural gas sold for use as a marine vessel transportation fuel is to fund improvements to Washington state ferries. For this reason, general state revenues transferred under section 407 of this act to the finished fuel account are excluded from the calculation of general state revenues for purposes of Article VIII, section 1 of the state Constitution and RCW 39.42.130 and 39.42.140.

(2) This section expires July 1, 2028.

**PART V
Utility Law Change**

Sec. 501. RCW 80.28.280 and 1991 c 199 s 216 are each amended to read as follows:

(1) The legislature finds that compressed natural gas and liquefied natural gas offers significant potential to reduce vehicle and vessel emissions and to significantly decrease dependence on petroleum-based fuels. The legislature also finds that well-developed and convenient refueling systems are imperative if compressed natural gas ~~((is))~~ and liquefied natural gas are to be widely used by the public. The legislature declares that the development of compressed natural gas ~~((refueling stations are in the public interest.))~~ and liquefied natural gas motor vehicle refueling stations and vessel refueling facilities are in the public interest. Except as provided in subsection (2) of this section, nothing in this section and RCW 80.28.290 is intended to alter the regulatory practices of the commission or allow the subsidization of one ratepayer class by another.

(2) When a liquefied natural gas facility owned by a natural gas company serves both a private customer operating marine vessels and the Washington state ferries or any other public entity, the rate charged by the natural gas company to the Washington state ferries or other public entity may not be more than the rate charged to the private customer operating marine vessels.

**PART VI
Miscellaneous Provisions**

NEW SECTION. Sec. 601. This act takes effect July 1, 2015."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6440.

Senators King and Eide spoke in favor of the motion.

Senator Hasegawa spoke against the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6440.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6440 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6440, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6440, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Benton, Chase, Dansel, Hasegawa, Padden and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 6440, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2175 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Ericksen moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 2175.

The President declared the question before the Senate to be motion by Senator Ericksen that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 2175.

The motion by Senator Ericksen carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 2175 by voice vote.

MOTION

On motion of Senator Ericksen, the rules were suspended and Substitute House Bill No. 2175 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2175, by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Morrell and Stanford)

Removing barriers to economic development in the telecommunications industry.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following striking amendment by Senator Ericksen and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.36.375 and 1997 c 219 s 2 are each amended to read as follows:

(1) If a personal wireless service provider applies to site several microcells (~~and/or~~), minor facilities, or a small cell network in a single geographical area:

(a) If one or more of the microcells and/or minor facilities are not exempt from the requirements of RCW 43.21C.030(2)(c), local governmental entities are encouraged: (i) To allow the applicant, at the applicant's discretion, to file a single set of documents required by chapter 43.21C RCW that will apply to all the microcells and/or minor facilities to be sited; and (ii) to render decisions under chapter 43.21C RCW regarding all the microcells and/or minor facilities in a single administrative proceeding; ~~((and))~~

(b) Local governmental entities are encouraged: (i) To allow the applicant, at the applicant's discretion, to file a single set of documents for land use permits that will apply to all the microcells and/or minor facilities to be sited; and (ii) to render decisions regarding land use permits for all the microcells and/or minor facilities in a single administrative proceeding; and

(c) For small cell networks involving multiple individual small cell facilities, local governmental entities may allow the applicant, if the applicant so chooses, to file a consolidated application and receive a single permit for the small cell network in a single jurisdiction instead of filing separate applications for each individual small cell facility.

(2) For the purposes of this section:

(a) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(b) "Microcell" means a wireless communication facility consisting of an antenna that is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

(c) "Minor facility" means a wireless communication facility consisting of up to three antennas, each of which is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length; and the associated equipment cabinet that is six feet or less in height and no more than forty-eight square feet in floor area.

(d) "Small cell facility" means a personal wireless services facility that meets both of the following qualifications:

(i) Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

(ii) Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: Electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

(e) "Small cell network" means a collection of interrelated small cell facilities designed to deliver personal wireless services.

Sec. 2. RCW 35.21.860 and 2007 c 6 s 1020 are each amended to read as follows:

(1) No city or town may impose a franchise fee or any other fee or charge of whatever nature or description upon the light and power, or gas distribution businesses, as defined in RCW 82.16.010,

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or telephone business, as defined in RCW 82.16.010, or service provider for use of the right-of-way, except:

- (a) A tax authorized by RCW 35.21.865 may be imposed;
- (b) A fee may be charged to such businesses or service providers that recovers actual administrative expenses incurred by a city or town that are directly related to receiving and approving a permit, license, and franchise, to inspecting plans and construction, or to the preparation of a detailed statement pursuant to chapter 43.21C RCW;
- (c) Taxes permitted by state law on service providers;
- (d) Franchise requirements and fees for cable television services as allowed by federal law; and
- (e) A site-specific charge pursuant to an agreement between the city or town and a service provider of personal wireless services acceptable to the parties for:
 - (i) The placement of new structures in the right-of-way regardless of height, unless the new structure is the result of a mandated relocation in which case no charge will be imposed if the previous location was not charged;
 - (ii) The placement of replacement structures when the replacement is necessary for the installation or attachment of wireless facilities, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the wireless facility is more than sixty feet; or
 - (iii) The placement of personal wireless facilities on structures owned by the city or town located in the right-of-way. However, a site-specific charge shall not apply to the placement of personal wireless facilities on existing structures, unless the structure is owned by the city or town.

A city or town is not required to approve the use permit for the placement of a facility for personal wireless services that meets one of the criteria in this subsection absent such an agreement. If the parties are unable to agree on the amount of the charge, the service provider may submit the amount of the charge to binding arbitration by serving notice on the city or town. Within thirty days of receipt of the initial notice, each party shall furnish a list of acceptable arbitrators. The parties shall select an arbitrator; failing to agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. The arbitrator or arbitrators shall determine the charge based on comparable siting agreements involving public land and rights-of-way. The arbitrator or arbitrators shall not decide any other disputed issues, including but not limited to size, location, and zoning requirements. Costs of the arbitration, including compensation for the arbitrator's services, must be borne equally by the parties participating in the arbitration and each party shall bear its own costs and expenses, including legal fees and witness expenses, in connection with the arbitration proceeding.

(2) Subsection (1) of this section does not prohibit franchise fees imposed on an electrical energy, natural gas, or telephone business, by contract existing on April 20, 1982, with a city or town, for the duration of the contract, but the franchise fees shall be considered taxes for the purposes of the limitations established in RCW 35.21.865 and 35.21.870 to the extent the fees exceed the costs allowable under subsection (1) of this section."

Senators Ericksen and McCoy spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Ericksen and others to Substitute House Bill No. 2175.

The motion by Senator Ericksen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "industry;" strike the remainder of the title and insert "and amending RCW 80.36.375 and 35.21.860."

MOTION

On motion of Senator Ericksen, the rules were suspended, Substitute House Bill No. 2175 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2175 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2175 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Nelson and Rolfe

SUBSTITUTE HOUSE BILL NO. 2175 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The House receded from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 6312. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 6312-S2 AMH CODY H4546.2, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2013 c 338 s 1 (uncodified) is amended to read as follows:

(1)(a) Beginning (~~May~~) April 1, 2014, the legislature shall convene a task force to examine reform of the adult behavioral health system, with voting members as provided in this subsection.

(i) The president of the senate shall appoint one member and one alternate member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member and one alternate member from each of the two largest caucuses in the house of representatives.

(iii) The governor shall appoint three members consisting of the secretary of the department of social and health services or the secretary's designee, the director of the health care authority or the director's designee, and a representative of the governor.

(iv) The Washington state association of counties shall appoint three members.

(v) The governor shall request participation by a representative of tribal governments.

(b) The task force shall choose two cochairs from among its legislative members.

(c) The task force shall adopt a bottom-up approach and welcome input and participation from all stakeholders interested in the improvement of the adult behavioral health system. To that end, the task force must invite participation from, at a minimum, the following: The department of commerce, the department of corrections, the office of financial management, behavioral health service recipients and their families; local government; representatives of regional support networks; representatives of county coordinators; law enforcement; city and county jails; tribal representatives; behavioral health service providers; housing providers; labor representatives; counties with state hospitals; mental health advocates; chemical dependency advocates; public defenders with involuntary mental health commitment or mental health court experience; chemical dependency experts working with drug courts; medicaid managed care plan and associated delivery system representatives; long-term care service providers; the Washington state hospital association; and individuals with expertise in evidence-based and research-based behavioral health service practices. Leadership of subcommittees formed by the task force may be drawn from this body of invited participants.

(2) The task force shall undertake a systemwide review of the adult behavioral health system and make recommendations for reform concerning, but not limited to, the following:

(a) The means by which services are purchased and delivered for adults with mental illness and chemical dependency disorders through the department of social and health services and the health care authority, including:

(i) Guidance for the creation of common regional service areas for purchasing behavioral health services and medical care services by the department of social and health services and the health care authority, taking into consideration any proposal submitted by the Washington state association of counties under section 2 of this act;

(ii) Identification of key issues which must be addressed by the department of social and health services to accomplish the integration of chemical dependency purchasing primarily with managed care contracts by April 1, 2016, under section 5 of this act, including review of the results of any available actuarial study to establish provider rates;

(iii) Strategies for moving towards full integration of medical and behavioral health services by January 1, 2020, and identification of key issues that must be addressed by the health care authority and the department of social and health services in furtherance of this goal;

(iv) By August 1, 2014, a review of performance measures and outcomes developed pursuant to RCW 43.20A.895 and chapter 70.320 RCW;

(v) Review criteria developed by the department of social and health services and the health care authority concerning submission of detailed plans and requests for early adoption of fully integrated purchasing and incentives under section 5 of this act;

(vi) Whether a statewide behavioral health ombuds office should be created;

(vii) Whether the state chemical dependency program should be

mandated to provide twenty-four hour detoxification services, medication-assisted outpatient treatment, or contracts for case management and residential treatment services for pregnant and parenting women;

(viii) Review legal, clinical, and technological obstacles to sharing relevant health care information related to mental health, chemical dependency, and physical health across practice settings; and

(ix) Review the extent and causes of variations in commitment rates in different jurisdictions across the state;

(b) Availability of effective means to promote recovery and prevent harm associated with mental illness and chemical dependency;

(c) Availability of crisis services, including boarding of mental health patients outside of regularly certified treatment beds;

(d) Best practices for cross-system collaboration between behavioral health treatment providers, medical care providers, long-term care service providers, entities providing health home services to high-risk medicaid clients, law enforcement, and criminal justice agencies; ~~(and)~~

(e) Public safety practices involving persons with mental illness and chemical dependency with forensic involvement.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report ~~(its)~~ initial findings and recommendations to the governor and the appropriate committees of the legislature in a preliminary report by (January 1, 2015) December 15, 2014, and a final report by December 15, 2015. Recommendations under subsection (2)(a)(i) of this section must be submitted to the governor by September 1, 2014.

(7) This section expires ~~(June)~~ July 1, ((2015)) 2016.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

(1) Upon receipt of guidance for the creation of common regional service areas from the adult behavioral health system task force established in section 1, chapter 338, Laws of 2013, the department and the health care authority shall jointly establish regional service areas as provided in this section.

(2) Counties, through the Washington state association of counties, must be given the opportunity to propose the composition of regional service areas. Each service area must:

(a) Include a sufficient number of medicaid lives to support full financial risk managed care contracting for services included in contracts with the department or the health care authority;

(b) Include full counties that are contiguous with one another; and

(c) Reflect natural medical and behavioral health service referral patterns and shared clinical, health care service, behavioral health service, and behavioral health crisis response resources.

(3) The Washington state association of counties must submit their recommendations to the department, the health care authority, and the task force described in section 1 of this act on or before August 1, 2014.

NEW SECTION. Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

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(1) Any agreement or contract by the department or the health care authority to provide behavioral health services as defined under RCW 71.24.025 to persons eligible for benefits under medicaid, Title XIX of the social security act, and to persons not eligible for medicaid must include the following:

(a) Contractual provisions consistent with the intent expressed in RCW 71.24.015, 71.36.005, 70.96A.010, and 70.96A.011;

(b) Standards regarding the quality of services to be provided, including increased use of evidence-based, research-based, and promising practices, as defined in RCW 71.24.025;

(c) Accountability for the client outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025 and performance measures linked to those outcomes;

(d) Standards requiring behavioral health organizations to maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the department or the health care authority and to protect essential existing behavioral health system infrastructure and capacity, including a continuum of chemical dependency services;

(e) Provisions to require that medically necessary chemical dependency and mental health treatment services be available to clients;

(f) Standards requiring the use of behavioral health service provider reimbursement methods that incentivize improved performance with respect to the client outcomes established in RCW 43.20A.895 and 71.36.025, integration of behavioral health and primary care services at the clinical level, and improved care coordination for individuals with complex care needs;

(g) Standards related to the financial integrity of the responding organization. The department shall adopt rules establishing the solvency requirements and other financial integrity standards for behavioral health organizations. This subsection does not limit the authority of the department to take action under a contract upon finding that a behavioral health organization's financial status jeopardizes the organization's ability to meet its contractual obligations;

(h) Mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial deductions, termination of the contract, receivership, reprocurement of the contract, and injunctive remedies;

(i) Provisions to maintain the decision-making independence of designated mental health professionals or designated chemical dependency specialists; and

(j) Provisions stating that public funds appropriated by the legislature may not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(2) The following factors must be given significant weight in any purchasing process:

(a) Demonstrated commitment and experience in serving low-income populations;

(b) Demonstrated commitment and experience serving persons who have mental illness, chemical dependency, or co-occurring disorders;

(c) Demonstrated commitment to and experience with partnerships with county and municipal criminal justice systems, housing services, and other critical support services necessary to achieve the outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025;

(d) Recognition that meeting enrollees' physical and behavioral health care needs is a shared responsibility of contracted behavioral health organizations, managed health care systems, service providers, the state, and communities;

(e) Consideration of past and current performance and participation in other state or federal behavioral health programs as a contractor; and

(f) The ability to meet requirements established by the department.

(3) For purposes of purchasing behavioral health services and medical care services for persons eligible for benefits under medicaid, Title XIX of the social security act and for persons not eligible for medicaid, the department and the health care authority must use common regional service areas. The regional service areas must be established by the department and the health care authority as provided in section 2 of this act.

(4) Consideration must be given to using multiple-biennia contracting periods.

(5) Each behavioral health organization operating pursuant to a contract issued under this section shall enroll clients within its regional service area who meet the department's eligibility criteria for mental health and chemical dependency services.

NEW SECTION. Sec. 4. A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall require that behavioral health organizations offer contracts to managed health care systems under chapter 74.09 RCW or primary care practice settings to promote access to the services of chemical dependency professionals under chapter 18.205 RCW and mental health professionals, as defined by the department in rule, for the purposes of integrating such services into primary care settings for individuals with behavioral health and medical comorbidities.

NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

(1) The secretary shall purchase mental health and chemical dependency treatment services primarily through managed care contracting, but may continue to purchase behavioral health services directly from tribal clinics and other tribal providers.

(2)(a) The secretary shall request a detailed plan from the entities identified in (b) of this subsection that demonstrates compliance with the contractual elements of section 3 of this act and federal regulations related to medicaid managed care contracting, including, but not limited to: Having a sufficient network of providers to provide adequate access to mental health and chemical dependency services for residents of the regional service area that meet eligibility criteria for services, ability to maintain and manage adequate reserves, and maintenance of quality assurance processes. Any responding entity that submits a detailed plan that demonstrates that it can meet the requirements of this section must be awarded the contract to serve as the behavioral health organization.

(b)(i) For purposes of responding to the request for a detailed plan under (a) of this subsection, the entities from which a plan will be requested are:

(A) A county in a single county regional service area that currently serves as the regional support network for that area;

(B) In the event that a county has made a decision prior to January 1, 2014, not to contract as a regional support network, any private entity that serves as the regional support network for that area;

(C) All counties within a regional service area that includes more than one county, which shall form a responding entity through the adoption of an interlocal agreement. The interlocal agreement must specify the terms by which the responding entity shall serve as the behavioral health organization within the regional service area.

(ii) In the event that a regional service area is comprised of multiple counties including one that has made a decision prior to January 1, 2014, not to contract as a regional support network the counties shall adopt an interlocal agreement and may respond to the request for a detailed plan under (a) of this subsection and the

private entity may also respond to the request for a detailed plan. If both responding entities meet the requirements of this section, the responding entities shall follow the department's procurement process established in subsection (3) of this section.

(3) If an entity that has received a request under this section to submit a detailed plan does not respond to the request, a responding entity under subsection (1) of this section is unable to substantially meet the requirements of the request for a detailed plan, or more than one responding entity substantially meets the requirements for the request for a detailed plan, the department shall use a procurement process in which other entities recognized by the secretary may bid to serve as the behavioral health organization in that regional service area.

(4) Contracts for behavioral health organizations must begin on April 1, 2016.

(5) Upon request of all of the county authorities in a regional service area, the department and the health care authority may jointly purchase behavioral health services through an integrated medical and behavioral health services contract with a behavioral health organization or a managed health care system as defined in RCW 74.09.522, pursuant to standards to be developed jointly by the secretary and the health care authority. Any contract for such a purchase must comply with all federal medicaid and state law requirements related to managed health care contracting.

(6) As an incentive to county authorities to become early adopters of fully integrated purchasing of medical and behavioral health services, the standards adopted by the secretary and the health care authority under subsection (5) of this section shall provide for an incentive payment to counties which elect to move to full integration by January 1, 2016. Subject to federal approval, the incentive payment shall be targeted at ten percent of savings realized by the state within the regional service area in which the fully integrated purchasing takes place. Savings shall be calculated in alignment with the outcome and performance measures established in RCW 43.20A.895, 70.320.020, and 71.36.025, and incentive payments for early adopter counties shall be made available for up to a six-year period, or until full integration of medical and behavioral health services is accomplished statewide, whichever comes sooner, according to rules to be developed by the secretary and health care authority.

Sec. 6. RCW 71.24.015 and 2005 c 503 s 1 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs that focus on resilience and recovery, and practices that are evidence-based, research-based, consensus-based, or, where these do not exist, promising or emerging best practices, which provide for:

(1) Access to mental health services for adults ((of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed)) with mental illness and children ((of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed,)) with mental illness or emotional disturbances who meet access to care standards which services recognize the special needs of underserved populations, including minorities, children, the elderly, ((disabled)) individuals with disabilities, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of ((mentally ill)) children with mental illness and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in

response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) The involvement of persons with mental illness, their family members, and advocates in designing and implementing mental health services that reduce unnecessary hospitalization and incarceration and promote the recovery and employment of persons with mental illness. To improve the quality of services available and promote the rehabilitation, recovery, and reintegration of persons with mental illness, consumer and advocate participation in mental health services is an integral part of the community mental health system and shall be supported;

(3) Accountability of efficient and effective services through state-of-the-art outcome and performance measures and statewide standards for monitoring client and system outcomes, performance, and reporting of client and system outcome information. These processes shall be designed so as to maximize the use of available resources for direct care of people with a mental illness and to assure uniform data collection across the state;

(4) Minimum service delivery standards;

(5) Priorities for the use of available resources for the care of ((the mentally ill)) individuals with mental illness consistent with the priorities defined in the statute;

(6) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, ((regional support networks)) behavioral health organizations, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of ((the mentally ill)) individuals with mental illness, and other service providers; and

(7) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders including services operated by consumers and advocates. The legislature intends to encourage the development of regional mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties ((are encouraged to)) must enter into joint operating agreements with other counties to form regional systems of care that are consistent with the regional service areas established under section 2 of this act. Regional systems of care, whether operated by a county, group of counties, or another entity shall integrate planning, administration, and service delivery duties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs. The legislature hereby finds and declares that sound fiscal management requires vigilance to ensure that funds appropriated by the legislature for the provision of needed community mental health programs and services are ultimately expended solely for the purpose for which they were appropriated, and not for any other purpose.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end, the legislature intends to promote active engagement with ((mentally ill)) persons with mental illness and collaboration between families and service providers.

Sec. 7. RCW 71.24.016 and 2006 c 333 s 102 are each amended to read as follows:

(1) The legislature intends that eastern and western state hospitals shall operate as clinical centers for handling the most

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complicated long-term care needs of patients with a primary diagnosis of mental disorder. It is further the intent of the legislature that the community mental health service delivery system focus on maintaining ~~((mentally ill))~~ individuals with mental illness in the community. The program shall be evaluated and managed through a limited number of outcome and performance measures ~~((designed to hold each regional support network accountable for program success))~~, as provided in RCW 43.20A.895, 70.320.020, and 71.36.025.

(2) The legislature intends to address the needs of people with mental disorders with a targeted, coordinated, and comprehensive set of evidence-based practices that are effective in serving individuals in their community and will reduce the need for placements in state mental hospitals. The legislature further intends to explicitly hold ~~((regional support networks))~~ behavioral health organizations accountable for serving people with mental disorders within the boundaries of their ~~((geographic boundaries))~~ regional service area and for not exceeding their allocation of state hospital beds. ~~((Within funds appropriated by the legislature for this purpose, regional support networks shall develop the means to serve the needs of people with mental disorders within their geographic boundaries. Elements of the program may include:~~
~~—(a) Crisis triage;~~
~~—(b) Evaluation and treatment and community hospital beds;~~
~~—(c) Residential beds;~~
~~—(d) Programs for community treatment teams; and~~
~~—(e) Outpatient services.~~
~~(3) The regional support network shall have the flexibility, within the funds appropriated by the legislature for this purpose, to design the mix of services that will be most effective within their service area of meeting the needs of people with mental disorders and avoiding placement of such individuals at the state mental hospital. Regional support networks are encouraged to maximize the use of evidence based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.))~~

NEW SECTION. Sec. 8. A new section is added to chapter 71.24 RCW to read as follows:

(1) By December 1, 2018, the department and the health care authority shall report to the governor and the legislature regarding the preparedness of each regional service area to provide mental health services, chemical dependency services, and medical care services to medicaid clients under a fully integrated managed care health system.

(2) By January 1, 2020, the community behavioral health program must be fully integrated in a managed care health system that provides mental health services, chemical dependency services, and medical care services to medicaid clients.

NEW SECTION. Sec. 9. A new section is added to chapter 71.24 RCW to read as follows:

(1) Within funds appropriated by the legislature for this purpose, behavioral health organizations shall develop the means to serve the needs of people with mental disorders residing within the boundaries of their regional service area. Elements of the program may include:

- (a) Crisis diversion services;
- (b) Evaluation and treatment and community hospital beds;
- (c) Residential treatment;
- (d) Programs for intensive community treatment;
- (e) Outpatient services;
- (f) Peer support services;
- (g) Community support services;
- (h) Resource management services; and
- (i) Supported housing and supported employment services.

(2) The behavioral health organization shall have the flexibility, within the funds appropriated by the legislature for this purpose and the terms of their contract, to design the mix of services that will be most effective within their service area of meeting the needs of people with mental disorders and avoiding placement of such individuals at the state mental hospital. Behavioral health organizations are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

Sec. 10. RCW 71.24.025 and 2013 c 338 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(6) "Community mental health program" means all mental health services, activities, or programs using available resources.

(7) "Community mental health service delivery system" means public, ~~((or))~~ private, or tribal agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(8) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic

screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by ~~((regional support networks))~~ behavioral health organizations.

(9) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(10) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(11) "Department" means the department of social and health services.

(12) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(13) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (14) of this section.

(14) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(15) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 or 70.96A RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, or tribal attestation that meets state minimum standards, or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(16) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(17) "Mental health services" means all services provided by ~~((regional support networks))~~ behavioral health organizations and other services provided by the state for persons who are mentally ill.

(18) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (4), (27), and (28) of this section.

(19) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(20) "~~((Regional support network))~~ Behavioral health organization" means ~~((a))~~ any county authority or group of county authorities or other entity recognized by the secretary in contract in a defined region.

(21) "Registration records" include all the records of the department, ~~((regional support networks))~~ behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(22) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (14) of this section but does not meet the full criteria for evidence-based.

(23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the ~~((regional support network))~~ behavioral health organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a ~~((regional support network))~~ behavioral health organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the ~~((regional support network))~~ behavioral health organization.

(26) "Secretary" means the secretary of social and health services.

(27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two

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years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the ~~((regional support network))~~ behavioral health organization to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(30) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by ~~((regional support networks))~~ behavioral health organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, ~~((regional support networks))~~ behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any ~~((regional support network))~~ behavioral health organization that would present a conflict of interest.

(32) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and chemical dependency treatment services as described in chapter 70.96A RCW.

Sec. 11. RCW 71.24.035 and 2013 c 200 s 24 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, tribal, and licensed service provider participation in developing the state mental health program, developing contracts with ~~((regional support networks))~~ behavioral health organizations, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the ~~((regional support network))~~ behavioral health organization if the ~~((regional support network))~~ behavioral health organization fails to meet state minimum standards or refuses to exercise responsibilities under its contract or RCW 71.24.045, until such time as a new ~~((regional support network))~~ behavioral health organization is designated ~~((under RCW 71.24.320))~~.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for adults and children with mental illness ~~((The secretary shall also develop a six year state mental health plan))~~;

(b) Assure that any ~~((regional))~~ behavioral health organization or county community mental health program provides (access to treatment for the region's residents, including parents who are respondents in dependency cases, in the following order of priority: (i) Persons with acute mental illness; (ii) adults with chronic mental illness and children who are severely emotionally disturbed; and (iii) persons who are seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for persons with mental illness which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in persons with mental illness becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the department;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

~~(ii) ((Regional support networks; and~~
~~—(iii))~~ Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of persons who are minorities, elderly, disabled, children, low-income, and parents who are respondents in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards (~~(RCW 71.24.320 and 71.24.330,))~~ which shall be used in contracting with ~~((regional support networks))~~ behavioral health organizations. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork requirements of ((regional support networks)) behavioral health organizations and licensed service providers. The audit procedure shall focus on the outcomes of service ~~((and not the processes for accomplishing them))~~ as provided in RCW 43.20A.895, 70.320.020, and 71.36.025;

(g) Develop and maintain an information system to be used by the state and ~~((regional support networks))~~ behavioral health organizations that includes a tracking method which allows the department and ~~((regional support networks))~~ behavioral health organizations to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(h) License service providers who meet state minimum standards;

~~(i) ((Certify regional support networks that meet state minimum standards;~~

~~—(j))~~ Periodically monitor the compliance of ~~((certified regional support networks))~~ behavioral health organizations and their network of licensed service providers for compliance with the contract between the department, the ~~((regional support network))~~ behavioral health organization, and federal and state rules at reasonable times and in a reasonable manner;

~~((k))~~ (i) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

~~((l))~~ (k) Monitor and audit ~~((regional support networks))~~ behavioral health organizations and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

~~((m))~~ (l) Adopt such rules as are necessary to implement the department's responsibilities under this chapter;

((n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services;

(o)) (m) License or certify crisis stabilization units that meet state minimum standards;

~~((p))~~ (n) License or certify clubhouses that meet state minimum standards; and

~~((q))~~ (o) License or certify triage facilities that meet state minimum standards.

(6) The secretary shall use available resources only for ~~((regional support networks))~~ behavioral health organizations, except;

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the

client outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each ~~((certified regional support network))~~ behavioral health organization and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A ~~((certified regional support network))~~ behavioral health organization or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may ~~((have its))~~ be subject to the behavioral health organization contractual remedies in section 3 of this act or may have its service provider certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any ~~((regional support network))~~ behavioral health organization or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any ~~((regional support network))~~ behavioral health organizations or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a ~~((regional support network))~~ behavioral health organization or service provider without a contract, certification, or a license under this chapter.

(12) The standards for certification or licensure of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The standards for certification or licensure of crisis stabilization units shall include standards that:

(a) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;

(b) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and

(c) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.

(14) The standards for certification or licensure of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff,

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public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(15) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(16) The secretary shall assume all duties assigned to the nonparticipating ~~((regional support networks))~~ behavioral health organizations under chapters 71.05 and 71.34 RCW and this chapter. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating ~~((regional support networks))~~ behavioral health organizations.

The ~~((regional support networks))~~ behavioral health organizations, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.34 RCW and this chapter, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(17) The secretary shall:

(a) Disburse funds for the ~~((regional support networks))~~ behavioral health organizations within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with ~~((regional support networks))~~ behavioral health organizations. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify ~~((regional support networks))~~ behavioral health organizations of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to ~~((regional support networks))~~ behavioral health organizations based solely upon formal findings of noncompliance with the terms of the ~~((regional support networks))~~ behavioral health organization's contract with the department. ~~((Regional support networks))~~ Behavioral health organizations disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the ~~((regional support networks))~~ behavioral health organizations.

(18) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically

report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 12. RCW 71.24.045 and 2006 c 333 s 105 are each amended to read as follows:

The regional support network shall:

(1) Contract as needed with licensed service providers. The regional support network may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the regional support network shall comply with rules promulgated by the secretary that shall provide measurements to determine when a regional support network provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the regional support network to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Establish reasonable limitations on administrative costs for agencies that contract with the behavioral health organization;

(5) Assure that the special needs of minorities, ~~((the elderly))~~ older adults, ~~((disabled))~~ individuals with disabilities, children, and low-income persons are met within the priorities established in this chapter;

~~((5))~~ (6) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

~~((6))~~ (7) Collaborate to ensure that policies do not result in an adverse shift of ~~((mentally ill))~~ persons with mental illness into state and local correctional facilities;

~~((7))~~ (8) Work with the department to expedite the enrollment or re-enrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

~~((8))~~ (9) If a regional support network is not operated by the county, work closely with the county designated mental health professional or county designated crisis responder to maximize appropriate placement of persons into community services; and

~~((9))~~ (10) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state ~~((mental))~~ psychiatric hospital to ensure they are transitioned into the community in accordance with mutually agreed upon discharge plans and upon determination by the medical director of the state ~~((mental))~~ psychiatric hospital that they no longer need intensive inpatient care.

Sec. 13. RCW 71.24.045 and 2014 c . . . s 11 (section 12 of this act) are each amended to read as follows:

The ~~((regional support network))~~ behavioral health organization shall:

(1) Contract as needed with licensed service providers. The ~~((regional support network))~~ behavioral health organization may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the ~~((regional support network))~~ behavioral health organization shall comply with rules promulgated by the secretary that shall provide measurements to determine when a ~~((regional~~

~~support network~~) behavioral health organization provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the ~~((regional support network))~~ behavioral health organization to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Establish reasonable limitations on administrative costs for agencies that contract with the behavioral health organization;

(5) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(7) Collaborate to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities;

(8) Work with the department to expedite the enrollment or re-enrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

(9) ~~((If a regional support network is not operated by the county,))~~ Work closely with the county designated mental health professional or county designated crisis responder to maximize appropriate placement of persons into community services; and

(10) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state psychiatric hospital to ensure they are transitioned into the community in accordance with mutually agreed upon discharge plans and upon determination by the medical director of the state psychiatric hospital that they no longer need intensive inpatient care.

Sec. 14. RCW 71.24.100 and 2012 c 117 s 442 are each amended to read as follows:

A county authority or a group of county authorities may enter into a joint operating agreement to ~~((form))~~ respond to a request for a detailed plan and contract with the state to operate a ((regional support network)) behavioral health organization whose boundaries are consistent with the regional service areas established under section 2 of this act. Any agreement between two or more county authorities ~~((for the establishment of a regional support network))~~ shall provide:

(1) That each county shall bear a share of the cost of mental health services; and

(2) That the treasurer of one participating county shall be the custodian of funds made available for the purposes of such mental health services, and that the treasurer may make payments from such funds upon audit by the appropriate auditing officer of the county for which he or she is treasurer.

Sec. 15. RCW 71.24.110 and 1999 c 10 s 7 are each amended to read as follows:

An agreement ~~((for the establishment of a community mental health program))~~ to contract with the state to operate a behavioral health organization under RCW 71.24.100 may also provide:

(1) For the joint supervision or operation of services and facilities, or for the supervision or operation of service and facilities by one participating county under contract for the other participating counties; and

(2) For such other matters as are necessary or proper to effectuate the purposes of this chapter.

Sec. 16. RCW 71.24.340 and 2005 c 503 s 13 are each amended to read as follows:

The secretary shall require the ~~((regional support networks))~~ behavioral health organizations to develop ~~((interlocal agreements~~

~~pursuant to RCW 74.09.555. To this end, the regional support networks shall))~~ agreements with city and county jails to accept referrals for enrollment on behalf of a confined person, prior to the person's release.

Sec. 17. RCW 71.24.420 and 2001 c 323 s 2 are each amended to read as follows:

The department shall operate the community mental health service delivery system authorized under this chapter within the following constraints:

(1) The full amount of federal funds for mental health services, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the community mental health service delivery system authorized in this chapter.

(2) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures ~~((defined in section 5 of this act))~~ established in RCW 43.20A.895 and 71.36.025 and performance measures linked to those outcomes.

(3) The department shall implement strategies that accomplish the outcome measures ~~((identified in section 5 of this act that are within the funding constraints in this section))~~ established in RCW 43.20A.895, 70.320.020, and 71.36.025 and performance measures linked to those outcomes.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section.

Sec. 18. RCW 70.96A.010 and 1989 c 271 s 304 are each amended to read as follows:

It is the policy of this state that ~~((alcoholics))~~ persons with alcoholism and intoxicated persons may not be subjected to criminal prosecution solely because of their consumption of alcoholic beverages but rather should, within available funds, be afforded a continuum of treatment in order that they may lead normal lives as productive members of society. Within available funds, treatment should also be provided for ~~((drug addicts))~~ persons with drug addiction.

Sec. 19. RCW 70.96A.011 and 1989 c 270 s 1 are each amended to read as follows:

The legislature finds that the use of alcohol and other drugs has become a serious threat to the health of the citizens of the state of Washington. The use of psychoactive chemicals has been found to be a prime factor in the current AIDS epidemic. Therefore, a comprehensive statute to deal with alcoholism and other drug addiction is necessary.

The legislature agrees with the 1987 resolution of the American Medical Association that endorses the proposition that all chemical dependencies, including alcoholism, are diseases. It is the intent of the legislature to ~~((end the sharp distinctions between alcoholism services and other drug addiction services, to))~~ recognize that chemical dependency is a disease, and to insure that prevention and treatment services are available and are of high quality. It is the purpose of this chapter to provide the financial assistance necessary to enable the department of social and health services to provide a ~~((discrete))~~ program of alcoholism and other drug addiction services.

Sec. 20. RCW 70.96A.020 and 2001 c 13 s 1 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) ~~((("Alcoholic" means a person who suffers from the disease of alcoholism.~~

~~—(2))~~ "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or

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psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

~~((3))~~ (2) "Approved treatment program" means a ~~((discrete))~~ program ~~((of chemical dependency treatment))~~ for persons with a substance use disorder provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

~~((4))~~ (3) "Chemical dependency" means:

(a) Alcoholism; (b) drug addiction; or (c) dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

~~((5))~~ (4) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.

~~((6))~~ (5) "Department" means the department of social and health services.

~~((7))~~ (6) "Designated chemical dependency specialist" or "specialist" means a person designated by the behavioral health organization or by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

~~((8))~~ (7) "Director" means the person administering the ~~((chemical dependency))~~ substance use disorder program within the department.

~~((9))~~ "Drug addict" means a person who suffers from the disease of drug addiction.

~~((10))~~ (8) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

~~((11))~~ (9) "Emergency service patrol" means a patrol established under RCW 70.96A.170.

~~((12))~~ (10) "Gravely disabled by alcohol or other psychoactive chemicals" or "gravely disabled" means that a person, as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.

~~((13))~~ (11) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, or a long-term alcoholism or drug treatment facility, or in confinement.

~~((14))~~ (12) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, is gravely disabled or presents a likelihood of serious harm to himself or herself, to any other person, or to property.

~~((15))~~ (13) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

~~((16))~~ (14) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

~~((17))~~ (15) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

~~((18))~~ (16) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self; (ii) physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused the harm or that places another person or persons in reasonable fear of sustaining the harm; or (iii) physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts.

~~((19))~~ (17) "Medical necessity" for inpatient care of a minor means a requested certified inpatient service that is reasonably calculated to: (a) Diagnose, arrest, or alleviate a chemical dependency; or (b) prevent the ~~((worsening of chemical dependency conditions))~~ progression of substance use disorders that endanger life or cause suffering and pain, or result in illness or infirmity or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no adequate less restrictive alternative available.

~~((20))~~ (18) "Minor" means a person less than eighteen years of age.

~~((21))~~ (19) "Parent" means the parent or parents who have the legal right to custody of the child. Parent includes custodian or guardian.

~~((22))~~ (20) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

~~((23))~~ (21) "Person" means an individual, including a minor.

~~((24))~~ (22) "Professional person in charge" or "professional person" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

~~((25))~~ (23) "Secretary" means the secretary of the department of social and health services.

~~((26))~~ (24) "Treatment" means the broad range of emergency, ~~((detoxification))~~ withdrawal management, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to ~~((alcoholics and other drug addicts))~~ persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

~~((27))~~ (25) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of ~~((alcoholics or other drug addicts))~~ persons with substance use disorder.

~~((28))~~ (26) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

(27) "Behavioral health organization" means a county authority or group of county authorities or other entity recognized by the secretary in contract in a defined regional service area.

(28) "Behavioral health services" means mental health services as described in chapters 71.24 and 71.36 RCW and chemical dependency treatment services as described in this chapter.

(29) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use

disorder is based on a pathological pattern of behaviors related to the use of the substances.

Sec. 21. RCW 70.96A.030 and 1989 c 270 s 4 are each amended to read as follows:

A (~~(discrete)~~) program (~~(of chemical dependency)~~) for persons with a substance use disorder is established within the department of social and health services, to be administered by a qualified person who has training and experience in handling alcoholism and other drug addiction problems or the organization or administration of treatment services for persons suffering from alcoholism or other drug addiction problems.

Sec. 22. RCW 70.96A.040 and 1989 c 270 s 5 are each amended to read as follows:

The department, in the operation of the chemical dependency program may:

(1) Plan, establish, and maintain prevention and treatment programs as necessary or desirable;

(2) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for services rendered or furnished to (~~(alcoholics or other drug addicts)~~) persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, or intoxicated persons;

(3) Enter into agreements for monitoring of verification of qualifications of counselors employed by approved treatment programs;

(4) Adopt rules under chapter 34.05 RCW to carry out the provisions and purposes of this chapter and contract, cooperate, and coordinate with other public or private agencies or individuals for those purposes;

(5) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(6) Administer or supervise the administration of the provisions relating to (~~(alcoholics, other drug addicts,)~~) persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(7) Coordinate its activities and cooperate with chemical dependency programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this and other states for the treatment of (~~(alcoholics and other drug addicts)~~) persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons and for the common advancement of chemical dependency programs;

(8) Keep records and engage in research and the gathering of relevant statistics;

(9) Do other acts and things necessary or convenient to execute the authority expressly granted to it;

(10) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide treatment programs.

Sec. 23. RCW 70.96A.050 and 2001 c 13 s 2 are each amended to read as follows:

The department shall:

(1) Develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and other drug addiction, treatment of (~~(alcoholics and other drug addicts)~~) persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and

intoxicated persons in cooperation with public and private agencies, organizations, and individuals and provide technical assistance and consultation services for these purposes;

(2) Assure that any behavioral health organization managed care contract, or managed care contract under RCW 74.09.522 for behavioral health services or programs for the treatment of persons with substance use disorders, and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons provides medically necessary services to medicaid recipients. This must include a continuum of mental health and chemical dependency services consistent with the state's medicaid plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the department;

(3) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism and drug addiction, and treatment of (~~(alcoholics and other drug addicts)~~) persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

~~((3))~~ (4) Cooperate with public and private agencies in establishing and conducting programs to provide treatment for (~~(alcoholics and other drug addicts)~~) persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons who are clients of the correctional system;

~~((4))~~ (5) Cooperate with the superintendent of public instruction, state board of education, schools, police departments, courts, and other public and private agencies, organizations and individuals in establishing programs for the prevention of alcoholism and other drug addiction, treatment of (~~(alcoholics or other drug addicts)~~) persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, and preparing curriculum materials thereon for use at all levels of school education;

~~((5))~~ (6) Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol and other psychoactive chemicals and the consequences of their use;

~~((6))~~ (7) Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of (~~(alcoholics or other drug addicts)~~) persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol and other psychoactive chemicals, the consequences of their use, the principles of recovery, and HIV and AIDS;

~~((7))~~ (8) Organize and foster training programs for persons engaged in treatment of (~~(alcoholics or other drug addicts)~~) persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

~~((8))~~ (9) Sponsor and encourage research into the causes and nature of alcoholism and other drug addiction, treatment of (~~(alcoholics and other drug addicts)~~) persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, and serve as a clearinghouse for information relating to alcoholism or other drug addiction;

~~((9))~~ (10) Specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

~~((10))~~ (11) Advise the governor in the preparation of a comprehensive plan for treatment of (~~(alcoholics and other drug addicts)~~) persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and

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intoxicated persons for inclusion in the state's comprehensive health plan;

~~((11))~~ (12) Review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to ~~((alcoholism and other drug addiction, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons))~~ substance use disorders;

~~((12))~~ (13) Assist in the development of, and cooperate with, programs for alcohol and other psychoactive chemical education and treatment for employees of state and local governments and businesses and industries in the state;

~~((13))~~ (14) Use the support and assistance of interested persons in the community to encourage ~~((alcoholics and other drug addicts))~~ persons with substance use disorders voluntarily to undergo treatment;

~~((14))~~ (15) Cooperate with public and private agencies in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

~~((15))~~ (16) Encourage general hospitals and other appropriate health facilities to admit without discrimination ~~((alcoholics and other drug addicts))~~ persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons and to provide them with adequate and appropriate treatment;

~~((16))~~ (17) Encourage all health and disability insurance programs to include alcoholism and other drug addiction as a covered illness; and

~~((17))~~ (18) Organize and sponsor a statewide program to help court personnel, including judges, better understand the disease of alcoholism and other drug addiction and the uses of chemical dependency treatment programs.

Sec. 24. RCW 70.96A.060 and 1989 c 270 s 8 are each amended to read as follows:

(1) An interdepartmental coordinating committee is established, composed of the superintendent of public instruction or his or her designee, the director of licensing or his or her designee, the executive secretary of the Washington state law enforcement training commission or his or her designee, and one or more designees (not to exceed three) of the secretary, one of whom shall be the director of the chemical dependency program. The committee shall meet at least twice annually at the call of the secretary, or his or her designee, who shall be its chair. The committee shall provide for the coordination of, and exchange of information on, all programs relating to alcoholism and other drug addiction, and shall act as a permanent liaison among the departments engaged in activities affecting ~~((alcoholics and other drug addicts))~~ persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons. The committee shall assist the secretary and director in formulating a comprehensive plan for prevention of alcoholism and other drug addiction, for treatment of ~~((alcoholics and other drug addicts))~~ persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

(2) In exercising its coordinating functions, the committee shall assure that:

(a) The appropriate state agencies provide or assure all necessary medical, social, treatment, and educational services for ~~((alcoholics and other drug addicts))~~ persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons and for the prevention of alcoholism and other chemical dependency, without unnecessary duplication of services;

(b) The several state agencies cooperate in the use of facilities and in the treatment of ~~((alcoholics and other drug addicts))~~ persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons; and

(c) All state agencies adopt approaches to the prevention of ~~((alcoholism and other drug addiction))~~ substance use disorders, the treatment of ~~((alcoholics and other drug addicts))~~ persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons consistent with the policy of this chapter.

Sec. 25. RCW 70.96A.080 and 1989 c 270 s 18 are each amended to read as follows:

(1) In coordination with the health care authority, the department shall establish by ((all)) appropriate means, ((including contracting for services,)) a comprehensive and coordinated ((discrete)) program for the treatment of ((alcoholics and other drug addicts)) persons with substance use disorders, and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

(2)(a) The program shall include, but not necessarily be limited to, a continuum of chemical dependency treatment services that includes:

~~((a))~~ Detoxification (i) Withdrawal management;

~~((b))~~ (ii) Residential treatment; and

~~((c))~~ (iii) Outpatient treatment.

(b) The program may include peer support, supported housing, supported employment, crisis diversion, or recovery support services.

(3) All appropriate public and private resources shall be coordinated with and used in the program when possible.

(4) The department may contract for the use of an approved treatment program or other individual or organization if the secretary considers this to be an effective and economical course to follow.

(5) By April 1, 2016, treatment provided under this chapter must be purchased primarily through managed care contracts. Consistent with RCW 70.96A.350, services and funding provided through the criminal justice treatment account are intended to be exempted from managed care contracting.

Sec. 26. RCW 70.96A.085 and 1989 c 270 s 12 are each amended to read as follows:

A city, town, or county that does not have its own facility or program for the treatment and rehabilitation of ~~((alcoholics and other drug addicts))~~ persons with substance use disorders may share in the use of a facility or program maintained by another city or county so long as it contributes no less than two percent of its share of liquor taxes and profits to the support of the facility or program.

Sec. 27. RCW 70.96A.100 and 1989 c 270 s 23 are each amended to read as follows:

The secretary shall adopt and may amend and repeal rules for acceptance of persons into the approved treatment program, considering available treatment resources and facilities, for the purpose of early and effective treatment of ~~((alcoholics and other drug addicts))~~ persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons. In establishing the rules, the secretary shall be guided by the following standards:

(1) If possible a patient shall be treated on a voluntary rather than an involuntary basis.

(2) A patient shall be initially assigned or transferred to outpatient treatment, unless he or she is found to require residential treatment.

(3) A person shall not be denied treatment solely because he or she has withdrawn from treatment against medical advice on a prior occasion or because he or she has relapsed after earlier treatment.

(4) An individualized treatment plan shall be prepared and maintained on a current basis for each patient.

(5) Provision shall be made for a continuum of coordinated treatment services, so that a person who leaves a facility or a form of treatment will have available and use other appropriate treatment.

Sec. 28. RCW 70.96A.110 and 1990 c 151 s 7 are each amended to read as follows:

(1) (~~An alcoholic or other drug addict~~) An individual with a substance use disorder may apply for voluntary treatment directly to an approved treatment program. If the proposed patient is a minor or an incompetent person, he or she, a parent, a legal guardian, or other legal representative may make the application.

(2) Subject to rules adopted by the secretary, the administrator in charge of an approved treatment program may determine who shall be admitted for treatment. If a person is refused admission to an approved treatment program, the administrator, subject to rules adopted by the secretary, shall refer the person to another approved treatment program for treatment if possible and appropriate.

(3) If a patient receiving inpatient care leaves an approved treatment program, he or she shall be encouraged to consent to appropriate outpatient treatment. If it appears to the administrator in charge of the treatment program that the patient is (~~an alcoholic or other drug addict~~) an individual with a substance use disorder who requires help, the department may arrange for assistance in obtaining supportive services and residential programs.

(4) If a patient leaves an approved public treatment program, with or against the advice of the administrator in charge of the program, the department may make reasonable provisions for his or her transportation to another program or to his or her home. If the patient has no home he or she should be assisted in obtaining shelter. If the patient is less than fourteen years of age or an incompetent person the request for discharge from an inpatient program shall be made by a parent, legal guardian, or other legal representative or by the minor or incompetent if he or she was the original applicant.

Sec. 29. RCW 70.96A.140 and 2001 c 13 s 3 are each amended to read as follows:

(1) When a designated chemical dependency specialist receives information alleging that a person presents a likelihood of serious harm or is gravely disabled as a result of chemical dependency, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court, district court, or in another court permitted by court rule.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to either a (~~county~~) designated mental health professional or an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020. If placement in a chemical dependency program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and presents a likelihood of serious harm or is gravely disabled by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for (~~detoification~~) withdrawal management, sobering services, or chemical dependency treatment pursuant to RCW 70.96A.110 or 70.96A.120, and is in need of a more sustained treatment program, or that the person is chemically dependent and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A

refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or (~~71.34.050~~) 71.34.710, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the designated chemical dependency specialist on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is chemically dependent shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an

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approved treatment program. It shall not order commitment of a person unless it determines that an approved treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed under this section shall remain in the program for treatment for a period of sixty days unless sooner discharged. At the end of the sixty-day period, he or she shall be discharged automatically unless the program, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she is chemically dependent and likely to inflict physical harm on another, the program shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(7) The approved treatment program shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to the custody of a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of a chemically dependent person committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a chemically dependent person committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose

commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

Sec. 30. RCW 70.96A.190 and 1989 c 270 s 32 are each amended to read as follows:

(1) No county, municipality, or other political subdivision may adopt or enforce a local law, ordinance, resolution, or rule having the force of law that includes drinking, being ~~((an alcoholic or drug addict))~~ an individual with a substance use disorder, or being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal or civil penalty or sanction.

(2) No county, municipality, or other political subdivision may interpret or apply any law of general application to circumvent the provision of subsection (1) of this section.

(3) Nothing in this chapter affects any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol or other psychoactive chemicals, or other similar offense involving the operation of a vehicle, aircraft, boat,

machinery, or other equipment, or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages or other psychoactive chemicals at stated times and places or by a particular class of persons; nor shall evidence of intoxication affect, other than as a defense, the application of any law, ordinance, resolution, or rule to conduct otherwise establishing the elements of an offense.

Sec. 31. RCW 70.96A.300 and 1989 c 270 s 15 are each amended to read as follows:

(1) A county or combination of counties acting jointly by agreement, referred to as "county" in this chapter, may create an alcoholism and other drug addiction board. This board may also be designated as a board for other related purposes.

(2) The board shall be composed of not less than seven nor more than fifteen members, who shall be chosen for their demonstrated concern for alcoholism and other drug addiction problems. Members of the board shall be representative of the community, shall include at least one-quarter recovered ~~((alcoholics or other recovered drug addicts))~~ persons with substance use disorders, and shall include minority group representation. No member may be a provider of alcoholism and other drug addiction treatment services. No more than four elected or appointed city or county officials may serve on the board at the same time. Members of the board shall serve three-year terms and hold office until their successors are appointed and qualified. They shall not be compensated for the performance of their duties as members of the board, but may be reimbursed for travel expenses.

(3) The alcoholism and other drug addiction board shall:

(a) Conduct public hearings and other investigations to determine the needs and priorities of county citizens;

(b) Prepare and recommend to the county legislative authority for approval, all plans, budgets, and applications by the county to the department and other state agencies on behalf of the county alcoholism and other drug addiction program;

(c) Monitor the implementation of the alcoholism and other drug addiction plan and evaluate the performance of the alcoholism and drug addiction program at least annually;

(d) Advise the county legislative authority and county alcoholism and other drug addiction program coordinator on matters relating to the alcoholism and other drug addiction program, including prevention and education;

(e) Nominate individuals to the county legislative authority for the position of county alcoholism and other drug addiction program coordinator. The nominees should have training and experience in the administration of alcoholism and other drug addiction services and shall meet the minimum qualifications established by rule of the department;

(f) Carry out other duties that the department may prescribe by rule.

Sec. 32. RCW 70.96A.320 and 2013 c 320 s 8 are each amended to read as follows:

(1) A county legislative authority, or two or more counties acting jointly, may establish an alcoholism and other drug addiction program. If two or more counties jointly establish the program, they shall designate one county to provide administrative and financial services.

(2) To be eligible for funds from the department for the support of the county alcoholism and other drug addiction program, the county legislative authority shall establish a county alcoholism and other drug addiction board under RCW 70.96A.300 and appoint a county alcoholism and other drug addiction program coordinator under RCW 70.96A.310.

(3) The county legislative authority may apply to the department for financial support for the county program of alcoholism and other drug addiction. To receive financial support, the county legislative authority shall submit a plan that meets the following conditions:

(a) It shall describe the prevention, early intervention, or recovery support services and activities to be provided;

(b) It shall include anticipated expenditures and revenues;

(c) It shall be prepared by the county alcoholism and other drug addiction program board and be adopted by the county legislative authority;

(d) It shall reflect maximum effective use of existing services and programs; and

(e) It shall meet other conditions that the secretary may require.

(4) The county may accept and spend gifts, grants, and fees, from public and private sources, to implement its program of alcoholism and other drug addiction.

(5) The department shall require that any agreement to provide financial support to a county that performs the activities of a service coordination organization for alcoholism and other drug addiction services must incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW.

(6) The county may subcontract for ~~((detoxification))~~ withdrawal management, residential treatment, or outpatient treatment with treatment programs that are approved treatment programs. The county may subcontract for other services with individuals or organizations approved by the department.

(7) To continue to be eligible for financial support from the department for the county alcoholism and other drug addiction program, an increase in state financial support shall not be used to supplant local funds from a source that was used to support the county alcoholism and other drug addiction program before the effective date of the increase.

Sec. 33. RCW 70.96A.800 and 2008 c 320 s 1 are each amended to read as follows:

(1) Subject to funds appropriated for this specific purpose, the secretary shall select and contract with counties to provide intensive case management for chemically dependent persons with histories of high utilization of crisis services at two sites. In selecting the two sites, the secretary shall endeavor to site one in an urban county, and one in a rural county; and to site them in counties other than those selected pursuant to RCW 70.96B.020, to the extent necessary to facilitate evaluation of pilot project results. Subject to funds appropriated for this specific purpose, the secretary may contract with additional counties to provide intensive case management.

(2) The contracted sites shall implement the pilot programs by providing intensive case management to persons with a primary chemical dependency diagnosis or dual primary chemical dependency and mental health diagnoses, through the employment of chemical dependency case managers. The chemical dependency case managers shall:

(a) Be trained in and use the integrated, comprehensive screening and assessment process adopted under RCW 70.96C.010;

(b) Reduce the use of crisis medical, chemical dependency and mental health services, including but not limited to, emergency room admissions, hospitalizations, ~~((detoxification))~~ withdrawal management programs, inpatient psychiatric admissions, involuntary treatment petitions, emergency medical services, and ambulance services;

(c) Reduce the use of emergency first responder services including police, fire, emergency medical, and ambulance services;

(d) Reduce the number of criminal justice interventions including arrests, violations of conditions of supervision, bookings, jail days, prison sanction day for violations, court appearances, and prosecutor and defense costs;

(e) Where appropriate and available, work with therapeutic courts including drug courts and mental health courts to maximize the outcomes for the individual and reduce the likelihood of reoffense;

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(f) Coordinate with local offices of the economic services administration to assist the person in accessing and remaining enrolled in those programs to which the person may be entitled;

(g) Where appropriate and available, coordinate with primary care and other programs operated through the federal government including federally qualified health centers, Indian health programs, and veterans' health programs for which the person is eligible to reduce duplication of services and conflicts in case approach;

(h) Where appropriate, advocate for the client's needs to assist the person in achieving and maintaining stability and progress toward recovery;

(i) Document the numbers of persons with co-occurring mental and substance abuse disorders and the point of determination of the co-occurring disorder by quadrant of intensity of need; and

(j) Where a program participant is under supervision by the department of corrections, collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

Sec. 34. RCW 71.24.049 and 2001 c 323 s 13 are each amended to read as follows:

By January 1st of each odd-numbered year, the ~~((regional support network))~~ behavioral health organization shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

Sec. 35. RCW 71.24.061 and 2007 c 359 s 7 are each amended to read as follows:

(1) The department shall provide flexibility in provider contracting to ~~((regional support networks))~~ behavioral health organizations for children's mental health services. Beginning with 2007-2009 biennium contracts, ~~((regional support network))~~ behavioral health organization contracts shall authorize ~~((regional support networks))~~ behavioral health organizations to allow and encourage licensed community mental health centers to subcontract with individual licensed mental health professionals when necessary to meet the need for an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington division of public behavioral health and justice policy. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, children's hospital and regional medical center, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally

diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the department and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3) To the extent that funds are specifically appropriated for this purpose, the department in collaboration with the evidence-based practice institute shall implement a pilot program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program. The program shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

Sec. 36. RCW 71.24.155 and 2001 c 323 s 14 are each amended to read as follows:

Grants shall be made by the department to ~~((regional support networks))~~ behavioral health organizations for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter.

Sec. 37. RCW 71.24.160 and 2011 c 343 s 6 are each amended to read as follows:

The ~~((regional support networks))~~ behavioral health organizations shall make satisfactory showing to the secretary that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, 1990. Maintenance of effort funds devoted to judicial services related to involuntary commitment reimbursed under RCW 71.05.730 must be expended for other purposes that further treatment for mental health and chemical dependency disorders.

Sec. 38. RCW 71.24.250 and 2001 c 323 s 16 are each amended to read as follows:

The ~~((regional support network))~~ behavioral health organization may accept and expend gifts and grants received from private, county, state, and federal sources.

Sec. 39. RCW 71.24.300 and 2008 c 261 s 4 are each amended to read as follows:

(1) Upon the request of a tribal authority or authorities within a ~~((regional support network))~~ behavioral health organization the joint operating agreement or the county authority shall allow for the

inclusion of the tribal authority to be represented as a party to the ~~((regional support network))~~ behavioral health organization.

(2) The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served.

(3) The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under ~~((regional support networks))~~ behavioral health organizations by rule, except to assure that all duties required of ~~((regional support networks))~~ behavioral health organizations are assigned and that counties and the ~~((regional support network))~~ behavioral health organization do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the ~~((regional support network's))~~ behavioral health organization's contract with the secretary.

(4) If a ~~((regional support network))~~ behavioral health organization is a private entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the ~~((regional support network))~~ behavioral health organization.

(5) The roles and responsibilities of the private entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

(6) ~~((Regional support networks))~~ Behavioral health organizations shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) Provide within the boundaries of each ~~((regional support network))~~ behavioral health organization evaluation and treatment services for at least ninety percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. ~~((Regional support networks))~~ Behavioral health organizations may contract to purchase evaluation and treatment services from other ~~((networks))~~ organizations if they are unable to provide for appropriate resources within their boundaries. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each ~~((regional support network))~~ behavioral health organization. Such exceptions are limited to:

(i) Contracts with neighboring or contiguous regions; or

(ii) Individuals detained or committed for periods up to seventeen days at the state hospitals at the discretion of the secretary.

(d) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as ~~((defined))~~ described in RCW 71.24.035, and mental health services to children.

(e) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(7) A ~~((regional support network))~~ behavioral health organization may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the persons with mental illness and which is within the boundaries of a ~~((regional support network))~~ behavioral health organization be made available to

support the operations of the ~~((regional support network))~~ behavioral health organization. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(8) Each ~~((regional support network))~~ behavioral health organization shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the ~~((regional support network))~~ behavioral health organization, and work with the ~~((regional support network))~~ behavioral health organization to resolve significant concerns regarding service delivery and outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding ~~((regional support network))~~ behavioral health organization performance. The composition of the board shall be broadly representative of the demographic character of the region and shall include, but not be limited to, representatives of consumers and families, law enforcement, and where the county is not the ~~((regional support network))~~ behavioral health organization, county elected officials. Composition and length of terms of board members may differ between ~~((regional support networks))~~ behavioral health organizations but shall be included in each ~~((regional support network's))~~ behavioral health organization's contract and approved by the secretary.

(9) ~~((Regional support networks))~~ Behavioral health organizations shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(10) ~~((Regional support networks))~~ Behavioral health organizations may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the ~~((regional support network))~~ behavioral health organization six-year operating and capital plan, timeline, and budget required by subsection (6) of this section.

Sec. 40. RCW 71.24.310 and 2013 2nd sp.s. c 4 s 994 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the ~~((regional support network))~~ behavioral health organization defined in RCW 71.24.025. For this reason, the legislature intends that the department and the ~~((regional support networks))~~ behavioral health organizations shall work together to implement chapter 71.05 RCW as follows:

(1) By June 1, 2006, ~~((regional support networks))~~ behavioral health organizations shall recommend to the department the number of state hospital beds that should be allocated for use by each ~~((regional support network))~~ behavioral health organization. The statewide total allocation shall not exceed the number of state hospital beds offering long-term inpatient care, as defined in this chapter, for which funding is provided in the biennial appropriations act.

(2) If there is consensus among the ~~((regional support networks))~~ behavioral health organizations regarding the number of state hospital beds that should be allocated for use by each ~~((regional support network))~~ behavioral health organization, the department shall contract with each ~~((regional support network))~~ behavioral health organization accordingly.

(3) If there is not consensus among the ~~((regional support networks))~~ behavioral health organizations regarding the number of beds that should be allocated for use by each ~~((regional support network))~~ behavioral health organization, the department shall establish by emergency rule the number of state hospital beds that

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are available for use by each (~~(regional support network)~~) behavioral health organization. The emergency rule shall be effective September 1, 2006. The primary factor used in the allocation shall be the estimated number of adults with acute and chronic mental illness in each (~~(regional support network)~~) behavioral health organization area, based upon population-adjusted incidence and utilization.

(4) The allocation formula shall be updated at least every three years to reflect demographic changes, and new evidence regarding the incidence of acute and chronic mental illness and the need for long-term inpatient care. In the updates, the statewide total allocation shall include (a) all state hospital beds offering long-term inpatient care for which funding is provided in the biennial appropriations act; plus (b) the estimated equivalent number of beds or comparable diversion services contracted in accordance with subsection (5) of this section.

(5) The department is encouraged to enter performance-based contracts with (~~(regional support networks)~~) behavioral health organizations to provide some or all of the (~~(regional support network's)~~) behavioral health organization's allocated long-term inpatient treatment capacity in the community, rather than in the state hospital. The performance contracts shall specify the number of patient days of care available for use by the (~~(regional support network)~~) behavioral health organization in the state hospital.

(6) If a (~~(regional support network)~~) behavioral health organization uses more state hospital patient days of care than it has been allocated under subsection (3) or (4) of this section, or than it has contracted to use under subsection (5) of this section, whichever is less, it shall reimburse the department for that care, except during the period of July 1, 2012, through December 31, 2013, where reimbursements may be temporarily altered per section 204, chapter 4, Laws of 2013 2nd sp. sess. The reimbursement rate per day shall be the hospital's total annual budget for long-term inpatient care, divided by the total patient days of care assumed in development of that budget.

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital and, during the 2007-2009 fiscal biennium, implementing new services that will enable a (~~(regional support network)~~) behavioral health organization to reduce its utilization of the state hospital. The department shall distribute the remaining half of such reimbursements among (~~(regional support networks)~~) behavioral health organizations that have used less than their allocated or contracted patient days of care at that hospital, proportional to the number of patient days of care not used.

Sec. 41. RCW 71.24.350 and 2013 c 23 s 189 are each amended to read as follows:

The department shall require each (~~(regional support network)~~) behavioral health organization to provide for a separately funded mental health ombuds office in each (~~(regional support network)~~) behavioral health organization that is independent of the (~~(regional support network)~~) behavioral health organization. The ombuds office shall maximize the use of consumer advocates.

Sec. 42. RCW 71.24.370 and 2006 c 333 s 103 are each amended to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after March 29, 2006.

(2) Except as expressly provided in contracts entered into between the department and the (~~(regional support networks)~~) behavioral health organizations after March 29, 2006, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for

actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care.

(3) This section applies to counties, (~~(regional support networks)~~) behavioral health organizations, and entities which contract to provide (~~(regional support network)~~) behavioral health organization services and their subcontractors, agents, or employees.

Sec. 43. RCW 71.24.455 and 1997 c 342 s 2 are each amended to read as follows:

(1) The secretary shall select and contract with a (~~(regional support network)~~) behavioral health organization or private provider to provide specialized access and services to (~~(mentally ill)~~) offenders with mental illness upon release from total confinement within the department of corrections who have been identified by the department of corrections and selected by the (~~(regional support network)~~) behavioral health organization or private provider as high-priority clients for services and who meet service program entrance criteria. The program shall enroll no more than twenty-five offenders at any one time, or a number of offenders that can be accommodated within the appropriated funding level, and shall seek to fill any vacancies that occur.

(2) Criteria shall include a determination by department of corrections staff that:

(a) The offender suffers from a major mental illness and needs continued mental health treatment;

(b) The offender's previous crime or crimes have been determined by either the court or department of corrections staff to have been substantially influenced by the offender's mental illness;

(c) It is believed the offender will be less likely to commit further criminal acts if provided ongoing mental health care;

(d) The offender is unable or unlikely to obtain housing and/or treatment from other sources for any reason; and

(e) The offender has at least one year remaining before his or her sentence expires but is within six months of release to community housing and is currently housed within a work release facility or any department of corrections' division of prisons facility.

(3) The (~~(regional support network)~~) behavioral health organization or private provider shall provide specialized access and services to the selected offenders. The services shall be aimed at lowering the risk of recidivism. An oversight committee composed of a representative of the department, a representative of the selected (~~(regional support network)~~) behavioral health organization or private provider, and a representative of the department of corrections shall develop policies to guide the pilot program, provide dispute resolution including making determinations as to when entrance criteria or required services may be waived in individual cases, advise the department of corrections and the (~~(regional support network)~~) behavioral health organization or private provider on the selection of eligible offenders, and set minimum requirements for service contracts. The selected (~~(regional support network)~~) behavioral health organization or private provider shall implement the policies and service contracts. The following services shall be provided:

(a) Intensive case management to include a full range of intensive community support and treatment in client-to-staff ratios of not more than ten offenders per case manager including: (i) A minimum of weekly group and weekly individual counseling; (ii) home visits by the program manager at least two times per month; and (iii) counseling focusing on relapse prevention and past, current, or future behavior of the offender.

(b) The case manager shall attempt to locate and procure housing appropriate to the living and clinical needs of the offender

and as needed to maintain the psychiatric stability of the offender. The entire range of emergency, transitional, and permanent housing and involuntary hospitalization must be considered as available housing options. A housing subsidy may be provided to offenders to defray housing costs up to a maximum of six thousand six hundred dollars per offender per year and be administered by the case manager. Additional funding sources may be used to offset these costs when available.

(c) The case manager shall collaborate with the assigned prison, work release, or community corrections staff during release planning, prior to discharge, and in ongoing supervision of the offender while under the authority of the department of corrections.

(d) Medications including the full range of psychotropic medications including atypical antipsychotic medications may be required as a condition of the program. Medication prescription, medication monitoring, and counseling to support offender understanding, acceptance, and compliance with prescribed medication regimens must be included.

(e) A systematic effort to engage offenders to continuously involve themselves in current and long-term treatment and appropriate rehabilitative activities shall be made.

(f) Classes appropriate to the clinical and living needs of the offender and appropriate to his or her level of understanding.

(g) The case manager shall assist the offender in the application and qualification for entitlement funding, including medicaid, state assistance, and other available government and private assistance at any point that the offender is qualified and resources are available.

(h) The offender shall be provided access to daily activities such as drop-in centers, prevocational and vocational training and jobs, and volunteer activities.

(4) Once an offender has been selected into the pilot program, the offender shall remain in the program until the end of his or her sentence or unless the offender is released from the pilot program earlier by the department of corrections.

(5) Specialized training in the management and supervision of high- crime risk ~~((mentally ill))~~ offenders with mental illness shall be provided to all participating mental health providers by the department and the department of corrections prior to their participation in the program and as requested thereafter.

(6) The pilot program provided for in this section must be providing services by July 1, 1998.

Sec. 44. RCW 71.24.470 and 2009 c 319 s 1 are each amended to read as follows:

(1) The secretary shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the secretary deems necessary to assist offenders identified under RCW 72.09.370 for participation in the offender reentry community safety program. The contracts may be with ~~((regional support networks))~~ behavioral health organizations or any other qualified and appropriate entities.

(2) The case manager has the authority to assist these offenders in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, obtaining chemical dependency treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section and distributed to the ~~((regional support networks))~~ behavioral health organizations are to supplement and not supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and

are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The offender reentry community safety program was formerly known as the community integration assistance program.

Sec. 45. RCW 71.24.480 and 2009 c 319 s 2 are each amended to read as follows:

(1) A licensed service provider or ~~((regional support network))~~ behavioral health organization, acting in the course of the provider's or ~~((network's))~~ organization's duties under this chapter, is not liable for civil damages resulting from the injury or death of another caused by a participant in the offender reentry community safety program who is a client of the provider or ~~((network))~~ organization, unless the act or omission of the provider or ~~((network))~~ organization constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed service provider and ~~((regional support network))~~ behavioral health organization shall report an offender's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed service provider's or ~~((regional support network's))~~ behavioral health organization's mere act of treating a participant in the offender reentry community safety program is not negligence. Nothing in this subsection alters the licensed service provider's or ~~((regional support network's))~~ behavioral health organization's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed service providers and ~~((regional support networks))~~ behavioral health organizations and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the offender reentry community safety program" means a person who has been identified under RCW 72.09.370 as an offender who: (a) Is reasonably believed to be dangerous to himself or herself or others; and (b) has a mental disorder.

Sec. 46. RCW 71.24.845 and 2013 c 230 s 1 are each amended to read as follows:

The ~~((regional support networks))~~ behavioral health organizations shall jointly develop a uniform transfer agreement to govern the transfer of clients between ~~((regional support networks))~~ behavioral health organizations. By September 1, 2013, the ~~((regional support networks))~~ behavioral health organizations shall submit the uniform transfer agreement to the department. By December 1, 2013, the department shall establish guidelines to implement the uniform transfer agreement and may modify the uniform transfer agreement as necessary to avoid impacts on state administrative systems.

Sec. 47. RCW 71.24.055 and 2007 c 359 s 4 are each amended to read as follows:

As part of the system transformation initiative, the department of social and health services shall undertake the following activities related specifically to children's mental health services:

(1) The development of recommended revisions to the access to care standards for children. The recommended revisions shall reflect the policies and principles set out in RCW 71.36.005, 71.36.010, and 71.36.025, and recognize that early identification, intervention and prevention services, and brief intervention services may be provided outside of the ~~((regional support network))~~ behavioral health organization system. Revised access to care

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standards shall assess a child's need for mental health services based upon the child's diagnosis and its negative impact upon his or her persistent impaired functioning in family, school, or the community, and should not solely condition the receipt of services upon a determination that a child is engaged in high risk behavior or is in imminent need of hospitalization or out-of-home placement. Assessment and diagnosis for children under five years of age shall be determined using a nationally accepted assessment tool designed specifically for children of that age. The recommendations shall also address whether amendments to RCW 71.24.025 ~~((26) and~~) (27) and (28) and 71.24.035(5) are necessary to implement revised access to care standards;

(2) Development of a revised children's mental health benefit package. The department shall ensure that services included in the children's mental health benefit package reflect the policies and principles included in RCW 71.36.005 and 71.36.025, to the extent allowable under medicaid, Title XIX of the federal social security act. Strong consideration shall be given to developmentally appropriate evidence-based and research-based practices, family-based interventions, the use of natural and peer supports, and community support services. This effort shall include a review of other states' efforts to fund family-centered children's mental health services through their medicaid programs;

(3) Consistent with the timeline developed for the system transformation initiative, recommendations for revisions to the children's access to care standards and the children's mental health services benefits package shall be presented to the legislature by January 1, 2009.

Sec. 48. RCW 71.24.065 and 2007 c 359 s 10 are each amended to read as follows:

To the extent funds are specifically appropriated for this purpose, the department of social and health services shall contract for implementation of a wraparound model of integrated children's mental health services delivery in up to four ~~((regional support network))~~ behavioral health organization regions in Washington state in which wraparound programs are not currently operating, and in up to two ~~((regional support network))~~ behavioral health organization regions in which wraparound programs are currently operating. Contracts in regions with existing wraparound programs shall be for the purpose of expanding the number of children served.

(1) Funding provided may be expended for: Costs associated with a request for proposal and contracting process; administrative costs associated with successful bidders' operation of the wraparound model; the evaluation under subsection (5) of this section; and funding for services needed by children enrolled in wraparound model sites that are not otherwise covered under existing state programs. The services provided through the wraparound model sites shall include, but not be limited to, services covered under the medicaid program. The department shall maximize the use of medicaid and other existing state-funded programs as a funding source. However, state funds provided may be used to develop a broader service package to meet needs identified in a child's care plan. Amounts provided shall supplement, and not supplant, state, local, or other funding for services that a child being served through a wraparound site would otherwise be eligible to receive.

(2) The wraparound model sites shall serve children with serious emotional or behavioral disturbances who are at high risk of residential or correctional placement or psychiatric hospitalization, and who have been referred for services from the department, a county juvenile court, a tribal court, a school, or a licensed mental health provider or agency.

(3) Through a request for proposal process, the department shall contract, with ~~((regional support networks))~~ behavioral health organizations, alone or in partnership with either educational service

districts or entities licensed to provide mental health services to children with serious emotional or behavioral disturbances, to operate the wraparound model sites. The contractor shall provide care coordination and facilitate the delivery of services and other supports to families using a strength-based, highly individualized wraparound process. The request for proposal shall require that:

(a) The ~~((regional support network))~~ behavioral health organization agree to use its medicaid revenues to fund services included in the existing ~~((regional support network's))~~ behavioral health organization's benefit package that a medicaid-eligible child participating in the wraparound model site is determined to need;

(b) The contractor provide evidence of commitments from at least the following entities to participate in wraparound care plan development and service provision when appropriate: Community mental health agencies, schools, the department of social and health services children's administration, juvenile courts, the department of social and health services juvenile rehabilitation administration, and managed health care systems contracting with the department under RCW 74.09.522; and

(c) The contractor will operate the wraparound model site in a manner that maintains fidelity to the wraparound process as defined in RCW 71.36.010.

(4) Contracts for operation of the wraparound model sites shall be executed on or before April 1, 2008, with enrollment and service delivery beginning on or before July 1, 2008.

(5) The evidence-based practice institute established in RCW 71.24.061 shall evaluate the wraparound model sites, measuring outcomes for children served. Outcomes measured shall include, but are not limited to: Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, school attendance, school performance, recidivism, emergency room utilization, involvement with the juvenile justice system, decreased use of psychotropic medication, and decreased hospitalization.

(6) The evidence-based practice institute shall provide a report and recommendations to the appropriate committees of the legislature by December 1, 2010.

Sec. 49. RCW 71.24.240 and 2005 c 503 s 10 are each amended to read as follows:

In order to establish eligibility for funding under this chapter, any ~~((regional support network))~~ behavioral health organization seeking to obtain federal funds for the support of any aspect of a community mental health program as defined in this chapter shall submit program plans to the secretary for prior review and approval before such plans are submitted to any federal agency.

Sec. 50. RCW 71.24.320 and 2008 c 261 s 5 are each amended to read as follows:

(1) If an existing ~~((regional support network))~~ behavioral health organization chooses not to respond to a request for ~~((qualifications))~~ a detailed plan, or is unable to substantially meet the requirements of a request for ~~((qualifications))~~ a detailed plan, or notifies the department of social and health services it will no longer serve as a ~~((regional support network))~~ behavioral health organization, the department shall utilize a procurement process in which other entities recognized by the secretary may bid to serve as the ~~((regional support network))~~ behavioral health organization.

(a) The request for proposal shall include a scoring factor for proposals that include additional financial resources beyond that provided by state appropriation or allocation.

(b) The department shall provide detailed briefings to all bidders in accordance with department and state procurement policies.

(c) The request for proposal shall also include a scoring factor for proposals submitted by nonprofit entities that include a component to maximize the utilization of state provided resources

and the leverage of other funds for the support of mental health services to persons with mental illness.

(2) A ~~((regional support network))~~ behavioral health organization that voluntarily terminates, refuses to renew, or refuses to sign a mandatory amendment to its contract to act as a ~~((regional support network))~~ behavioral health organization is prohibited from responding to a procurement under this section or serving as a ~~((regional support network))~~ behavioral health organization for five years from the date that the department signs a contract with the entity that will serve as the ~~((regional support network))~~ behavioral health organization.

Sec. 51. RCW 71.24.330 and 2013 c 320 s 9 are each amended to read as follows:

(1)(a) Contracts between a ~~((regional support network))~~ behavioral health organization and the department shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial penalties, termination of the contract, and reprourement of the contract.

(b) The department shall incorporate the criteria to measure the performance of service coordination organizations into contracts with ~~((regional support networks))~~ behavioral health organizations as provided in chapter 70.320 RCW.

(2) The ~~((regional support network))~~ behavioral health organization procurement processes shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. However, a ~~((regional support network))~~ behavioral health organization selected through the procurement process is not required to contract for services with any county-owned or operated facility. The ~~((regional support network))~~ behavioral health organization procurement process shall provide that public funds appropriated by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the ~~((regional support network))~~ behavioral health organization does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

(c) Require substantial implementation of department adopted integrated screening and assessment process and matrix of best practices;

(d) Maintain the decision-making independence of designated mental health professionals;

(e) Except at the discretion of the secretary or as specified in the biennial budget, require ~~((regional support networks))~~ behavioral health organizations to pay the state for the costs associated with individuals who are being served on the grounds of the state hospitals and who are not receiving long-term inpatient care as defined in RCW 71.24.025;

(f) Include a negotiated alternative dispute resolution clause; and

(g) Include a provision requiring either party to provide one hundred eighty days' notice of any issue that may cause either party to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to act as a ~~((regional support network))~~ behavioral health organization. If either party decides to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to serve as a ~~((regional support network))~~

behavioral health organization they shall provide ninety days' advance notice in writing to the other party.

Sec. 52. RCW 71.24.360 and 2012 c 91 s 1 are each amended to read as follows:

(1) The department may establish new ~~((regional support network))~~ behavioral health organization boundaries in any part of the state:

(a) Where more than one ~~((network))~~ organization chooses not to respond to, or is unable to substantially meet the requirements of, the request for ~~((qualifications))~~ a detailed plan under RCW 71.24.320;

(b) Where a ~~((regional support network))~~ behavioral health organization is subject to reprourement under RCW 71.24.330; or

(c) Where two or more ~~((regional support networks))~~ behavioral health organizations propose to reconfigure themselves to achieve consolidation, in which case the procurement process described in RCW 71.24.320 and 71.24.330(2) does not apply.

(2) The department may establish no fewer than six and no more than fourteen ~~((regional support networks))~~ behavioral health organizations under this chapter. No entity shall be responsible for more than three ~~((regional support networks))~~ behavioral health organizations.

Sec. 53. RCW 71.24.405 and 2001 c 323 s 19 are each amended to read as follows:

The department shall establish a comprehensive and collaborative effort within ~~((regional support networks))~~ behavioral health organizations and with local mental health service providers aimed at creating innovative and streamlined community mental health service delivery systems, in order to carry out the purposes set forth in RCW 71.24.400 and to capture the diversity of the community mental health service delivery system.

The department must accomplish the following:

(1) Identification, review, and cataloging of all rules, regulations, duplicative administrative and monitoring functions, and other requirements that currently lead to inefficiencies in the community mental health service delivery system and, if possible, eliminate the requirements;

(2) The systematic and incremental development of a single system of accountability for all federal, state, and local funds provided to the community mental health service delivery system. Systematic efforts should be made to include federal and local funds into the single system of accountability;

(3) The elimination of process regulations and related contract and reporting requirements. In place of the regulations and requirements, a set of outcomes for mental health adult and children clients according to chapter 71.24 RCW must be used to measure the performance of mental health service providers and ~~((regional support networks))~~ behavioral health organizations. Such outcomes shall focus on stabilizing out-of-home and hospital care, increasing stable community living, increasing age-appropriate activities, achieving family and consumer satisfaction with services, and system efficiencies;

(4) Evaluation of the feasibility of contractual agreements between the department of social and health services and ~~((regional support networks))~~ behavioral health organizations and mental health service providers that link financial incentives to the success or failure of mental health service providers and ~~((regional support networks))~~ behavioral health organizations to meet outcomes established for mental health service clients;

(5) The involvement of mental health consumers and their representatives. Mental health consumers and their representatives will be involved in the development of outcome standards for mental health clients under section 5 of this act; and

(6) An independent evaluation component to measure the success of the department in fully implementing the provisions of RCW 71.24.400 and this section.

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Sec. 54. RCW 71.24.430 and 2001 c 323 s 3 are each amended to read as follows:

(1) The department shall ensure the coordination of allied services for mental health clients. The department shall implement strategies for resolving organizational, regulatory, and funding issues at all levels of the system, including the state, the ~~((regional support networks))~~ behavioral health organizations, and local service providers.

(2) The department shall propose, in operating budget requests, transfers of funding among programs to support collaborative service delivery to persons who require services from multiple department programs. The department shall report annually to the appropriate committees of the senate and house of representatives on actions and projects it has taken to promote collaborative service delivery.

Sec. 55. RCW 74.09.522 and 2013 2nd sp.s. c 17 s 13 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(b) "Nonparticipating provider" means a person, health care provider, practitioner, facility, or entity, acting within their scope of practice, that does not have a written contract to participate in a managed health care system's provider network, but provides health care services to enrollees of programs authorized under this chapter whose health care services are provided by the managed health care system.

(2) The authority shall enter into agreements with managed health care systems to provide health care services to recipients of temporary assistance for needy families under the following conditions:

(a) Agreements shall be made for at least thirty thousand recipients statewide;

(b) Agreements in at least one county shall include enrollment of all recipients of temporary assistance for needy families;

(c) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system: PROVIDED, That the authority may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed twelve months: AND PROVIDED FURTHER, That the authority shall not restrict a recipient's right to terminate enrollment in a system for good cause as established by the authority by rule;

(d) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except as authorized by the authority under federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e)(i) In negotiating with managed health care systems the authority shall adopt a uniform procedure to enter into contractual

arrangements, to be included in contracts issued or renewed on or after January 1, 2015, including:

(A) Standards regarding the quality of services to be provided; (B) The financial integrity of the responding system;

(C) Provider reimbursement methods that incentivize chronic care management within health homes, including comprehensive medication management services for patients with multiple chronic conditions consistent with the findings and goals established in RCW 74.09.5223;

(D) Provider reimbursement methods that reward health homes that, by using chronic care management, reduce emergency department and inpatient use;

(E) Promoting provider participation in the program of training and technical assistance regarding care of people with chronic conditions described in RCW 43.70.533, including allocation of funds to support provider participation in the training, unless the managed care system is an integrated health delivery system that has programs in place for chronic care management;

(F) Provider reimbursement methods within the medical billing processes that incentivize pharmacists or other qualified providers licensed in Washington state to provide comprehensive medication management services consistent with the findings and goals established in RCW 74.09.5223; ~~((and))~~

(G) Evaluation and reporting on the impact of comprehensive medication management services on patient clinical outcomes and total health care costs, including reductions in emergency department utilization, hospitalization, and drug costs; and

(H) Established consistent processes to incentivize integration of behavioral health services in the primary care setting, promoting care that is integrated, collaborative, co-located, and preventive.

(ii)(A) Health home services contracted for under this subsection may be prioritized to enrollees with complex, high cost, or multiple chronic conditions.

(B) Contracts that include the items in (e)(i)(C) through (G) of this subsection must not exceed the rates that would be paid in the absence of these provisions;

(f) The authority shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The authority shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the authority may enter into prepaid capitation contracts that do not include inpatient care;

(h) The authority shall define those circumstances under which a managed health care system is responsible for out-of-plan services and assure that recipients shall not be charged for such services;

(i) Nothing in this section prevents the authority from entering into similar agreements for other groups of people eligible to receive services under this chapter; and

(j) The authority must consult with the federal center for medicare and medicaid innovation and seek funding opportunities to support health homes.

(3) The authority shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate as managed health care systems are seriously considered as contractors. The authority shall coordinate its managed care activities with activities under chapter 70.47 RCW.

(4) The authority shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

(5) The legislature finds that competition in the managed health care marketplace is enhanced, in the long term, by the existence of a large number of managed health care system options for medicaid

clients. In a managed care delivery system, whose goal is to focus on prevention, primary care, and improved enrollee health status, continuity in care relationships is of substantial importance, and disruption to clients and health care providers should be minimized. To help ensure these goals are met, the following principles shall guide the authority in its healthy options managed health care purchasing efforts:

(a) All managed health care systems should have an opportunity to contract with the authority to the extent that minimum contracting requirements defined by the authority are met, at payment rates that enable the authority to operate as far below appropriated spending levels as possible, consistent with the principles established in this section.

(b) Managed health care systems should compete for the award of contracts and assignment of medicaid beneficiaries who do not voluntarily select a contracting system, based upon:

(i) Demonstrated commitment to or experience in serving low-income populations;

(ii) Quality of services provided to enrollees;

(iii) Accessibility, including appropriate utilization, of services offered to enrollees;

(iv) Demonstrated capability to perform contracted services, including ability to supply an adequate provider network;

(v) Payment rates; and

(vi) The ability to meet other specifically defined contract requirements established by the authority, including consideration of past and current performance and participation in other state or federal health programs as a contractor.

(c) Consideration should be given to using multiple year contracting periods.

(d) Quality, accessibility, and demonstrated commitment to serving low-income populations shall be given significant weight in the contracting, evaluation, and assignment process.

(e) All contractors that are regulated health carriers must meet state minimum net worth requirements as defined in applicable state laws. The authority shall adopt rules establishing the minimum net worth requirements for contractors that are not regulated health carriers. This subsection does not limit the authority of the Washington state health care authority to take action under a contract upon finding that a contractor's financial status seriously jeopardizes the contractor's ability to meet its contract obligations.

(f) Procedures for resolution of disputes between the authority and contract bidders or the authority and contracting carriers related to the award of, or failure to award, a managed care contract must be clearly set out in the procurement document.

(6) The authority may apply the principles set forth in subsection (5) of this section to its managed health care purchasing efforts on behalf of clients receiving supplemental security income benefits to the extent appropriate.

(7) By April 1, 2016, any contract with a managed health care system to provide services to medical assistance enrollees shall require that managed health care systems offer contracts to behavioral health organizations, mental health providers, or chemical dependency treatment providers to provide access to primary care services integrated into behavioral health clinical settings, for individuals with behavioral health and medical comorbidities.

(8) Managed health care system contracts effective on or after April 1, 2016, shall serve geographic areas that correspond to the regional service areas established in section 2 of this act.

(9) A managed health care system shall pay a nonparticipating provider that provides a service covered under this chapter to the system's enrollee no more than the lowest amount paid for that service under the managed health care system's contracts with similar providers in the state.

~~((8))~~ (10) For services covered under this chapter (medical assistance or medical care services enrollees and provided on or after August 24, 2011, nonparticipating providers must accept as payment in full the amount paid by the managed health care system under subsection (7) of this section in addition to any deductible, coinsurance, or copayment that is due from the enrollee for the service provided. An enrollee is not liable to any nonparticipating provider for covered services, except for amounts due for any deductible, coinsurance, or copayment under the terms and conditions set forth in the managed health care system contract to provide services under this section.

~~((9))~~ (11) Pursuant to federal managed care access standards, 42 C.F.R. Sec. 438, managed health care systems must maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the authority, including hospital-based physician services. The authority will monitor and periodically report on the proportion of services provided by contracted providers and nonparticipating providers, by county, for each managed health care system to ensure that managed health care systems are meeting network adequacy requirements. No later than January 1st of each year, the authority will review and report its findings to the appropriate policy and fiscal committees of the legislature for the preceding state fiscal year.

~~((40))~~ (12) Payments under RCW 74.60.130 are exempt from this section.

~~((44))~~ (13) Subsections ~~((7))~~ (9) through ~~((9))~~ (11) of this section expire July 1, 2016.

Sec. 56. RCW 9.41.280 and 2009 c 453 s 1 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law

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enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated mental health professional unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

The designated mental health professional may determine whether to refer the person to the county-designated chemical dependency specialist for examination and evaluation in accordance with chapter 70.96A RCW. The county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 70.96A RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated mental health professional or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated mental health professional and county-designated chemical dependency specialist shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated mental health professional determines it is appropriate, the designated mental health professional may refer the person to the local ~~((regional support network))~~ behavioral health organization for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

Sec. 57. RCW 10.31.110 and 2011 c 305 s 7 and 2011 c 148 s 3 are each reenacted and amended to read as follows:

(1) When a police officer has reasonable cause to believe that the individual has committed acts constituting a nonfelony crime that is not a serious offense as identified in RCW 10.77.092 and the individual is known by history or consultation with the ~~((regional support network))~~ behavioral health organization to suffer from a mental disorder, the arresting officer may:

(a) Take the individual to a crisis stabilization unit as defined in RCW 71.05.020(6). Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours. The individual must be examined by a mental health professional within three hours of arrival;

(b) Take the individual to a triage facility as defined in RCW 71.05.020. An individual delivered to a triage facility which has elected to operate as an involuntary facility may be held up to a period of twelve hours. The individual must be examined by a mental health professional within three hours of arrival;

(c) Refer the individual to a mental health professional for evaluation for initial detention and proceeding under chapter 71.05 RCW; or

(d) Release the individual upon agreement to voluntary participation in outpatient treatment.

(2) If the individual is released to the community, the mental health provider shall inform the arresting officer of the release within a reasonable period of time after the release if the arresting officer has specifically requested notification and provided contact information to the provider.

(3) In deciding whether to refer the individual to treatment under this section, the police officer shall be guided by standards mutually agreed upon with the prosecuting authority, which address, at a minimum, the length, seriousness, and recency of the known criminal history of the individual, the mental health history of the individual, where available, and the circumstances surrounding the commission of the alleged offense.

(4) Any agreement to participate in treatment shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in a mental health treatment alternative. The agreement is inadmissible in any criminal or civil proceeding. The agreement does not create immunity from prosecution for the alleged criminal activity.

(5) If an individual violates such agreement and the mental health treatment alternative is no longer appropriate:

(a) The mental health provider shall inform the referring law enforcement agency of the violation; and

(b) The original charges may be filed or referred to the prosecutor, as appropriate, and the matter may proceed accordingly.

(6) The police officer is immune from liability for any good faith conduct under this section.

Sec. 58. RCW 10.77.010 and 2011 c 89 s 4 are each amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(4) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(5) "Department" means the state department of social and health services.

(6) "Designated mental health professional" has the same meaning as provided in RCW 71.05.020.

(7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(9) "Developmental disability" means the condition as defined in RCW 71A.10.020~~((3))~~(4).

(10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time

spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(14) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(15) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(16) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(17) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(18) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(19) "Registration records" include all the records of the department, ~~((regional support networks))~~ behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(20) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(21) "Secretary" means the secretary of the department of social and health services or his or her designee.

(22) "Treatment" means any currently standardized medical or mental health procedure including medication.

(23) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by ~~((regional support networks))~~ behavioral health organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, ~~((regional support networks))~~ behavioral health

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organizations, or a treatment facility if the notes or records are not available to others.

(24) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

Sec. 59. RCW 10.77.065 and 2013 c 214 s 1 are each amended to read as follows:

(1)(a)(i) The expert conducting the evaluation shall provide his or her report and recommendation to the court in which the criminal proceeding is pending. For a competency evaluation of a defendant who is released from custody, if the evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

(ii) A copy of the report and recommendation shall be provided to the designated mental health professional, the prosecuting attorney, the defense attorney, and the professional person at the local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(iv) of this subsection. Upon request, the evaluator shall also provide copies of any source documents relevant to the evaluation to the designated mental health professional.

(iii) Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report. Distribution of an evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant. If the defendant is discharged to the custody of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses to cooperate with medication.

(iv) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the ~~((regional support network))~~ behavioral health organization, a professional person at the ~~((regional support network))~~ behavioral health organization to receive the report and recommendation.

(v) Upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator of the name of the professional person, or person designated under (a)(iv) of this subsection, to receive the report and recommendation.

(b) If the evaluator concludes, under RCW 10.77.060(3)(f), the person should be evaluated by a designated mental health professional under chapter 71.05 RCW, the court shall order such evaluation be conducted prior to release from confinement when the person is acquitted or convicted and sentenced to confinement for twenty-four months or less, or when charges are dismissed pursuant to a finding of incompetent to stand trial.

(2) The designated mental health professional shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW. The notification shall be provided to the persons identified in subsection (1)(a) of this section.

(3) The prosecuting attorney shall provide a copy of the results of any proceedings commenced by the designated mental health professional under subsection (2) of this section to the secretary.

(4) A facility conducting a civil commitment evaluation under RCW 10.77.086(4) or 10.77.088(1)(b)(ii) that makes a determination to release the person instead of filing a civil commitment petition must provide written notice to the prosecutor and defense attorney at least twenty-four hours prior to release. The notice may be given by electronic mail, facsimile, or other means reasonably likely to communicate the information immediately.

(5) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may also be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

Sec. 60. RCW 28A.310.202 and 2007 c 359 s 9 are each amended to read as follows:

Educational service district boards may partner with ~~((regional support networks))~~ behavioral health organizations to respond to a request for proposal for operation of a wraparound model site under chapter 359, Laws of 2007 and, if selected, may contract for the provision of services to coordinate care and facilitate the delivery of services and other supports under a wraparound model.

Sec. 61. RCW 43.185.060 and 1994 c 160 s 2 are each amended to read as follows:

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, ~~((regional support networks))~~ behavioral health organizations established under chapter 71.24 RCW, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or statewide nonprofit housing assistance organizations.

Eligibility for assistance from the department under this chapter also requires compliance with the revenue and taxation laws, as applicable to the recipient, at the time the grant is made.

Sec. 62. RCW 43.185.070 and 2013 c 145 s 3 are each amended to read as follows:

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department for the housing assistance program, the department must announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement must be made as often as the director deems appropriate for proper utilization of resources. The department must then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department as provided in RCW 43.185.050.

(2) In awarding funds under this chapter, the department must:

(a) Provide for a geographic distribution on a statewide basis; and

(b) Until June 30, 2013, consider the total cost and per-unit cost of each project for which an application is submitted for funding under RCW 43.185.050(2) (a) and (j), as compared to similar housing projects constructed or renovated within the same geographic area.

(3) The department, with advice and input from the affordable housing advisory board established in RCW 43.185B.020, or a subcommittee of the affordable housing advisory board, must report recommendations for awarding funds in a cost-effective manner. The report must include an implementation plan, timeline, and any other items the department identifies as important to consider to the legislature by December 1, 2012.

(4) The department must give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities must be evaluated under subsection (5) of this section. Second priority must be given to activities and projects which utilize existing publicly owned housing stock. All projects and activities must be evaluated by some or all of the criteria under subsection (5) of this section, and similar projects and activities shall be evaluated under the same criteria.

(5) The department must give preference for applications based on some or all of the criteria under this subsection, and similar projects and activities must be evaluated under the same criteria:

- (a) The degree of leveraging of other funds that will occur;
- (b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;
- (c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;
- (d) Local government project contributions in the form of infrastructure improvements, and others;
- (e) Projects that encourage ownership, management, and other project-related responsibility opportunities;
- (f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least twenty-five years;
- (g) The applicant has the demonstrated ability, stability and resources to implement the project;
- (h) Projects which demonstrate serving the greatest need;
- (i) Projects that provide housing for persons and families with the lowest incomes;
- (j) Projects serving special needs populations which are under statutory mandate to develop community housing;
- (k) Project location and access to employment centers in the region or area;
- (l) Projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program as defined in RCW 50.72.020; and
- (m) Project location and access to available public transportation services.

(6) The department may only approve applications for projects for persons with mental illness that are consistent with a ~~((regional support network))~~ behavioral health organization six-year capital and operating plan.

Sec. 63. RCW 43.185.110 and 1993 c 478 s 15 are each amended to read as follows:

The affordable housing advisory board established in RCW 43.185B.020 shall advise the director on housing needs in this state, including housing needs for persons ~~((who are mentally ill or developmentally disabled))~~ with mental illness or developmental disabilities or youth who are blind or deaf or otherwise disabled, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter. Such advice shall be consistent with policies and plans developed by ~~((regional support networks))~~ behavioral health organizations according to chapter 71.24 RCW for ~~((the mentally ill))~~ individuals with mental illness and the developmental disabilities planning council for ~~((the developmentally disabled))~~ individuals with developmental disabilities.

Sec. 64. RCW 43.20A.895 and 2013 c 338 s 2 are each amended to read as follows:

(1) The systems responsible for financing, administration, and delivery of publicly funded mental health and chemical dependency services to adults must be designed and administered to achieve improved outcomes for adult clients served by those systems through increased use and development of evidence-based, research-based, and promising practices, as defined in RCW 71.24.025. For purposes of this section, client outcomes include: Improved health status; increased participation in employment and education; reduced involvement with the criminal justice system; enhanced safety and access to treatment for forensic patients; reduction in avoidable utilization of and costs associated with hospital, emergency room, and crisis services; increased housing stability; improved quality of life, including measures of recovery and resilience; and decreased population level disparities in access to treatment and treatment outcomes.

(2) The department and the health care authority must implement a strategy for the improvement of the adult behavioral health system.

(a) The department must establish a steering committee that includes at least the following members: Behavioral health service recipients and their families; local government; representatives of ~~((regional support networks))~~ behavioral health organizations; representatives of county coordinators; law enforcement; city and county jails; tribal representatives; behavioral health service providers, including at least one chemical dependency provider and at least one psychiatric advanced registered nurse practitioner; housing providers; medicaid managed care plan representatives; long-term care service providers; organizations representing health care professionals providing services in mental health settings; the Washington state hospital association; the Washington state medical association; individuals with expertise in evidence-based and research-based behavioral health service practices; and the health care authority.

(b) The adult behavioral health system improvement strategy must include:

- (i) An assessment of the capacity of the current publicly funded behavioral health services system to provide evidence-based, research-based, and promising practices;
- (ii) Identification, development, and increased use of evidence-based, research-based, and promising practices;
- (iii) Design and implementation of a transparent quality management system, including analysis of current system capacity to implement outcomes reporting and development of baseline and improvement targets for each outcome measure provided in this section;
- (iv) Identification and phased implementation of service delivery, financing, or other strategies that will promote improvement of the behavioral health system as described in this section and incentivize the medical care, behavioral health, and long-term care service delivery systems to achieve the improvements described in this section and collaborate across systems. The strategies must include phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance and levels of improvement between geographic regions of Washington; and
- (v) Identification of effective methods for promoting workforce capacity, efficiency, stability, diversity, and safety.

(c) The department must seek private foundation and federal grant funding to support the adult behavioral health system improvement strategy.

(d) By May 15, 2014, the Washington state institute for public policy, in consultation with the department, the University of Washington evidence-based practice institute, the University of Washington alcohol and drug abuse institute, and the Washington

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institute for mental health research and training, shall prepare an inventory of evidence-based, research-based, and promising practices for prevention and intervention services pursuant to subsection (1) of this section. The department shall use the inventory in preparing the behavioral health improvement strategy. The department shall provide the institute with data necessary to complete the inventory.

(e) By August 1, 2014, the department must report to the governor and the relevant fiscal and policy committees of the legislature on the status of implementation of the behavioral health improvement strategy, including strategies developed or implemented to date, timelines, and costs to accomplish phased implementation of the adult behavioral health system improvement strategy.

(3) The department must contract for the services of an independent consultant to review the provision of forensic mental health services in Washington state and provide recommendations as to whether and how the state's forensic mental health system should be modified to provide an appropriate treatment environment for individuals with mental disorders who have been charged with a crime while enhancing the safety and security of the public and other patients and staff at forensic treatment facilities. By August 1, 2014, the department must submit a report regarding the recommendations of the independent consultant to the governor and the relevant fiscal and policy committees of the legislature.

Sec. 65. RCW 43.20A.897 and 2013 c 338 s 7 are each amended to read as follows:

(1) By November 30, 2013, the department and the health care authority must report to the governor and the relevant fiscal and policy committees of the legislature, consistent with RCW 43.01.036, a plan that establishes a tribal-centric behavioral health system incorporating both mental health and chemical dependency services. The plan must assure that child, adult, and older adult American Indians and Alaskan Natives eligible for medicaid have increased access to culturally appropriate mental health and chemical dependency services. The plan must:

(a) Include implementation dates, major milestones, and fiscal estimates as needed;

(b) Emphasize the use of culturally appropriate evidence-based and promising practices;

(c) Address equitable access to crisis services, outpatient care, voluntary and involuntary hospitalization, and behavioral health care coordination;

(d) Identify statutory changes necessary to implement the tribal-centric behavioral health system; and

(e) Be developed with the department's Indian policy advisory committee and the American Indian health commission, in consultation with Washington's federally recognized tribes.

(2) The department shall enter into agreements with the tribes and urban Indian health programs and modify ~~((regional support network))~~ behavioral health organization contracts as necessary to develop a tribal-centric behavioral health system that better serves the needs of the tribes.

Sec. 66. RCW 43.20C.020 and 2012 c 232 s 3 are each amended to read as follows:

The department of social and health services shall accomplish the following in consultation and collaboration with the Washington state institute for public policy, the evidence-based practice institute at the University of Washington, a university-based child welfare partnership and research entity, other national experts in the delivery of evidence-based services, and organizations representing Washington practitioners:

(1) By September 30, 2012, the Washington state institute for public policy, the University of Washington evidence-based practice institute, in consultation with the department shall publish

descriptive definitions of evidence-based, research-based, and promising practices in the areas of child welfare, juvenile rehabilitation, and children's mental health services.

(a) In addition to descriptive definitions, the Washington state institute for public policy and the University of Washington evidence-based practice institute must prepare an inventory of evidence-based, research-based, and promising practices for prevention and intervention services that will be used for the purpose of completing the baseline assessment described in subsection (2) of this section. The inventory shall be periodically updated as more practices are identified.

(b) In identifying evidence-based and research-based services, the Washington state institute for public policy and the University of Washington evidence-based practice institute must:

(i) Consider any available systemic evidence-based assessment of a program's efficacy and cost-effectiveness; and

(ii) Attempt to identify assessments that use valid and reliable evidence.

(c) Using state, federal, or private funds, the department shall prioritize the assessment of promising practices identified in (a) of this subsection with the goal of increasing the number of such practices that meet the standards for evidence-based and research-based practices.

(2) By June 30, 2013, the department and the health care authority shall complete a baseline assessment of utilization of evidence-based and research-based practices in the areas of child welfare, juvenile rehabilitation, and children's mental health services. The assessment must include prevention and intervention services provided through medicaid fee-for-service and healthy options managed care contracts. The assessment shall include estimates of:

(a) The number of children receiving each service;

(b) For juvenile rehabilitation and child welfare services, the total amount of state and federal funds expended on the service;

(c) For children's mental health services, the number and percentage of encounters using these services that are provided to children served by ~~((regional support networks))~~ behavioral health organizations and children receiving mental health services through medicaid fee-for-service or healthy options;

(d) The relative availability of the service in the various regions of the state; and

(e) To the extent possible, the unmet need for each service.

(3)(a) By December 30, 2013, the department and the health care authority shall report to the governor and to the appropriate fiscal and policy committees of the legislature on recommended strategies, timelines, and costs for increasing the use of evidence-based and research-based practices. The report must distinguish between a reallocation of existing funding to support the recommended strategies and new funding needed to increase the use of the practices.

(b) The department shall provide updated recommendations to the governor and the legislature by December 30, 2014, and by December 30, 2015.

(4)(a) The report required under subsection (3) of this section must include recommendations for the reallocation of resources for evidence-based and research-based practices and substantial increases above the baseline assessment of the use of evidence-based and research-based practices for the 2015-2017 and the 2017-2019 biennia. The recommendations for increases shall be consistent with subsection (2) of this section.

(b) If the department or health care authority anticipates that it will not meet its recommended levels for an upcoming biennium as set forth in its report, it must report to the legislature by November 1st of the year preceding the biennium. The report shall include:

(i) The identified impediments to meeting the recommended levels;

(ii) The current and anticipated performance level; and

(iii) Strategies that will be undertaken to improve performance.

(5) Recommendations made pursuant to subsections (3) and (4) of this section must include strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities, and community organizations that serve diverse communities.

Sec. 67. RCW 43.20C.030 and 2012 c 232 s 4 are each amended to read as follows:

The department of social and health services, in consultation with a university-based evidence-based practice institute entity in Washington, the Washington partnership council on juvenile justice, the child mental health systems of care planning committee, the children, youth, and family advisory committee, the Washington state racial disproportionality advisory committee, a university-based child welfare research entity in Washington state, ~~((regional support networks))~~ behavioral health organizations, the Washington association of juvenile court administrators, and the Washington state institute for public policy, shall:

(1) Develop strategies to use unified and coordinated case plans for children, youth, and their families who are or are likely to be involved in multiple systems within the department;

(2) Use monitoring and quality control procedures designed to measure fidelity with evidence-based and research-based prevention and treatment programs; and

(3) Utilize any existing data reporting and system of quality management processes at the state and local level for monitoring the quality control and fidelity of the implementation of evidence-based and research-based practices.

Sec. 68. RCW 44.28.800 and 1998 c 297 s 61 are each amended to read as follows:

The joint legislative audit and review committee shall conduct an evaluation of the efficiency and effectiveness of chapter 297, Laws of 1998 in meeting its stated goals. Such an evaluation shall include the operation of the state mental hospitals and the ~~((regional support networks))~~ behavioral health organizations, as well as any other appropriate entity. The joint legislative audit and review committee shall prepare an interim report of its findings which shall be delivered to the appropriate legislative committees of the house of representatives and the senate no later than September 1, 2000. In addition, the joint legislative audit and review committee shall prepare a final report of its findings which shall be delivered to the appropriate legislative committees of the house of representatives and the senate no later than January 1, 2001.

Sec. 69. RCW 48.01.220 and 1993 c 462 s 104 are each amended to read as follows:

The activities and operations of mental health ~~((regional support networks))~~ behavioral health organizations, to the extent they pertain to the operation of a medical assistance managed care system in accordance with chapters 71.24 and 74.09 RCW, are exempt from the requirements of this title.

Sec. 70. RCW 70.02.010 and 2013 c 200 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" has the same meaning as in RCW 71.05.020.

(2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(3) "Commitment" has the same meaning as in RCW 71.05.020.

(4) "Custody" has the same meaning as in RCW 71.05.020.

(5) "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

(6) "Department" means the department of social and health services.

(7) "Designated mental health professional" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(8) "Detention" or "detain" has the same meaning as in RCW 71.05.020.

(9) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(10) "Discharge" has the same meaning as in RCW 71.05.020.

(11) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(12) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(13) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(14) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(15) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(16) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

(17) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health

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insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset for the benefit of the health care provider, health care facility, or third-party payor.

(18) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(19) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

(20) "Imminent" has the same meaning as in RCW 71.05.020.

(21) "Information and records related to mental health services" means a type of health care information that relates to all information and records, including mental health treatment records, compiled, obtained, or maintained in the course of providing services by a mental health service agency, as defined in this section. This may include documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated community mental health program as defined in RCW 71.24.025(6).

(22) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity of any person upon whom an HIV antibody test or other sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

(23) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(24) "Legal counsel" has the same meaning as in RCW 71.05.020.

(25) "Local public health officer" has the same meaning as in RCW 70.24.017.

(26) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(27) "Mental health professional" has the same meaning as in RCW 71.05.020.

(28) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community mental health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(29) "Mental health treatment records" include registration records, as defined in RCW 71.05.020, and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by ~~((regional support networks))~~ behavioral health organizations and their staffs, and by treatment facilities. "Mental health treatment records" include mental health information contained in a medical bill including, but not limited to, mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. "Mental health treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the department, ~~((regional support networks))~~ behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(30) "Minor" has the same meaning as in RCW 71.34.020.

(31) "Parent" has the same meaning as in RCW 71.34.020.

(32) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(33) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

- (A) Name and address;
- (B) Date of birth;
- (C) Social security number;
- (D) Payment history;
- (E) Account number; and
- (F) Name and address of the health care provider, health care facility, and/or third-party payor.

(34) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(35) "Professional person" has the same meaning as in RCW 71.05.020.

(36) "Psychiatric advanced registered nurse practitioner" has the same meaning as in RCW 71.05.020.

(37) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(38) "Release" has the same meaning as in RCW 71.05.020.

(39) "Resource management services" has the same meaning as in RCW 71.05.020.

(40) "Serious violent offense" has the same meaning as in RCW 71.05.020.

(41) "Sexually transmitted infection" or "sexually transmitted disease" has the same meaning as "sexually transmitted disease" in RCW 70.24.017.

(42) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

(43) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

(44) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

Sec. 71. RCW 70.02.230 and 2013 c 200 s 7 are each amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, 70.96A.150, 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, in the provision of

services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

- (i) Employed by the facility;
- (ii) Who has medical responsibility for the patient's care;
- (iii) Who is a designated mental health professional;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

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(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(ii);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the

professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court;

(p) To qualified staff members of the department, to the director of ~~((regional support networks))~~ behavioral health organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department;

(s) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information contained in the mental health treatment records could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(t) Consistent with the requirements of the federal health information portability and accountability act, to a licensed mental health professional or a health care professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is providing care to a person, or to whom a person has been referred for evaluation or treatment, to assure coordinated care and treatment of that person. Psychotherapy notes, as defined in 45 C.F.R. Sec. 164.501, may not be released without authorization of the person who is the subject of the request for release of information;

(u) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (t) of this subsection;

(v) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one treatment facility to another. The release of records under this subsection is limited to the mental health treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(w) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(x) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If

the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(y) To all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(e). The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department may not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(z)(i) To the secretary of social and health services for either program evaluation or research, or both so long as the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(3)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court

finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 72. RCW 70.02.250 and 2013 c 200 s 9 are each amended to read as follows:

(1) Information and records related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW must be released, upon request, by a mental health service agency to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purpose of completing presentence investigations, supervision of an incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request must be in writing and may not require the consent of the subject of the records.

(2) The information to be released to the department of corrections must include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (1) of this section.

(3) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific (~~regional support networks~~) behavioral health organizations and mental health service agencies that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

(4) The department and the department of corrections, in consultation with (~~regional support networks~~) behavioral health organizations, mental health service agencies as defined in RCW 70.02.010, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules must:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(5) The information received by the department of corrections under this section must remain confidential and subject to the limitations on disclosure outlined in chapter 71.34 RCW, except as provided in RCW 72.09.585.

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(6) No mental health service agency or individual employed by a mental health service agency may be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under this chapter.

Sec. 73. RCW 70.320.010 and 2013 c 320 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Department" means the department of social and health services.

(3) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well-established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in this section.

(4) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(5) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in this subsection but does not meet the full criteria for evidence-based.

(6) "Service coordination organization" or "service contracting entity" means the authority and department, or an entity that may contract with the state to provide, directly or through subcontracts, a comprehensive delivery system of medical, behavioral, long-term care, or social support services, including entities such as (~~regional support networks~~) behavioral health organizations as defined in RCW 71.24.025, managed care organizations that provide medical services to clients under chapter 74.09 RCW, counties providing chemical dependency services under chapters 74.50 and 70.96A RCW, and area agencies on aging providing case management services under chapter 74.39A RCW.

Sec. 74. RCW 70.96B.010 and 2011 c 89 s 10 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital, an evaluation and treatment facility, or other inpatient facility, or a decision by a professional person in charge or his or her designee that a person should be detained as a patient for evaluation and treatment in a secure detoxification facility or other certified chemical dependency provider.

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department as meeting standards adopted under chapter 70.96A RCW.

(4) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(5) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(6) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(7) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(8) "Conditional release" means a revocable modification of a commitment that may be revoked upon violation of any of its terms.

(9) "Custody" means involuntary detention under either chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(10) "Department" means the department of social and health services.

(11) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and this chapter, and qualified to do so by meeting standards adopted by the department.

(12) "Designated crisis responder" means a person designated by the county or (~~regional support network~~) behavioral health organization to perform the duties specified in this chapter.

(13) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(14) "Detention" or "detain" means the lawful confinement of a person under this chapter, or chapter 70.96A or 71.05 RCW.

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with individuals with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(16) "Developmental disability" means that condition defined in RCW 71A.10.020.

(17) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(18) "Evaluation and treatment facility" means any facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and that is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility that is part of, or operated by, the department or any federal agency does not require certification. No correctional

institution or facility, or jail, may be an evaluation and treatment facility within the meaning of this chapter.

(19) "Facility" means either an evaluation and treatment facility or a secure detoxification facility.

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(21) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(22) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

(23) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(24) "Judicial commitment" means a commitment by a court under this chapter.

(25) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(26) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts.

(27) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive or volitional functions.

(28) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(30) "Person in charge" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

(31) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved treatment program, that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent.

(32) "Professional person" means a mental health professional or chemical dependency professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter.

(33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(34) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(35) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(36) "Registration records" means all the records of the department, (~~regional support networks~~) behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(37) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW or this chapter.

(38) "Secretary" means the secretary of the department or the secretary's designee.

(39) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that serves the purpose of providing evaluation and assessment, and acute and/or subacute detoxification services for intoxicated persons and includes security measures sufficient to protect the patients, staff, and community.

(40) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(41) "Treatment records" means registration records and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by (~~regional support networks~~) behavioral health organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, (~~regional support networks~~) behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(42) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 75. RCW 70.96B.020 and 2005 c 504 s 203 are each amended to read as follows:

(1) The secretary, after consulting with the Washington state association of counties, shall select and contract with (~~regional support networks~~) behavioral health organizations or counties to provide two integrated crisis response and involuntary treatment pilot programs for adults and shall allocate resources for both integrated services and secure detoxification services in the pilot areas. In selecting the two (~~regional support networks~~) behavioral health organizations or counties, the secretary shall endeavor to site one in an urban and one in a rural (~~regional support network~~) behavioral health organization or county; and to site them in counties other than those selected pursuant to RCW 70.96A.800, to the extent necessary to facilitate evaluation of pilot project results.

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(2) The ~~((regional support networks))~~ behavioral health organizations or counties shall implement the pilot programs by providing integrated crisis response and involuntary treatment to persons with a chemical dependency, a mental disorder, or both, consistent with this chapter. The pilot programs shall:

(a) Combine the crisis responder functions of a designated mental health professional under chapter 71.05 RCW and a designated chemical dependency specialist under chapter 70.96A RCW by establishing a new designated crisis responder who is authorized to conduct investigations and detain persons up to seventy-two hours to the proper facility;

(b) Provide training to the crisis responders as required by the department;

(c) Provide sufficient staff and resources to ensure availability of an adequate number of crisis responders twenty-four hours a day, seven days a week;

(d) Provide the administrative and court-related staff, resources, and processes necessary to facilitate the legal requirements of the initial detention and the commitment hearings for persons with a chemical dependency;

(e) Participate in the evaluation and report to assess the outcomes of the pilot programs including providing data and information as requested;

(f) Provide the other services necessary to the implementation of the pilot programs, consistent with this chapter as determined by the secretary in contract; and

(g) Collaborate with the department of corrections where persons detained or committed are also subject to supervision by the department of corrections.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

Sec. 76. RCW 70.96B.030 and 2005 c 504 s 204 are each amended to read as follows:

To qualify as a designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

(1) Psychiatrist, psychologist, psychiatric nurse, or social worker;

(2) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;

(3) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;

(4) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the ~~((regional support network))~~ behavioral health organization and granted by the department before July 1, 2001; or

(5) Person who has been granted a time-limited exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

Sec. 77. RCW 70.96C.010 and 2005 c 504 s 601 are each amended to read as follows:

(1) The department of social and health services, in consultation with the members of the team charged with developing the state plan for co-occurring mental and substance abuse disorders, shall adopt, not later than January 1, 2006, an integrated and comprehensive screening and assessment process for chemical dependency and mental disorders and co-occurring chemical dependency and mental disorders.

(a) The process adopted shall include, at a minimum:

(i) An initial screening tool that can be used by intake personnel system-wide and which will identify the most common types of co-occurring disorders;

(ii) An assessment process for those cases in which assessment is indicated that provides an appropriate degree of assessment for most situations, which can be expanded for complex situations;

(iii) Identification of triggers in the screening that indicate the need to begin an assessment;

(iv) Identification of triggers after or outside the screening that indicate a need to begin or resume an assessment;

(v) The components of an assessment process and a protocol for determining whether part or all of the assessment is necessary, and at what point; and

(vi) Emphasis that the process adopted under this section is to replace and not to duplicate existing intake, screening, and assessment tools and processes.

(b) The department shall consider existing models, including those already adopted by other states, and to the extent possible, adopt an established, proven model.

(c) The integrated, comprehensive screening and assessment process shall be implemented statewide by all chemical dependency and mental health treatment providers as well as all designated mental health professionals, designated chemical dependency specialists, and designated crisis responders not later than January 1, 2007.

(2) The department shall provide adequate training to effect statewide implementation by the dates designated in this section and shall report the rates of co-occurring disorders and the stage of screening or assessment at which the co-occurring disorder was identified to the appropriate committees of the legislature.

(3) The department shall establish contractual penalties to contracted treatment providers, the ~~((regional support networks))~~ behavioral health organizations, and their contracted providers for failure to implement the integrated screening and assessment process by July 1, 2007.

Sec. 78. RCW 70.97.010 and 2011 c 89 s 11 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(2) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(3) "Chemical dependency" means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires and as those terms are defined in chapter 70.96A RCW.

(4) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(5) "Commitment" means the determination by a court that an individual should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(6) "Conditional release" means a modification of a commitment that may be revoked upon violation of any of its terms.

(7) "Custody" means involuntary detention under chapter 71.05 or 70.96A RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(8) "Department" means the department of social and health services.

(9) "Designated responder" means a designated mental health professional, a designated chemical dependency specialist, or a designated crisis responder as those terms are defined in chapter 70.96A, 71.05, or 70.96B RCW.

(10) "Detention" or "detain" means the lawful confinement of an individual under chapter 70.96A or 71.05 RCW.

(11) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "Enhanced services facility" means a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the department to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues.

(13) "Expanded community services program" means a nonsecure program of enhanced behavioral and residential support provided to long-term and residential care providers serving specifically eligible clients who would otherwise be at risk for hospitalization at state hospital geriatric units.

(14) "Facility" means an enhanced services facility.

(15) "Gravely disabled" means a condition in which an individual, as a result of a mental disorder, as a result of the use of alcohol or other psychoactive chemicals, or both:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(16) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(17) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(18) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts.

(19) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(20) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(21) "Professional person" means a mental health professional and also means a physician, registered nurse, and such others as may be defined in rules adopted by the secretary pursuant to the provisions of this chapter.

(22) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed

three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(23) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(24) "Registration records" include all the records of the department, (~~(regional support networks)~~) behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

(25) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW.

(26) "Resident" means a person admitted to an enhanced services facility.

(27) "Secretary" means the secretary of the department or the secretary's designee.

(28) "Significant change" means:

(a) A deterioration in a resident's physical, mental, or psychosocial condition that has caused or is likely to cause clinical complications or life-threatening conditions; or

(b) An improvement in the resident's physical, mental, or psychosocial condition that may make the resident eligible for release or for treatment in a less intensive or less secure setting.

(29) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(30) "Treatment" means the broad range of emergency, detoxification, residential, inpatient, and outpatient services and care, including diagnostic evaluation, mental health or chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, which may be extended to persons with mental disorders, chemical dependency disorders, or both, and their families.

(31) "Treatment records" include registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, which are maintained by the department, by (~~(regional support networks)~~) behavioral health organizations and their staffs, and by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by an individual providing treatment services for the department, (~~(regional support networks)~~) behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(32) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 79. RCW 71.05.020 and 2011 c 148 s 1 and 2011 c 89 s 14 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

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(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapters 70.96A and 70.96B RCW;

(10) "Designated crisis responder" means a mental health professional appointed by the county or the ~~((regional support network))~~ behavioral health organization to perform the duties specified in this chapter;

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(12) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(13) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(14) "Developmental disability" means that condition defined in RCW 71A.10.020~~((3))~~(4);

(15) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(18) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education,

training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(19) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(20) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(22) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(23) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(24) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health service providers under RCW 71.05.130;

(25) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(26) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(27) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(28) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals

licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community mental health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, and correctional facilities operated by state and local governments;

(29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(30) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

(31) "Professional person" means a mental health professional and shall also mean a physician, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(32) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(34) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(35) "Public agency" means any evaluation and treatment facility or institution, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(36) "Registration records" include all the records of the department, (~~(regional support networks)~~) behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

(37) "Release" means legal termination of the commitment under the provisions of this chapter;

(38) "Resource management services" has the meaning given in chapter 71.24 RCW;

(39) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(40) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(41) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(42) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(43) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or

determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(44) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by (~~(regional support networks)~~) behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, (~~(regional support networks)~~) behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(45) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 80. RCW 71.05.025 and 2000 c 94 s 2 are each amended to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure a continuum of care to persons (~~(who are mentally ill)~~) with mental illness or who have mental disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, (~~(regional support networks)~~) behavioral health organizations established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by (~~(county)~~) designated mental health professionals and evaluation and treatment facilities to assure that determinations to admit, detain, commit, treat, discharge, or release persons with mental disorders under this chapter are made only after appropriate information regarding such person's treatment history and current treatment plan has been sought from resource management services.

Sec. 81. RCW 71.05.026 and 2006 c 333 s 301 are each amended to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after March 29, 2006.

(2) Except as expressly provided in contracts entered into between the department and the (~~(regional support networks)~~) behavioral health organizations after March 29, 2006, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care.

(3) This section applies to counties, (~~(regional support networks)~~) behavioral health organizations, and entities which contract to provide (~~(regional support network)~~) behavioral health organization services and their subcontractors, agents, or employees.

Sec. 82. RCW 71.05.027 and 2005 c 504 s 103 are each amended to read as follows:

(1) Not later than January 1, 2007, all persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders adopted pursuant to RCW 70.96C.010 and shall document the numbers of clients with

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co-occurring mental and substance abuse disorders based on a quadrant system of low and high needs.

(2) Treatment providers and ~~((regional support networks))~~ behavioral health organizations who fail to implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders by July 1, 2007, shall be subject to contractual penalties established under RCW 70.96C.010.

Sec. 83. RCW 71.05.110 and 2011 c 343 s 5 are each amended to read as follows:

Attorneys appointed for persons pursuant to this chapter shall be compensated for their services as follows: (1) The person for whom an attorney is appointed shall, if he or she is financially able pursuant to standards as to financial capability and indigency set by the superior court of the county in which the proceeding is held, bear the costs of such legal services; (2) if such person is indigent pursuant to such standards, the ~~((regional support network))~~ behavioral health organization shall reimburse the county in which the proceeding is held for the direct costs of such legal services, as provided in RCW 71.05.730.

Sec. 84. RCW 71.05.300 and 2009 c 293 s 5 and 2009 c 217 s 4 are each reenacted and amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated mental health professional. The designated mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the ~~((regional support network))~~ behavioral health organization administrator, and provide a copy of the petition to such persons as soon as possible. The ~~((regional support network))~~ behavioral health organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychiatric advanced registered nurse practitioner, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(4), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 85. RCW 71.05.365 and 2013 c 338 s 4 are each amended to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of ninety or one hundred eighty days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the ~~((regional support network))~~ behavioral health organization responsible for resource

management services for the person must work with the hospital to develop an individualized discharge plan and arrange for a transition to the community in accordance with the person's individualized discharge plan within twenty-one days of the determination.

Sec. 86. RCW 71.05.445 and 2013 c 200 s 31 are each amended to read as follows:

(1)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health service provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132 and the offender has provided the mental health service provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132, the mental health service provider is not required to notify the department of corrections that the mental health service provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

(2) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties.

(3) The department and the department of corrections, in consultation with ~~((regional support networks))~~ behavioral health organizations, mental health service providers as defined in RCW 71.05.020, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(4) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.

(5) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(6) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(7) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(8) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific ~~((regional support networks))~~ behavioral health organizations and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

Sec. 87. RCW 71.05.730 and 2011 c 343 s 2 are each amended to read as follows:

(1) A county may apply to its ~~((regional support network))~~ behavioral health organization on a quarterly basis for reimbursement of its direct costs in providing judicial services for civil commitment cases under this chapter and chapter 71.34 RCW. The ~~((regional support network))~~ behavioral health organization shall in turn be entitled to reimbursement from the ~~((regional support network))~~ behavioral health organization that serves the county of residence of the individual who is the subject of the civil commitment case. Reimbursements under this section shall be paid out of the ~~((regional support network's))~~ behavioral health organization's nonmedicaid appropriation.

(2) Reimbursement for judicial services shall be provided per civil commitment case at a rate to be determined based on an independent assessment of the county's actual direct costs. This assessment must be based on an average of the expenditures for judicial services within the county over the past three years. In the event that a baseline cannot be established because there is no significant history of similar cases within the county, the reimbursement rate shall be equal to eighty percent of the median reimbursement rate of counties included in the independent assessment.

(3) For the purposes of this section:

(a) "Civil commitment case" includes all judicial hearings related to a single episode of hospitalization, or less restrictive alternative detention in lieu of hospitalization, except that the filing of a petition for a one hundred eighty-day commitment under this chapter or a petition for a successive one hundred eighty-day commitment under chapter 71.34 RCW shall be considered to be a new case regardless of whether there has been a break in detention. "Civil commitment case" does not include the filing of a petition for a one hundred eighty-day commitment under this chapter on behalf of a patient at a state psychiatric hospital.

(b) "Judicial services" means a county's reasonable direct costs in providing prosecutor services, assigned counsel and defense services, court services, and court clerk services for civil commitment cases under this chapter and chapter 71.34 RCW.

(4) To the extent that resources have shared purpose, the ~~((regional support network))~~ behavioral health organization may only reimburse counties to the extent such resources are necessary for and devoted to judicial services as described in this section.

(5) No filing fee may be charged or collected for any civil commitment case subject to reimbursement under this section.

Sec. 88. RCW 71.05.740 and 2013 c 216 s 2 are each amended to read as follows:

By August 1, 2013, all ~~((regional support networks))~~ behavioral health organizations in the state of Washington must forward historical mental health involuntary commitment information retained by the organization including identifying information and dates of commitment to the department. As soon as feasible, the ~~((regional support networks))~~ behavioral health organizations must arrange to report new commitment data to the department within twenty-four hours. Commitment information under this section does not need to be resent if it is already in the possession of the

department. ~~((Regional support networks))~~ Behavioral health organizations and the department shall be immune from liability related to the sharing of commitment information under this section.

Sec. 89. RCW 71.34.330 and 2011 c 343 s 8 are each amended to read as follows:

Attorneys appointed for minors under this chapter shall be compensated for their services as follows:

(1) Responsible others shall bear the costs of such legal services if financially able according to standards set by the court of the county in which the proceeding is held.

(2) If all responsible others are indigent as determined by these standards, the ~~((regional support network))~~ behavioral health organization shall reimburse the county in which the proceeding is held for the direct costs of such legal services, as provided in RCW 71.05.730.

Sec. 90. RCW 71.34.415 and 2011 c 343 s 4 are each amended to read as follows:

A county may apply to its ~~((regional support network))~~ behavioral health organization for reimbursement of its direct costs in providing judicial services for civil commitment cases under this chapter, as provided in RCW 71.05.730.

Sec. 91. RCW 71.36.010 and 2007 c 359 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a state, tribal, or local governmental entity or a private not-for-profit organization.

(2) "Child" means a person under eighteen years of age, except as expressly provided otherwise in state or federal law.

(3) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(4) "County authority" means the board of county commissioners or county executive.

(5) "Department" means the department of social and health services.

(6) "Early periodic screening, diagnosis, and treatment" means the component of the federal medicaid program established pursuant to 42 U.S.C. Sec. 1396d(r), as amended.

(7) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(8) "Family" means a child's biological parents, adoptive parents, foster parents, guardian, legal custodian authorized pursuant to Title 26 RCW, a relative with whom a child has been placed by the department of social and health services, or a tribe.

(9) "Promising practice" or "emerging best practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(10) ~~((Regional support network))~~ Behavioral health organization means a county authority or group of county authorities or other nonprofit entity that has entered into contracts with the secretary pursuant to chapter 71.24 RCW.

(11) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(12) "Secretary" means the secretary of social and health services.

(13) "Wraparound process" means a family driven planning process designed to address the needs of children and youth by the formation of a team that empowers families to make key decisions regarding the care of the child or youth in partnership with professionals and the family's natural community supports. The

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team produces a community- based and culturally competent intervention plan which identifies the strengths and needs of the child or youth and family and defines goals that the team collaborates on achieving with respect for the unique cultural values of the family. The "wraparound process" shall emphasize principles of persistence and outcome-based measurements of success.

Sec. 92. RCW 71.36.025 and 2007 c 359 s 3 are each amended to read as follows:

(1) It is the goal of the legislature that, by 2012, the children's mental health system in Washington state include the following elements:

(a) A continuum of services from early identification, intervention, and prevention through crisis intervention and inpatient treatment, including peer support and parent mentoring services;

(b) Equity in access to services for similarly situated children, including children with co-occurring disorders;

(c) Developmentally appropriate, high quality, and culturally competent services available statewide;

(d) Treatment of each child in the context of his or her family and other persons that are a source of support and stability in his or her life;

(e) A sufficient supply of qualified and culturally competent children's mental health providers;

(f) Use of developmentally appropriate evidence-based and research-based practices;

(g) Integrated and flexible services to meet the needs of children who, due to mental illness or emotional or behavioral disturbance, are at risk of out-of-home placement or involved with multiple child- serving systems.

(2) The effectiveness of the children's mental health system shall be determined through the use of outcome-based performance measures. The department and the evidence-based practice institute established in RCW 71.24.061, in consultation with parents, caregivers, youth, ~~((regional support networks))~~ behavioral health organizations, mental health services providers, health plans, primary care providers, tribes, and others, shall develop outcome-based performance measures such as:

(a) Decreased emergency room utilization;

(b) Decreased psychiatric hospitalization;

(c) Lessening of symptoms, as measured by commonly used assessment tools;

(d) Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, when necessary;

(e) Decreased runaways from home or residential placements;

(f) Decreased rates of chemical dependency;

(g) Decreased involvement with the juvenile justice system;

(h) Improved school attendance and performance;

(i) Reductions in school or child care suspensions or expulsions;

(j) Reductions in use of prescribed medication where cognitive behavioral therapies are indicated;

(k) Improved rates of high school graduation and employment; and

(l) Decreased use of mental health services upon reaching adulthood for mental disorders other than those that require ongoing treatment to maintain stability.

Performance measure reporting for children's mental health services should be integrated into existing performance measurement and reporting systems developed and implemented under chapter 71.24 RCW.

Sec. 93. RCW 71.36.040 and 2003 c 281 s 2 are each amended to read as follows:

(1) The legislature supports recommendations made in the August 2002 study of the public mental health system for children conducted by the joint legislative audit and review committee.

(2) The department shall, within available funds:

(a) Identify internal business operation issues that limit the agency's ability to meet legislative intent to coordinate existing categorical children's mental health programs and funding;

(b) Collect reliable mental health cost, service, and outcome data specific to children. This information must be used to identify best practices and methods of improving fiscal management;

(c) Revise the early periodic screening diagnosis and treatment plan to reflect the mental health system structure in place on July 27, 2003, and thereafter revise the plan as necessary to conform to subsequent changes in the structure.

(3) The department and the office of the superintendent of public instruction shall jointly identify school districts where mental health and education systems coordinate services and resources to provide public mental health care for children. The department and the office of the superintendent of public instruction shall work together to share information about these approaches with other school districts, ~~((regional support networks))~~ behavioral health organizations, and state agencies.

Sec. 94. RCW 72.09.350 and 1993 c 459 s 1 are each amended to read as follows:

(1) The department of corrections and the University of Washington may enter into a collaborative arrangement to provide improved services for ~~((mentally ill))~~ offenders with mental illness with a focus on prevention, treatment, and reintegration into society. The participants in the collaborative arrangement may develop a strategic plan within sixty days after May 17, 1993, to address the management of ~~((mentally ill))~~ offenders with mental illness within the correctional system, facilitating their reentry into the community and the mental health system, and preventing the inappropriate incarceration of ~~((mentally ill))~~ individuals with mental illness. The collaborative arrangement may also specify the establishment and maintenance of a corrections mental health center located at McNeil Island corrections center. The collaborative arrangement shall require that an advisory panel of key stakeholders be established and consulted throughout the development and implementation of the center. The stakeholders advisory panel shall include a broad array of interest groups drawn from representatives of mental health, criminal justice, and correctional systems. The stakeholders advisory panel shall include, but is not limited to, membership from: The department of corrections, the department of social and health services mental health division and division of juvenile rehabilitation, ~~((regional support networks))~~ behavioral health organizations, local and regional law enforcement agencies, the sentencing guidelines commission, county and city jails, mental health advocacy groups for ~~((the mentally ill, developmentally disabled))~~ individuals with mental illness or developmental disabilities, and the traumatically brain-injured, and the general public. The center established by the department of corrections and University of Washington, in consultation with the stakeholder advisory groups, shall have the authority to:

(a) Develop new and innovative treatment approaches for corrections mental health clients;

(b) Improve the quality of mental health services within the department and throughout the corrections system;

(c) Facilitate mental health staff recruitment and training to meet departmental, county, and municipal needs;

(d) Expand research activities within the department in the area of treatment services, the design of delivery systems, the development of organizational models, and training for corrections mental health care professionals;

(e) Improve the work environment for correctional employees by developing the skills, knowledge, and understanding of how to work with offenders with special chronic mental health challenges;

(f) Establish a more positive rehabilitative environment for offenders;

(g) Strengthen multidisciplinary mental health collaboration between the University of Washington, other groups committed to the intent of this section, and the department of corrections;

(h) Strengthen department linkages between institutions of higher education, public sector mental health systems, and county and municipal corrections;

(i) Assist in the continued formulation of corrections mental health policies;

(j) Develop innovative and effective recruitment and training programs for correctional personnel working with ~~((mentally ill))~~ offenders with mental illness;

(k) Assist in the development of a coordinated continuum of mental health care capable of providing services from corrections entry to community return; and

(l) Evaluate all current and innovative approaches developed within this center in terms of their effective and efficient achievement of improved mental health of inmates, development and utilization of personnel, the impact of these approaches on the functioning of correctional institutions, and the relationship of the corrections system to mental health and criminal justice systems. Specific attention should be paid to evaluating the effects of programs on the reintegration of ~~((mentally ill))~~ offenders with mental illness into the community and the prevention of inappropriate incarceration of ~~((mentally ill))~~ persons with mental illness.

(2) The corrections mental health center may conduct research, training, and treatment activities for the ~~((mentally ill))~~ offender with mental illness within selected sites operated by the department. The department shall provide support services for the center such as food services, maintenance, perimeter security, classification, offender supervision, and living unit functions. The University of Washington may develop, implement, and evaluate the clinical, treatment, research, and evaluation components of the mentally ill offender center. The institute of ~~((for))~~ for public policy and management may be consulted regarding the development of the center and in the recommendations regarding public policy. As resources permit, training within the center shall be available to state, county, and municipal agencies requiring the services. Other state colleges, state universities, and mental health providers may be involved in activities as required on a subcontract basis. Community mental health organizations, research groups, and community advocacy groups may be critical components of the center's operations and involved as appropriate to annual objectives. ~~((Mentally ill))~~ Clients with mental illness may be drawn from throughout the department's population and transferred to the center as clinical need, available services, and department jurisdiction permits.

(3) The department shall prepare a report of the center's progress toward the attainment of stated goals and provide the report to the legislature annually.

Sec. 95. RCW 72.09.370 and 2009 c 319 s 3 and 2009 c 28 s 36 are each reenacted and amended to read as follows:

(1) The offender reentry community safety program is established to provide intensive services to offenders identified under this subsection and to thereby promote public safety. The secretary shall identify offenders in confinement or partial confinement who: (a) Are reasonably believed to be dangerous to themselves or others; and (b) have a mental disorder. In determining an offender's dangerousness, the secretary shall consider behavior known to the department and factors, based on research, that are linked to an increased risk for dangerousness of

offenders with mental illnesses and shall include consideration of an offender's chemical dependency or abuse.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the division of mental health, and, as necessary, the indeterminate sentence review board, other divisions or administrations within the department of social and health services, specifically including the division of alcohol and substance abuse and the division of developmental disabilities, the appropriate ~~((regional support network))~~ behavioral health organization, and the providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the offender upon release. In developing the plan, the offender shall be offered assistance in executing a mental health directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for offenders under the age of twenty-one. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by the designated mental health professional, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or chemical dependency or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a designated mental health professional is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated mental health professional. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated mental health professional is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated mental health professional shall occur on the day of release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated mental health professional determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a consenting evaluation and treatment facility. The department shall arrange transportation of the offender to the hospital or facility.

(7) If the designated mental health professional believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified evaluation and treatment facility.

(8) The secretary shall adopt rules to implement this section.

Sec. 96. RCW 72.09.381 and 1999 c 214 s 11 are each amended to read as follows:

The secretary of the department of corrections and the secretary of the department of social and health services shall, in consultation

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with the ~~((regional support networks))~~ behavioral health organizations and provider representatives, each adopt rules as necessary to implement chapter 214, Laws of 1999.

Sec. 97. RCW 72.10.060 and 1998 c 297 s 48 are each amended to read as follows:

The secretary shall, for any person committed to a state correctional facility after July 1, 1998, inquire at the time of commitment whether the person had received outpatient mental health treatment within the two years preceding confinement and the name of the person providing the treatment.

The secretary shall inquire of the treatment provider if he or she wishes to be notified of the release of the person from confinement, for purposes of offering treatment upon the inmate's release. If the treatment provider wishes to be notified of the inmate's release, the secretary shall attempt to provide such notice at least seven days prior to release.

At the time of an inmate's release if the secretary is unable to locate the treatment provider, the secretary shall notify the ~~((regional support network))~~ behavioral health organization in the county the inmate will most likely reside following release.

If the secretary has, prior to the release from the facility, evaluated the inmate and determined he or she requires postrelease mental health treatment, a copy of relevant records and reports relating to the inmate's mental health treatment or status shall be promptly made available to the offender's present or future treatment provider. The secretary shall determine which records and reports are relevant and may provide a summary in lieu of copies of the records.

Sec. 98. RCW 72.23.025 and 2011 1st sp.s. c 21 s 1 are each amended to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. To this end, the legislature intends that funds appropriated for mental health programs, including funds for ~~((regional support networks))~~ behavioral health organizations and the state hospitals be used for persons with primary diagnosis of mental disorder. The legislature finds that establishment of institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to conduct training, research, and clinical program development activities that will directly benefit persons with mental illness who are receiving treatment in Washington state by performing the following activities:

- (i) Promote recruitment and retention of highly qualified professionals at the state hospitals and community mental health programs;
- (ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;
- (iii) Provide expanded training opportunities for existing staff at the state hospitals and community mental health programs;
- (iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals and community mental health programs;

(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;

(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;

(iv) Establish a student loan forgiveness and conditional scholarship program to retain qualified professionals at the state hospitals and community mental health providers when the secretary has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

Sec. 99. RCW 72.78.020 and 2007 c 483 s 102 are each amended to read as follows:

(1) Each county or group of counties shall conduct an inventory of the services and resources available in the county or group of counties to assist offenders in reentering the community.

(2) In conducting its inventory, the county or group of counties should consult with the following:

- (a) The department of corrections, including community corrections officers;
- (b) The department of social and health services in applicable program areas;
- (c) Representatives from county human services departments and, where applicable, multicounty ~~((regional support networks))~~ behavioral health organizations;
- (d) Local public health jurisdictions;
- (e) City and county law enforcement;
- (f) Local probation/supervision programs;
- (g) Local community and technical colleges;
- (h) The local worksource center operated under the statewide workforce investment system;
- (i) Faith-based and nonprofit organizations providing assistance to offenders;
- (j) Housing providers;
- (k) Crime victims service providers; and
- (l) Other community stakeholders interested in reentry efforts.

(3) The inventory must include, but is not limited to:

(a) A list of programs available through the entities listed in subsection (2) of this section and services currently available in the community for offenders including, but not limited to, housing assistance, employment assistance, education, vocational training, parenting education, financial literacy, treatment for substance abuse, mental health, anger management, life skills training, specialized treatment programs such as batterers treatment and sex offender treatment, and any other service or program that will assist the former offender to successfully transition into the community; and

(b) An indication of the availability of community representatives or volunteers to assist the offender with his or her transition.

(4) No later than January 1, 2008, each county or group of counties shall present its inventory to the policy advisory committee convened in RCW 72.78.030(8).

Sec. 100. RCW 74.09.515 and 2011 1st sp.s. c 15 s 26 are each amended to read as follows:

(1) The authority shall adopt rules and policies providing that when youth who were enrolled in a medical assistance program immediately prior to confinement are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The authority, in collaboration with the department, county juvenile court administrators, and ~~((regional support networks))~~ behavioral health organizations, shall establish procedures for coordination between department field offices, juvenile rehabilitation administration institutions, and county juvenile courts that result in prompt reinstatement of eligibility and speedy eligibility determinations for youth who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services' applications on behalf of confined youth in anticipation of their release from confinement;

(b) Expedient review of applications filed by or on behalf of confined youth and, to the extent practicable, completion of the review before the youth is released; and

(c) Mechanisms for providing medical assistance services' identity cards to youth eligible for medical assistance services immediately upon their release from confinement.

(3) For purposes of this section, "confined" or "confinement" means detained in a facility operated by or under contract with the department of social and health services, juvenile rehabilitation administration, or detained in a juvenile detention facility operated under chapter 13.04 RCW.

(4) The authority shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined youth who is likely to be eligible for a medical assistance program.

Sec. 101. RCW 74.09.521 and 2011 1st sp.s. c 15 s 28 are each amended to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose the authority shall revise its medicaid healthy options managed care and fee-for-service program standards under medicaid, Title XIX of the federal social security act to improve access to mental health services for children who do not meet the ~~((regional support network))~~ behavioral health organization access to care standards. The program standards shall be revised to allow outpatient therapy services to be provided by licensed mental health professionals, as defined in RCW 71.34.020, or by a mental health professional regulated under Title 18 RCW who is under the direct supervision of a licensed mental health professional, and up to twenty outpatient therapy hours per calendar year, including family therapy visits integral to a child's treatment. This section shall be administered in a manner consistent with federal early and periodic screening, diagnosis, and treatment requirements related to the receipt of medically necessary services when a child's need for such services is identified through developmental screening.

(2) The authority and the children's mental health evidence-based practice institute established in RCW 71.24.061 shall collaborate to encourage and develop incentives for the use of prescribing practices and evidence-based and research-based treatment practices developed under RCW 74.09.490 by mental health professionals serving children under this section.

Sec. 102. RCW 74.09.555 and 2011 1st sp.s. c 36 s 32 and 2011 1st sp.s. c 15 s 34 are each reenacted and amended to read as follows:

(1) The authority shall adopt rules and policies providing that when persons with a mental disorder, who were enrolled in medical assistance immediately prior to confinement, are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The authority, in collaboration with the Washington association of sheriffs and police chiefs, the department of corrections, and the ~~((regional support networks))~~ behavioral health organizations, shall establish procedures for coordination between the authority and department field offices, institutions for mental disease, and correctional institutions, as defined in RCW 9.94.049, that result in prompt reinstatement of eligibility and speedy eligibility determinations for persons who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expedient review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance services identity cards to persons eligible for medical assistance services immediately upon their release from confinement; and

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits, including federal acceptance of applications on behalf of confined persons.

(3) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution or institution for mental diseases shall provide the authority with that information for purposes of making medical assistance eligibility and enrollment determinations prior to the person's release from confinement. The authority shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional institution, as defined in RCW 9.94.049, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

(5) For purposes of this section, "likely to be eligible" means that a person:

(a) Was enrolled in medicaid or supplemental security income or the medical care services program immediately before he or she was confined and his or her enrollment was terminated during his or her confinement; or

(b) Was enrolled in medicaid or supplemental security income or the medical care services program at any time during the five years before his or her confinement, and medical or psychiatric examinations during the person's confinement indicate that the person continues to be disabled and the disability is likely to last at least twelve months following release.

(6) The economic services administration within the department shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined person who is likely to be eligible for medicaid.

Sec. 103. RCW 74.34.068 and 2001 c 233 s 2 are each amended to read as follows:

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(1) After the investigation is complete, the department may provide a written report of the outcome of the investigation to an agency or program described in this subsection when the department determines from its investigation that an incident of abuse, abandonment, financial exploitation, or neglect occurred. Agencies or programs that may be provided this report are home health, hospice, or home care agencies, or after January 1, 2002, any in-home services agency licensed under chapter 70.127 RCW, a program authorized under chapter 71A.12 RCW, an adult day care or day health program, ~~((regional support networks))~~ behavioral health organizations authorized under chapter 71.24 RCW, or other agencies. The report may contain the name of the vulnerable adult and the alleged perpetrator. The report shall not disclose the identity of the person who made the report or any witness without the written permission of the reporter or witness. The department shall notify the alleged perpetrator regarding the outcome of the investigation. The name of the vulnerable adult must not be disclosed during this notification.

(2) The department may also refer a report or outcome of an investigation to appropriate state or local governmental authorities responsible for licensing or certification of the agencies or programs listed in subsection (1) of this section.

(3) The department shall adopt rules necessary to implement this section.

Sec. 104. RCW 82.04.4277 and 2011 1st sp.s. c 19 s 1 are each amended to read as follows:

(1) A health or social welfare organization may deduct from the measure of tax amounts received as compensation for providing mental health services under a government-funded program.

(2) A ~~((regional support network))~~ behavioral health organization may deduct from the measure of tax amounts received from the state of Washington for distribution to a health or social welfare organization that is eligible to deduct the distribution under subsection (1) of this section.

(3) A person claiming a deduction under this section must file a complete annual report with the department under RCW 82.32.534.

(4) The definitions in this subsection apply to this section.

(a) "Health or social welfare organization" has the meaning provided in RCW 82.04.431.

(b) "Mental health services" and "~~((regional support network))~~ behavioral health organization" have the meanings provided in RCW 71.24.025.

(5) This section expires August 1, 2016.

Sec. 105. RCW 70.48.100 and 1990 c 3 s 130 are each amended to read as follows:

(1) A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

(a) The name of each person confined in the jail with the hour, date and cause of the confinement; and

(b) The hour, date and manner of each person's discharge.

(2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705; or

(a) For use in inspections made pursuant to RCW 70.48.070;

(b) In jail certification proceedings;

(c) For use in court proceedings upon the written order of the court in which the proceedings are conducted; ~~((or))~~

(d) To the Washington association of sheriffs and police chiefs;

(e) To the Washington institute for public policy, research and data analysis division of the department of social and health services, higher education institutions of Washington state, Washington state health care authority, state auditor's office,

caseload forecast council, office of financial management, or the successor entities of these organizations, for the purpose of research in the public interest. Data disclosed for research purposes must comply with relevant state and federal statutes; or

(f) Upon the written permission of the person.

(3)(a) Law enforcement may use booking photographs of a person arrested or confined in a local or state penal institution to assist them in conducting investigations of crimes.

(b) Photographs and information concerning a person convicted of a sex offense as defined in RCW 9.94A.030 may be disseminated as provided in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter 3, Laws of 1990.

Sec. 106. RCW 70.38.111 and 2012 c 10 s 48 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or

obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements to the offering of inpatient tertiary health services to the extent that such offering is not exempt under the provisions of this section or RCW 70.38.105(7).

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed assisted living facility care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given, at a minimum, one year prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given a minimum of ninety days prior to the effective date of

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license modification reflecting the restored beds. Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements of this section.

The term "construction," as used in (b)(ii) of this subsection, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under this chapter.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2) (a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

(9)(a) The department shall not require a certificate of need for a hospice agency if:

(i) The hospice agency is designed to serve the unique religious or cultural needs of a religious group or an ethnic minority and commits to furnishing hospice services in a manner specifically aimed at meeting the unique religious or cultural needs of the religious group or ethnic minority;

(ii) The hospice agency is operated by an organization that:

(A) Operates a facility, or group of facilities, that offers a comprehensive continuum of long-term care services, including, at a minimum, a licensed, medicare-certified nursing home, assisted living, independent living, day health, and various community-based support services, designed to meet the unique social, cultural, and religious needs of a specific cultural and ethnic minority group;

(B) Has operated the facility or group of facilities for at least ten continuous years prior to the establishment of the hospice agency;

(iii) The hospice agency commits to coordinating with existing hospice programs in its community when appropriate;

(iv) The hospice agency has a census of no more than forty patients;

(v) The hospice agency commits to obtaining and maintaining medicare certification;

(vi) The hospice agency only serves patients located in the same county as the majority of the long-term care services offered by the organization that operates the agency; and

(vii) The hospice agency is not sold or transferred to another agency.

(b) The department shall include the patient census for an agency exempted under this subsection (9) in its calculations for future certificate of need applications.

(10) To alleviate the need to board psychiatric patients in emergency departments, for fiscal year 2015 the department shall suspend the certificate of need requirement for a hospital licensed under chapter 70.41 RCW that changes the use of licensed beds to increase the number of beds to provide psychiatric services, including involuntary treatment services. A certificate of need exemption under this section shall be valid for two years.

Sec. 107. RCW 70.320.020 and 2013 c 320 s 2 are each amended to read as follows:

(1) The authority and the department shall base contract performance measures developed under RCW 70.320.030 on the

following outcomes when contracting with service contracting entities: Improvements in client health status and wellness; increases in client participation in meaningful activities; reductions in client involvement with criminal justice systems; reductions in avoidable costs in hospitals, emergency rooms, crisis services, and jails and prisons; increases in stable housing in the community; improvements in client satisfaction with quality of life; and reductions in population-level health disparities.

(2) The performance measures must demonstrate the manner in which the following principles are achieved within each of the outcomes under subsection (1) of this section:

(a) Maximization of the use of evidence-based practices will be given priority over the use of research-based and promising practices, and research-based practices will be given priority over the use of promising practices. The agencies will develop strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities and community organizations that serve diverse communities;

(b) The maximization of the client's independence, recovery, and employment;

(c) The maximization of the client's participation in treatment decisions; and

(d) The collaboration between consumer-based support programs in providing services to the client.

(3) In developing performance measures under RCW 70.320.030, the authority and the department shall consider expected outcomes relevant to the general populations that each agency serves. The authority and the department may adapt the outcomes to account for the unique needs and characteristics of discrete subcategories of populations receiving services, including ethnically diverse communities.

(4) The authority and the department shall coordinate the establishment of the expected outcomes and the performance measures between each agency as well as each program to identify expected outcomes and performance measures that are common to the clients enrolled in multiple programs and to eliminate conflicting standards among the agencies and programs.

(5)(a) The authority and the department shall establish timelines and mechanisms for service contracting entities to report data related to performance measures and outcomes, including phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance measures and levels of improvement between geographic regions of Washington.

(b) The authority and the department may not release any public reports of client outcomes unless the data have been deidentified and aggregated in such a way that the identity of individual clients cannot be determined through directly identifiable data or the combination of multiple data elements.

Sec. 108. RCW 18.205.040 and 2008 c 135 s 17 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, nothing in this chapter shall be construed to authorize the use of the title "certified chemical dependency professional" or "certified chemical dependency professional trainee" when treating patients in settings other than programs approved under chapter 70.96A RCW.

(2) A person who holds a credential as a "certified chemical dependency professional" or a "certified chemical dependency professional trainee" may use such title when treating patients in settings other than programs approved under chapter 70.96A RCW if the person also holds a license as: An advanced registered nurse practitioner under chapter 18.79 RCW; a marriage and family therapist, mental health counselor, advanced social worker, or independent clinical social health worker under chapter 18.225

RCW; a psychologist under chapter 18.83 RCW; an osteopathic physician under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW; a physician under chapter 18.71 RCW; or a physician assistant under chapter 18.71A RCW.

NEW SECTION. Sec. 109. A new section is added to chapter 70.320 RCW to read as follows:

The authority, the department, and service contracting entities shall establish record retention schedules for maintaining data reported by service contracting entities under RCW 70.320.020. For data elements related to the identity of individual clients, the schedules may not allow the retention of data for longer than required by law unless the authority, the department, or service contracting entities require the data for purposes contemplated by RCW 70.320.020 or to meet other service requirements. Regardless of how long data reported by service contracting entities under RCW 70.320.020 is kept, it must be protected in a way that prevents improper use or disclosure of confidential client information.

NEW SECTION. Sec. 110. A new section is added to chapter 71.24 RCW to read as follows:

(1) The department and the health care authority shall develop a plan to provide integrated managed health and mental health care for foster children receiving care through the medical assistance program. The plan shall detail the steps necessary to implement and operate a fully integrated program for foster children, including development of a service delivery system, benefit design, reimbursement mechanisms, and standards for contracting with health plans. The plan must be designed so that all of the requirements for providing mental health services to children under the *T.R. v. Dreyfus and Porter* settlement are met. The plan shall include an implementation timeline and funding estimate. The department and the health care authority shall submit the plan to the legislature by December 1, 2014.

(2) This section expires July 1, 2015.

NEW SECTION. Sec. 111. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 112. Sections 7, 10, 13 through 54, 56 through 84, and 86 through 104 of this act take effect April 1, 2016.

NEW SECTION. Sec. 113. Section 85 of this act takes effect July 1, 2018."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Darneille moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6312.

Senators Darneille and Parlette spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6312.

The motion by Senator Darneille carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6312 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6312, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6312, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Dansel

SECOND SUBSTITUTE SENATE BILL NO. 6312, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2798, by Representative Hunter

Concerning payments made by the health care authority to managed health care systems.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, House Bill No. 2798 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Keiser spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Padden: "How many votes does it take to pass House Bill No. 2798?"

REPLY BY THE PRESIDENT

President Owen: "Senator Padden, the President needs a little guidance from you on what reference you are making as to why you question the number of votes?"

POINT OF ORDER

Senator Padden: "Yes, the gentleman from the Forty-fifth District indicated that under Initiative 502 the money went to the basic health care plan so we are redirecting that money. Does Initiative 502 require two-thirds vote?"

Senator Hill spoke against the point of order.

MOTION

On motion of Senator Fain, further consideration of House Bill No. 2798 was deferred and the bill held its place on the third reading calendar.

SECOND READING

FIFTY NINTH DAY, MARCH 12, 2014

2014 REGULAR SESSION

SENATE BILL NO. 6327, by Senators Darneille and Chase

member of the Board of Trustees, Bellingham Technical College District No. 25.

Expanding the categories of offenses eligible for the parenting program with the department of corrections.

RULING BY THE PRESIDENT

The measure was read the second time.

President Owen: "In response to Senator Padden's parliamentary inquiry regarding the number of votes required to pass House Bill No. 2798, the President finds and rules as follows:

MOTION

Initiative 502 provided that a certain percent of the excise taxes be placed into the Basic Health Plan Stabilization Account, along with other funds already in the account.

On motion of Senator Darneille, the rules were suspended, Senate Bill No. 6327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The bill allows an expanded use of funds in the account. Merely because the initiative directs some funds into an existing account, does not make alteration of the purposes for which the account can be used an amendment of the initiative.

Senator Darneille spoke in favor of passage of the bill.

For these reasons the President finds that House Bill No. 2798 requires only a constitutional majority of 25 votes on final passage.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6327.

ROLL CALL

The Senate resumed consideration of House Bill No. 2798 which had been deferred earlier in the day.

The Secretary called the roll on the final passage of Senate Bill No. 6327 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

ROLL CALL

Voting yea: Senators Angel, Bailey, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frocht, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Tom

The Secretary called the roll on the final passage of House Bill No. 2798 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting nay: Senators Baumgartner, Becker, Benton, Brown, Dansel, Hewitt, Holmquist Newbry, Honeyford, O'Ban, Padden, Parlette, Pearson and Roach

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frocht, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SENATE BILL NO. 6327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Voting nay: Senators Dansel and Padden
HOUSE BILL NO. 2798, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

MOTION

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MOTION

MESSAGE FROM THE HOUSE

Senator Fain moved that Lisa K Woo, Gubernatorial Appointment No. 9040, be confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

March 12, 2014

Senator Fain spoke in favor of the motion.

MR. PRESIDENT:
The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6002. The Speaker has appointed the following members as Conferees: Representatives Hunter, Sullivan, Chandler and the same is herewith transmitted.

APPOINTMENT OF LISA K WOO

BARBARA BAKER, Chief Clerk

The President declared the question before the Senate to be the confirmation of Lisa K Woo, Gubernatorial Appointment No. 9040, as a member of the Board of Trustees, Bellingham Technical College District No. 25.

MOTION

The Secretary called the roll on the confirmation of Lisa K Woo, Gubernatorial Appointment No. 9040, as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote:

On motion of Senator Fain, the Senate advanced to the seventh order of business.

Lisa K Woo, Gubernatorial Appointment No. 9040, having received the constitutional majority was declared confirmed as a

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Litzow moved that Connie L Fletcher, Gubernatorial Appointment No. 9099, be confirmed as a member of the State Board of Education.

Senator Litzow spoke in favor of the motion.

APPOINTMENT OF CONNIE L FLETCHER

The President declared the question before the Senate to be the confirmation of Connie L Fletcher, Gubernatorial Appointment No. 9099, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Connie L Fletcher, Gubernatorial Appointment No. 9099, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Connie L Fletcher, Gubernatorial Appointment No. 9099, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Becker moved that John Wiesman, Gubernatorial Appointment No. 9219, be confirmed as Secretary of the Department of Health.

Senators Becker, Darneille, Benton, Cleveland and Parlette spoke in favor of passage of the motion.

APPOINTMENT OF JOHN WIESMAN

The President declared the question before the Senate to be the confirmation of John Wiesman, Gubernatorial Appointment No. 9219, as Secretary of the Department of Health.

The Secretary called the roll on the confirmation of John Wiesman, Gubernatorial Appointment No. 9219, as Secretary of the Department of Health and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

John Wiesman, Gubernatorial Appointment No. 9219, having received the constitutional majority was declared confirmed as Secretary of the Department of Health.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Dr. John Wiesman, Dr. P.H., M.P.H., the recently-confirmed Secretary of the Washington State Department of Health, who were seated in the gallery and recognized by the Senate.

MOTION

At 6:15 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Thursday, March 13, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 13, 2014

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Hargrove.

The Sergeant at Arms Color Guard consisting of Pages Faith Simmons and Haley Smith, presented the Colors. Reverend Tim Ilgen of St. Joseph Parish of Chehalis offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2207.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6573,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6180,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6505,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED HOUSE BILL NO. 1224,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 10:07 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:07 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 2207 by House Committee on Appropriations (originally sponsored by Representatives Haigh, Orcutt, Haler, Tharinger, Blake, Short, Van De Wege, Fagan, Magendanz and Buys)

AN ACT Relating to eliminating the reduction in state basic education funding that occurs in counties with federal forest lands; amending RCW 28A.150.250 and 28A.520.020; and providing an effective date.

MOTION

On motion of Senator Fain, under suspension of the rules Engrossed Second Substitute House Bill No. 2207 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Roy Heynderickx, Gubernatorial Appointment No. 9114, be confirmed as a member of the Higher Education Facilities Authority.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Nelson, Senator Pedersen was excused.

APPOINTMENT OF ROY HEYNDERICKX

The President declared the question before the Senate to be the confirmation of Roy Heynderickx, Gubernatorial Appointment No. 9114, as a member of the Higher Education Facilities Authority.

The Secretary called the roll on the confirmation of Roy Heynderickx, Gubernatorial Appointment No. 9114, as a member of the Higher Education Facilities Authority and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yeas: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Hargrove

Excused: Senator Pedersen

Roy Heynderickx, Gubernatorial Appointment No. 9114, having received the constitutional majority was declared confirmed as a member of the Higher Education Facilities Authority.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5972,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6001,
SENATE BILL NO. 6180,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6265,
SECOND SUBSTITUTE SENATE BILL NO. 6312,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6440,
SENATE BILL NO. 6505,
SENATE BILL NO. 6573.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6040 with the following amendment(s): 6040-S.E AMH APP H4471.1

Strike everything after the enacting clause and insert the following:

"PART 1

INVASIVE SPECIES—MANAGEMENT

NEW SECTION. Sec. 101. The legislature finds that:

(1) The state's fish, wildlife, and habitat are exceptionally valuable environmental resources for the state's citizens.

(2) The state's fish, wildlife, and habitat also provide exceptionally valuable economic, cultural, and recreational resources. These include hydroelectric power, agriculture, forests, water supplies, commercial and recreational fisheries, aquaculture, and public access to outdoor recreational opportunities.

(3) Invasive species pose a grave threat to these environmental and economic resources, especially to salmon recovery and state and federally listed threatened and endangered species. Because of the significant harm invasive species can cause, invasive species constitute a public nuisance.

(4) If allowed to become established, invasive species can threaten human health and cause environmental and economic disasters affecting not only our state, but other states and nations.

(5) The risk of invasive species spreading into Washington increases as travel and commerce grows in volume and efficiency.

(6) Prevention of invasive species is a cost-effective, successful, and proven management strategy. Prevention is the state's highest management priority with an emphasis on education and outreach, inspections, and rapid response.

(7) The integrated management of invasive species through pathways regulated by the department is critical to preventing the introduction and spread of a broad range of such species, including plants, diseases, and parasites.

(8) Washington's citizens must work together to protect the state from invasive species.

(9) Public and private partnerships, cooperative agreements, and compacts are important for preventing new arrivals and managing existing populations of invasive species, and coordinating these actions on local, state, national, and international levels.

(10) The department requires authority for this mission to effectively counter the unpredictable nature of invasive species' introductions and spread, enable the utilization of new advances in invasive ecology science, and implement applicable techniques and technology to address invasive species.

(11) An integrated management approach provides the best way for the state to manage invasive species and includes opportunities for creating an informed public, encouraging public involvement, and striving for local, regional, national, and international cooperation and consistency on management standards. An integrated management approach also applies sound science to minimize the chance that invasive species used for beneficial purposes will result in environmental harm.

(12) This chapter provides authority for the department to effectively address invasive species using an integrated management approach.

(13) The department of fish and wildlife currently has sufficient statutory authority to effectively address invasive species risks posed through discharge of ballast water under chapter 77.120 RCW and by private sector shellfish aquaculture operations regulated under chapter 77.115 RCW. The programs developed by the department under these chapters embody the principles of prevention as the highest priority, integrated management of pathways, public-private partnerships, clean and drain principles, and rapid response capabilities.

NEW SECTION. Sec. 102. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aquatic conveyance" means transportable personal property having the potential to move an aquatic invasive species from one aquatic environment to another. Aquatic conveyances include but are not limited to watercraft and associated equipment, float planes, construction equipment, fish tanker trucks, hydroelectric and irrigation equipment, personal fishing and hunting gear, and materials used for aquatic habitat mitigation or restoration.

(2) "Aquatic invasive species" means an invasive species of the animal kingdom with a life cycle that is at least partly dependent

SIXTIETH DAY, MARCH 13, 2014

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upon fresh, brackish, or marine waters. Examples include nutria, waterfowl, amphibians, fish, and shellfish.

(3) "Aquatic plant" means a native or nonnative emergent, submersed, partially submersed, free-floating, or floating-leaved plant species that is dependent upon fresh, brackish, or marine water ecosystems and includes all stages of development and parts.

(4) "Certificate of inspection" means a department-approved document that declares, to the extent technically or measurably possible, that an aquatic conveyance does not carry or contain an invasive species. Certification may be in the form of a decal, label, rubber stamp imprint, tag, permit, locking seal, or written statement.

(5) "Clean and drain" means to remove the following from areas on or within an aquatic conveyance to the extent technically and measurably possible:

(a) Visible native and nonnative aquatic animals, plants, or other organisms; and

(b) Raw water.

(6) "Commercial watercraft" means a management category of aquatic conveyances:

(a) Required to have valid marine documentation as a vessel of the United States or similar required documentation for a country other than the United States; and

(b) Not subject to watercraft registration requirements under chapter 88.02 RCW or ballast water requirements under chapter 77.120 RCW.

(7) "Cryptogenic species" means a species that scientists cannot commonly agree are native or nonnative or are part of the animal kingdom.

(8) "Decontaminate" means, to the extent technically and measurably possible, the application of a treatment to kill, destroy, remove, or otherwise eliminate all known or suspected invasive species carried on or contained within an aquatic conveyance or structural property by use of physical, chemical, or other methods. Decontamination treatments may include drying an aquatic conveyance for a time sufficient to kill aquatic invasive species through desiccation.

(9) "Detect" means the verification of invasive species' presence as defined by the department.

(10) "Eradicate" means, to the extent technically and measurably possible, to kill, destroy, remove, or otherwise eliminate an invasive species from a water body or property using physical, chemical, or other methods.

(11) "Infested site management" means management actions as provided under section 109 of this act that may include long-term actions to contain, control, or eradicate a prohibited species.

(12) "Introduce" means to intentionally or unintentionally release, place, or allow the escape, dissemination, or establishment of an invasive species on or into a water body or property as a result of human activity or a failure to act.

(13) "Invasive species" means nonnative species of the animal kingdom that are not naturally occurring in Washington for purposes of breeding, resting, or foraging, and that pose an invasive risk of harming or threatening the state's environmental, economic, or human resources. Invasive species include all stages of species development and body parts. They may also include genetically modified or cryptogenic species.

(14) "Invasive species council" means the Washington invasive species council established in RCW 79A.25.310 or a similar collaborative state agency forum. The term includes the council and all of its officers, employees, agents, and contractors.

(15) "Mandatory check station" means a location where a person transporting an aquatic conveyance must stop and allow the conveyance to be inspected for aquatic invasive species.

(16) "Possess" means to have authority over the use of an invasive species or use of an aquatic conveyance that may carry or

contain an invasive species. For the purposes of this subsection, "authority over" includes the ability to intentionally or unintentionally hold, import, export, transport, purchase, sell, barter, distribute, or propagate an invasive species.

(17) "Prohibited species" means a classification category of nonnative species as provided in section 104 of this act.

(18) "Property" means both real and personal property.

(19) "Quarantine declaration" means a management action as provided under section 107 of this act involving the prohibition or conditioning of the movement of aquatic conveyances and waters from a place or an area that is likely to contain a prohibited species.

(20) "Rapid response" means expedited management actions as provided under section 108 of this act triggered when invasive species are detected, for the time-sensitive purpose of containing or eradicating the species before it spreads or becomes further established.

(21) "Raw water" means water from a water body and held on or within property. "Raw water" does not include water from precipitation that is captured in a conveyance, structure, or depression that is not otherwise intended to function as a water body, or water from a potable water supply system, unless the water contains visible aquatic organisms.

(22) "Regulated species" means a classification category of nonnative species as provided in section 104 of this act.

(23) "Registered watercraft" means a management category of aquatic conveyances required to register as vessels under RCW 88.02.550 or similar requirements for a state other than Washington or a country other than the United States.

(24) "Seaplane" means a management category of aquatic conveyances capable of landing on or taking off from water and required to register as an aircraft under RCW 47.68.250 or similar registration in a state other than Washington or a country other than the United States.

(25) "Small watercraft" means a management category of aquatic conveyances:

(a) Including inflatable and hard-shell watercraft used or capable of being used as a means of transportation on the water, such as kayaks, canoes, sailboats, and rafts that:

(i) Do not meet watercraft registration requirements under chapter 88.02 RCW; and

(ii) Are ten feet or more in length with or without mechanical propulsion or less than ten feet in length and fitted with mechanical propulsion.

(b) Excluding nonmotorized aquatic conveyances of any size not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses and tubes, beach and water toys, surf boards, and paddle boards.

(26) "Water body" means an area that carries or contains a collection of water, regardless of whether the feature carrying or containing the water is natural or nonnatural. Examples include basins, bays, coves, streams, rivers, springs, lakes, wetlands, reservoirs, ponds, tanks, irrigation canals, and ditches.

NEW SECTION. Sec. 103. (1) The department is the lead agency for managing invasive species of the animal kingdom statewide. This lead responsibility excludes pests, domesticated animals, or livestock managed by the department of agriculture under Titles 15, 16, and 17 RCW, forest invasive insect and disease species managed by the department of natural resources under Title 76 RCW, and mosquito and algae control and shellfish sanitation managed by the department of health under Titles 69, 70, and 90 RCW.

(2) Subject to the availability of funding for these specific purposes, the department may:

(a) Develop and implement integrated invasive species management actions and programs authorized by this chapter,

including rapid response, early detection and monitoring, prevention, containment, control, eradication, and enforcement;

(b) Establish and maintain an invasive species outreach and education program, in coordination with the Washington invasive species council, that covers public, commercial, and professional pathways and interests;

(c) Align management classifications, standards, and enforcement provisions by rule with regional, national, and international standards and enforcement provisions;

(d) Manage invasive species to support the preservation of native species, salmon recovery, and the overall protection of threatened or endangered species;

(e) Participate in local, state, regional, national, and international efforts regarding invasive species to support the intent of this chapter;

(f) Provide technical assistance or other support to tribes, federal agencies, local governments, and private groups to promote an informed public and assist the department in meeting the intent of this chapter;

(g) Enter into partnerships, cooperative agreements, and state or interstate compacts as necessary to accomplish the intent of this chapter;

(h) Research and develop invasive species management tools, including standard methods for decontaminating aquatic conveyances and controlling or eradicating invasive species from water bodies and properties;

(i) Post invasive species signs and information at port districts, privately or publicly owned marinas, state parks, and all boat launches owned or leased by state agencies or political subdivisions; and

(j) Adopt rules as needed to implement the provisions of this chapter.

(3) The department may delegate selected and clearly identified elements of its authorities and duties to another agency of the state with appropriate expertise or administrative capacity upon cooperative agreement with that agency. This delegation may include provisions of funding for implementation of the delegations. The department retains primary authority and responsibility for all requirements of this chapter unless otherwise directed in this chapter.

(4) This chapter does not apply to the possession or introduction of nonnative aquatic animal species by:

(a) Ballast water held or discharged by vessels regulated under chapter 77.120 RCW; or

(b) Private sector aquaculture operations, transfers, or conveyances regulated under chapter 77.115 RCW.

(5) This chapter does not preempt or replace other department species classification systems or other management requirements under this title. However, the department must streamline invasive species requirements under this chapter into existing permits and cooperative agreements as possible.

NEW SECTION. Sec. 104. (1) The department, in consultation with the invasive species council, may classify or reclassify and list by rule nonnative aquatic animal species as prohibited level 1, level 2, or level 3, based on the degree of invasive risk, the type of management action required, and resources available to conduct the management action.

(a) Species classified as prohibited level 1 pose a high invasive risk and are a priority for prevention and expedited rapid response management actions.

(b) Species classified as prohibited level 2 pose a high invasive risk and are a priority for long-term infested site management actions.

(c) Species classified as prohibited level 3 pose a moderate to high invasive risk and may be appropriate for prevention, rapid response, or other prohibited species management plan actions by

the department, another agency, a local government, tribes, or the public.

(2) The department, in consultation with the invasive species council, may classify and list by rule regulated type A species. This classification is used for nonnative aquatic animal species that pose a low to moderate invasive risk that can be managed based on intended use or geographic scope of introduction, have a beneficial use, and are a priority for department-led or department-approved management of the species' beneficial use and invasive risks.

(3) Nonnative aquatic animal species not classified as prohibited level 1, level 2, or level 3 under subsection (1) of this section, or as regulated type A species under subsection (2) of this section, are automatically managed statewide as regulated type B species or regulated type C species and do not require listing by rule.

(a) Species managed as regulated type B pose a low or unknown invasive risk and are possessed for personal or commercial purposes, such as for aquariums, live food markets, or as nondomesticated pets.

(b) Species managed as regulated type C pose a low or unknown invasive risk and include all other species that do not meet the criteria for management as a regulated type B invasive species.

(4) Classification of prohibited and regulated species:

(a) May be by individual species or larger taxonomic groups up to the family name;

(b) Must align, as practical and appropriate, with regional and national classification levels;

(c) Must be statewide unless otherwise designated by a water body, property, or other geographic region or area; and

(d) May define general possession and introduction conditions acceptable under department authorization, a permit, or as otherwise provided by rule.

(5) Prior to or at the time of classifying species by rule as prohibited or regulated under subsections (1) and (2) of this section, the department, in consultation with the invasive species council, must adopt rules establishing standards for determining invasive risk levels and criteria for determining beneficial use that take into consideration environmental impacts, and especially effects on the preservation of native species, salmon recovery, and threatened or endangered species.

NEW SECTION. Sec. 105. (1) Until the department adopts rules classifying species pursuant to chapter 77.--- RCW (the new chapter created in section 121 of this act), species and classifications identified in this section are automatically managed as follows:

(a) Zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena rostriformis bugensis*), European green crab (*Carcinus maenas*), and all members of the genus *Eriocheir* (including Chinese mitten crab), all members of the walking catfish family (*Clariidae*), all members of the snakehead family (*Channidae*), silver carp (*Hypophthalmichthys molitrix*), largescale silver carp (*Hypophthalmichthys harmandi*), black carp (*Mylopharyngodon piceus*), and bighead carp (*Hypophthalmichthys nobilis*) are prohibited level 1 species statewide;

(b) Prohibited aquatic animal species classified under WAC 220-12-090(1), in effect on July 1, 2014, except those as noted in this subsection are prohibited level 3 species statewide;

(c) Regulated aquatic animal species classified under WAC 220-12-090(2), in effect on July 1, 2014, are regulated type A species statewide; and

(d) Nonnative aquatic animal species classified as game fish under WAC 232-12-019, in effect on July 1, 2014, or food fish under WAC 220-12-010, in effect on July 1, 2014, are regulated type A species statewide.

(2) The department, in consultation with the invasive species council, may change these classifications by rule.

NEW SECTION. Sec. 106. (1) Prohibited level 1, level 2, and level 3 species may not be possessed, introduced on or into a

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water body or property, or trafficked, without department authorization, a permit, or as otherwise provided by rule.

(2) Regulated type A, type B, and type C species may not be introduced on or into a water body or property without department authorization, a permit, or as otherwise provided by rule.

(3) Regulated type B species, when being actively used for commercial purposes, must be readily and clearly identified in writing by taxonomic species name or subspecies name to distinguish the subspecies from another prohibited species or a regulated type A species. Nothing in this section precludes using additional descriptive language or trade names to describe regulated type B species as long as the labeling requirements of this section are met.

NEW SECTION. Sec. 107. (1) If the department determines it is necessary to protect the environmental, economic, or human health interests of the state from the threat of a prohibited level 1 or level 2 species, the department may declare a quarantine against a water body, property, or region within the state. The department may prohibit or condition the movement of aquatic conveyances and waters from such a quarantined place or area that are likely to contain a prohibited species.

(2) A quarantine declaration under this section may be implemented separately or in conjunction with rapid response management actions under section 108 of this act and infested site management actions under section 109 of this act in a manner and for a duration necessary to protect the interests of the state from the threat of a prohibited level 1 or level 2 species. A quarantine declaration must include:

- (a) The reasons for the action including the prohibited level 1 or level 2 species triggering the quarantine;
- (b) The boundaries of the area affected;
- (c) The action timeline;
- (d) Types of aquatic conveyances and waters affected by the quarantine and any prohibition or conditions on the movement of those aquatic conveyances and waters from the quarantine area; and
- (e) Inspection and decontamination requirements for aquatic conveyances.

NEW SECTION. Sec. 108. (1) The department may implement rapid response management actions where a prohibited level 1 species is detected in or on a water body or property. Rapid response management actions may: Include expedited actions to contain, control, or eradicate the prohibited species; and, if applicable, be implemented in conjunction with a quarantine declaration. Rapid response management actions must be terminated by the department when it determines that the targeted prohibited level 1 species are:

- (a) Eradicated;
- (b) Contained or controlled without need for further management actions;
- (c) Reclassified for that water body; or
- (d) Being managed under infested site management actions pursuant to section 109 of this act.

(2) If a rapid response management action exceeds seven days, the department may implement an incident command system for rapid response management including scope, duration, and types of actions and to support mutual assistance and cooperation between the department and other affected state and federal agencies, tribes, local governments, and private water body or property owners. The purpose of this system is to coordinate a rapid, effective, and efficient response to contain, control, and eradicate if feasible, a prohibited level 1 species. Mutual assistance and coordination by other state agencies is especially important to assist the department in expediting necessary state and federal environmental permits.

(3) The department may enter into cooperative agreements with national, regional, state, and local rapid response management

action partners to establish incident command system structures, secure or prepare submission-ready environmental permits, and identify mutual assistance commitments in preparation for potential future actions.

(4) The department may perform simulated rapid response exercises, testing, or other training activities to prepare for future rapid response management actions.

(5) In implementing rapid response management actions, the department may enter upon property consistent with the process established under section 119 of this act.

NEW SECTION. Sec. 109. (1) The department may implement infested site management actions where a prohibited level 2 species is detected in or on a water body or property. Infested site management actions may: Include long-term actions to contain, control, or eradicate the prohibited species; and, if applicable, be implemented in conjunction with a quarantine declaration. Infested site management actions must be terminated by the department when it determines that the targeted prohibited level 2 species are:

- (a) Eradicated;
- (b) Contained or controlled without need for further management actions; or
- (c) Reclassified for that water body.

(2) The department must consult with affected state and federal agencies, tribes, local governments, and private water body or property owners prior to implementing infested site management actions. The purpose of the consultation is to support mutual assistance and cooperation in providing an effective and efficient response to contain, control, and eradicate, if feasible, a prohibited level 2 species.

(3) The department may enter into cooperative agreements with national, regional, state, and local infested site management action partners to establish management responsibilities, secure or prepare submission-ready environmental permits, and identify mutual assistance commitments.

(4) In implementing infested site management actions, the department may enter upon property consistent with the process established under section 119 of this act.

NEW SECTION. Sec. 110. (1) To the extent possible, the department's quarantine declarations under section 107 of this act, rapid response management actions under section 108 of this act, and infested site management actions under section 109 of this act must be implemented in a manner best suited to contain, control, and eradicate prohibited level 1 and level 2 species while protecting human safety, minimizing adverse environmental impacts to a water body or property, and minimizing adverse economic impacts to owners of an affected water body or property.

(2) The department is the lead agency for quarantine declarations, rapid response, and infested site management actions. Where the infested water body is subject to tribal, federal, or other sovereign jurisdiction, the department:

- (a) Must consult with appropriate federal agencies, tribal governments, other states, and Canadian government entities to develop and implement coordinated management actions on affected water bodies under shared jurisdiction;
- (b) May assist in infested site management actions where these actions may prevent the spread of prohibited species into state water bodies; and

(c) May assist other states and Canadian government entities, in the Columbia river basin, in management actions on affected water bodies outside of the state where these actions may prevent the spread of the species into state water bodies.

(3)(a) The department must provide notice of quarantine declarations, rapid response, and infested site management actions to owners of an affected water body or property. Notice may be

provided by any reasonable means, such as in person, by United States postal service, by publication in a local newspaper, by electronic publication including social media or postings on the department's public web site, or by posting signs at the water body.

(b) The department must provide updates to owners of an affected water body or property based on management action type as follows:

(i) Every seven days for a rapid response management action and, if applicable, a quarantine declaration implemented in conjunction with a rapid response management action;

(ii) Every six months for a separate quarantine declaration;

(iii) Annually for the duration of an infested site management action and, if applicable, a quarantine declaration implemented in conjunction with an infested site management action; and

(iv) A final update at the conclusion of any management action.

(c) In addition to owners of an affected water body or property, the department must provide notice of a quarantine declaration to members of the public by any reasonable means for an area subject to a quarantine declaration, such as by publication in a local newspaper, by electronic publication including social media or postings on the department's public web site, or by posting signs at the water body. The department must provide updates at reasonable intervals and a final update at the conclusion of the quarantine declaration.

(4) The department must publicly list those water bodies or portions of water bodies in which a prohibited level 1 or level 2 species has been detected. The department may list those areas in which a prohibited level 3 species has been detected.

(5) When posting signs at a water body or property where a prohibited species has been detected, the department must consult with owners of the affected water body or property regarding placement of those signs.

NEW SECTION. Sec. 111. (1) If the director finds that there exists an imminent danger of a prohibited level 1 or level 2 species detection that seriously endangers or threatens the environment, economy, human health, or well-being of the state of Washington, the director must ask the governor to order, under RCW 43.06.010(14), emergency measures to prevent or abate the prohibited species. The director's findings must contain an evaluation of the effect of the emergency measures on environmental factors such as fish listed under the endangered species act, economic factors such as public and private access, human health factors such as water quality, or well-being factors such as cultural resources.

(2) If an emergency is declared pursuant to RCW 43.06.010(14), the director may consult with the invasive species council to advise the governor on emergency measures necessary under RCW 43.06.010(14) and this section, and make subsequent recommendations to the governor. The invasive species council must involve owners of the affected water body or property, state and local governments, federal agencies, tribes, public health interests, technical service providers, and environmental organizations, as appropriate.

(3) Upon the governor's approval of emergency measures, the director may implement these measures to prevent, contain, control, or eradicate invasive species that are the subject of the emergency order, notwithstanding the provisions of chapter 15.58 or 17.21 RCW or any other statute. These measures, after evaluation of all other alternatives, may include the surface and aerial application of pesticides.

(4) The director must continually evaluate the effects of the emergency measures and report these to the governor at intervals of not less than ten days. The director must immediately advise the governor if the director finds that the emergency no longer exists or if certain emergency measures should be discontinued.

NEW SECTION. Sec. 112. (1) A person in possession of an aquatic conveyance who enters Washington by road, air, or water is required to have a certificate of inspection. A person must provide this certificate of inspection upon request by a fish and wildlife officer or ex officio fish and wildlife officer.

(2) The department must adopt rules to implement this section including:

(a) Types of aquatic conveyances required to have a certificate of inspection;

(b) Allowable certificate of inspection forms including passport type systems and integration with existing similar permits;

(c) Situations when authorization can be obtained for transporting an aquatic conveyance not meeting inspection requirements to a specified location within the state where certificate of inspection requirements can be provided; and

(d) Situations where aquatic conveyances are using shared boundary waters of the state, such as portions of the Columbia river, lake Osoyoos, and the Puget Sound.

NEW SECTION. Sec. 113. (1) A person in possession of an aquatic conveyance must meet clean and drain requirements after the conveyance's use in or on a water body or property. A certificate of inspection is not needed to meet clean and drain requirements.

(2) A fish and wildlife officer or ex officio fish and wildlife officer may order a person transporting an aquatic conveyance not meeting clean and drain requirements to:

(a) Clean and drain the conveyance at the discovery site, if the department determines there are sufficient resources available; or

(b) Transport the conveyance to a reasonably close location where resources are sufficient to meet the clean and drain requirements.

(3) This section may be enforced immediately on the transportation of aquatic plants by registered watercraft, small watercraft, seaplanes, and commercial watercraft. The department must adopt rules to implement all other aspects of clean and drain requirements, including:

(a) Other types of aquatic conveyances subject to this requirement;

(b) When transport of an aquatic conveyance is authorized if clean and drain services are not readily available at the last water body used; and

(c) Exemptions to clean and drain requirements where the department determines there is minimal risk of spreading invasive species.

NEW SECTION. Sec. 114. (1) The department may establish mandatory check stations to inspect aquatic conveyances for clean and drain requirements and aquatic invasive species. The check stations must be operated by at least one fish and wildlife officer, an ex officio fish and wildlife officer in coordination with the department, or department-authorized representative, and must be plainly marked by signs and operated in a safe manner.

(2) Aquatic conveyances required to stop at mandatory check stations include registered watercraft, commercial watercraft, and small watercraft. The department may establish rules governing other types of aquatic conveyances that must stop at mandatory check stations. The rules must provide sufficient guidance so that a person transporting the aquatic conveyance readily understands that he or she is required to stop.

(3) A person who encounters a mandatory check station while transporting an aquatic conveyance must:

(a) Stop at the mandatory check station;

(b) Allow the aquatic conveyance to be inspected for clean and drain requirements and aquatic invasive species;

(c) Follow clean and drain orders if clean and drain requirements are not met pursuant to section 113 of this act; and

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(d) Follow decontamination orders pursuant to section 115 of this act if an aquatic invasive species is found.

(4) A person who complies with the department directives under this section is exempt from criminal penalties under sections 205 and 206 of this act, civil penalties under RCW 77.15.160(4), and civil forfeiture under RCW 77.15.070, unless the person has a prior conviction for an invasive species violation within the past five years.

NEW SECTION. Sec. 115. (1) Upon discovery of an aquatic conveyance that carries or contains an aquatic invasive species without department authorization, a permit, or as otherwise provided by rule, a fish and wildlife officer or ex officio fish and wildlife officer may issue a decontamination order:

(a) Requiring decontamination at the discovery site, if the situation presents a low risk of aquatic invasive species introduction, and sufficient department resources are available at the discovery site;

(b) Prohibiting the launch of the aquatic conveyance in a water body until decontamination is completed and certified, if the situation presents a low risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site;

(c) Requiring immediate transport of the conveyance to an approved decontamination station, and prohibiting the launch of the conveyance in a water body until decontamination is completed and certified, if the situation presents a moderate risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site; or

(d) Seizing and transporting the aquatic conveyance to an approved decontamination station until decontamination is completed and certified, if the situation presents a high risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site.

(2) The person possessing the aquatic conveyance that is subject to orders issued under subsection (1)(b) through (d) of this section must bear any costs for seizure, transportation, or decontamination.

(3) Orders issued under subsection (1)(b) through (d) of this section must be in writing and must include notice of the opportunity for a hearing pursuant to section 116 of this act to determine the validity of the orders.

(4) If a decontamination order is issued under subsection (1)(d) of this section, the department may seize the aquatic conveyance for two working days or a reasonable additional period of time thereafter as needed to meet decontamination requirements. The decontamination period must be based on factors including conveyance size and complexity, type and number of aquatic invasive species present, and decontamination station resource capacity.

(5) If an aquatic conveyance is subject to forfeiture under RCW 77.15.070, the timelines and other provisions under that section apply to the seizure.

(6) Upon decontamination and issuing a certificate of inspection, an aquatic conveyance must be released to the person in possession of the aquatic conveyance at the time the decontamination order was issued, or to the owner of the aquatic conveyance.

NEW SECTION. Sec. 116. (1) A person aggrieved or adversely affected by a quarantine declaration under section 107 of this act, a rapid response management action under section 108 of this act, an infested site management action under section 109 of this act, or a decontamination order under section 115 of this act may contest the validity of the department's actions by requesting a hearing in writing within twenty days of the department's actions.

(2) Hearings must be conducted pursuant to chapter 34.05 RCW and the burden of demonstrating the invalidity of agency action is on

the party asserting invalidity. The hearing may be conducted by the director or the director's designee and may occur telephonically.

(3) A hearing on a decontamination order is limited to the issues of whether decontamination was necessary and the reasonableness of costs assessed for any seizure, transportation, and decontamination. If the person in possession of the aquatic conveyance that was decontaminated prevails at the hearing, the person is entitled to reimbursement by the department for any costs assessed by the department or decontamination station operator for the seizure, transportation, and decontamination. If the department prevails at the hearing, the department is not responsible for and may not reimburse any costs.

NEW SECTION. Sec. 117. (1) The department may operate aquatic conveyance inspection and decontamination stations statewide for voluntary use by the public or for mandatory use where directed by the department to meet inspection and decontamination requirements of this chapter. Decontamination stations can be part of or separate from inspection stations. Inspection and decontamination stations are separate from commercial vehicle weigh stations operated by the Washington state patrol.

(2) Inspection station staff must inspect aquatic conveyances to determine whether the conveyances carry or contain aquatic invasive species. If an aquatic conveyance is free of aquatic invasive species, then inspection station staff must issue a certificate of inspection. A certificate of inspection is valid until the conveyance's next use in a water body.

(3) If a conveyance carries or contains aquatic invasive species, then inspection station staff must require the conveyance's decontamination before issuing a certificate of inspection. The certificate of inspection is valid until the conveyance's next use in a water body.

(4) The department must identify, in a way that is readily available to the public, the location and contact information for inspection and decontamination stations.

(5) The department must adopt by rule standards for inspection and decontamination that, where practical and appropriate, align with regional, national, and international standards.

NEW SECTION. Sec. 118. (1) The department may authorize representatives to operate its inspection and decontamination stations and mandatory check stations. Department-authorized representatives may be department volunteers, other law enforcement agencies, or independent businesses.

(2) The department must adopt rules governing the types of services that department-authorized representatives may perform under this chapter.

(3) Department-authorized representatives must have official identification, training, and administrative capacity to fulfill their responsibilities under this section.

(4) Within two years of the effective date of this section, the department must provide the legislature with recommendations for a fee schedule that department-authorized representatives may charge users whose aquatic conveyances receive inspection and decontamination services.

NEW SECTION. Sec. 119. (1) The department may enter upon a property or water body at any reasonable time for the purpose of administering this chapter, including inspecting and decontaminating aquatic conveyances, collecting invasive species samples, implementing rapid response management actions or infested site management actions, and containing, controlling, or eradicating invasive species.

(2) Prior to entering the property or water body, the department shall make a reasonable attempt to notify the owner of the property or water body as to the purpose and need for the entry. Should the

department be denied access to any property or water body where access is sought for the purposes set forth in this chapter, the department may apply to any court of competent jurisdiction for a warrant authorizing access to the property.

(3) Upon such an application, the court may issue the warrant for the purposes requested where the court finds reasonable cause to believe it is necessary to achieve the purposes of this chapter.

NEW SECTION. Sec. 120. The provisions of this chapter must be liberally construed to carry out the intent of the legislature.

NEW SECTION. Sec. 121. Sections 102 through 104 and 106 through 120 of this act constitute a new chapter in Title 77 RCW.

PART 2 INVASIVE SPECIES—ENFORCEMENT

NEW SECTION. Sec. 201. A new section is added to chapter 77.15 RCW to read as follows:

(1) Based upon reasonable suspicion that a person possesses an aquatic conveyance that has not been cleaned and drained or carries or contains aquatic invasive species in violation of this title, fish and wildlife officers or ex officio fish and wildlife officers may temporarily stop the person and inspect the aquatic conveyance for compliance with the requirements of this title.

(2) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

NEW SECTION. Sec. 202. A new section is added to chapter 77.15 RCW to read as follows:

(1) Upon a showing of probable cause that there has been a violation of an invasive species law of the state of Washington, or upon a showing of probable cause to believe that evidence of such a violation may be found at a place, a court must issue a search warrant or arrest warrant. Fish and wildlife officers or ex officio fish and wildlife officers may execute any such search or arrest warrant reasonably necessary to carry out their duties under this title with regard to an invasive species law and may seize invasive species or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have property opened or entered and the contents examined.

(2) Seizure of property as evidence of a crime does not preclude seizure of the property for forfeiture as authorized by law.

NEW SECTION. Sec. 203. A new section is added to chapter 77.15 RCW to read as follows:

(1) Upon a showing of probable cause that a water body or property has an invasive species in or on it, and the owner refuses permission to allow inspection of the water body or property, a court in the county in which the water body or property is located may, upon the request of the director or the director's designee, issue a warrant to the director or the director's designee authorizing the taking of specimens of invasive species, general inspection of the property or water body, and the performance of containment, eradication, or control work.

(2) Application for issuance, execution, and return of the warrant authorized by this section must be in accordance with the applicable rules of the superior courts or the district courts.

Sec. 204. RCW 77.15.160 and 2013 c 307 s 2 are each amended to read as follows:

The following acts are infractions and must be cited and punished as provided under chapter 7.84 RCW:

(1) Fishing and shellfishing infractions:

(a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.

(b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by RCW 77.32.430 or department rule.

(c) Catch reporting: Failing to return a catch record card to the department for other than Puget Sound Dungeness crab, as required by department rule.

(d) Recreational fishing: Fishing for fish or shellfish and, without yet possessing fish or shellfish, the person:

(i) Owns, but fails to have in the person's possession the license or the catch record card required by chapter 77.32 RCW for such an activity; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish. This subsection does not apply to use of a net to take fish under RCW 77.15.580 or the unlawful use of shellfish gear for personal use under RCW 77.15.382.

(e) Seaweed: Taking, possessing, or harvesting less than two times the daily possession limit of seaweed:

(i) While owning, but not having in the person's possession, the license required by chapter 77.32 RCW; or

(ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(f) Unclassified fish or shellfish: Taking unclassified fish or shellfish in violation of any department rule by killing, fishing, taking, holding, possessing, or maliciously injuring or harming fish or shellfish that is not classified as game fish, food fish, shellfish, protected fish, or endangered fish.

(g) Wasting fish or shellfish: Killing, taking, or possessing fish or shellfish having a value of less than two hundred fifty dollars and allowing the fish or shellfish to be wasted.

(2) Hunting infractions:

(a) Eggs or nests: Maliciously, and without permit authorization, destroying, taking, or harming the eggs or active nests of a wild bird not classified as endangered or protected. For purposes of this subsection, "active nests" means nests that contain eggs or fledglings.

(b) Unclassified wildlife: Taking unclassified wildlife in violation of any department rule by killing, hunting, taking, holding, possessing, or maliciously injuring or harming wildlife that is not classified as big game, game animals, game birds, protected wildlife, or endangered wildlife.

(c) Wasting wildlife: Killing, taking, or possessing wildlife that is not classified as big game and has a value of less than two hundred fifty dollars, and allowing the wildlife to be wasted.

(d) Wild animals: Hunting for wild animals not classified as big game and, without yet possessing the wild animals, the person owns, but fails to have in the person's possession, all licenses, tags, or permits required by this title.

(e) Wild birds: Hunting for and, without yet possessing a wild bird or birds, the person:

(i) Owns, but fails to have in the person's possession, all licenses, tags, stamps, and permits required under this title; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of hunting wild birds.

(3) Trapping, taxidermy, fur dealing, and wildlife meat cutting infractions:

(a) Recordkeeping and reporting: If a person is a taxidermist, fur dealer, or wildlife meat cutter who is processing, holding, or storing wildlife for commercial purposes, failing to:

(i) Maintain records as required by department rule; or

(ii) Report information from these records as required by department rule.

(b) Trapper's report: Failing to report trapping activity as required by department rule.

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(4) ((Aquatic invasive species infraction: Entering Washington by road and transporting a recreational or commercial watercraft that has been used outside of Washington without meeting documentation requirements as provided under RCW 77.12.879.)) (a) Invasive species management infractions:

(i) Out-of-state certification: Entering Washington in possession of an aquatic conveyance that does not meet certificate of inspection requirements as provided under section 112 of this act;

(ii) Clean and drain requirements: Possessing an aquatic conveyance that does not meet clean and drain requirements under section 113 of this act;

(iii) Clean and drain orders: Possessing an aquatic conveyance and failing to obey a clean and drain order under section 113 or 114 of this act; and

(iv) Transporting aquatic plants: Transporting aquatic plants on any state or public road, including forest roads. However, this subsection does not apply to plants that are:

(A) Being transported to the department or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(B) Legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;

(D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(E) Being transported in such a way as the commission may otherwise prescribe.

(b) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this subsection (4).

(5) Other infractions:

(a) Contests: Conducting, holding, or sponsoring a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife.

(b) Other rules: Violating any other department rule that is designated by rule as an infraction.

(c) Posting signs: Posting signs preventing hunting or fishing on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.

(d) Scientific permits: Using a scientific permit issued by the director for fish, shellfish, or wildlife, but not including big game or big game parts, and the person:

(i) Violates any terms or conditions of the scientific permit; or

(ii) Violates any department rule applicable to the issuance or use of scientific permits.

((e) Transporting aquatic plants: Transporting aquatic plants on any state or public road, including forest roads. However:

(i) This subsection does not apply to plants that are:

(A) Being transported to the department or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(B) Legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;

(D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(E) Being transported in such a way as the commission may otherwise prescribe; and

(ii) This subsection does not apply to a person who:

(A) Is stopped at an aquatic invasive species check station and possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive plant species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or

(B) Has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.))

NEW SECTION. Sec. 205. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawful use of invasive species in the second degree if the person:

(a) Fails to stop at a mandatory check station or to return to the mandatory check station for inspection if directed to do so by a fish and wildlife officer or ex officio fish and wildlife officer;

(b) Fails to allow an aquatic conveyance stopped at a mandatory check station to be inspected for clean and drain requirements or aquatic invasive species;

(c) Fails to comply with a decontamination order;

(d) Possesses, except in the case of trafficking, a prohibited level 1 or level 2 species without department authorization, a permit, or as otherwise provided by rule;

(e) Possesses, introduces on or into a water body or property, or traffics in a prohibited level 3 species without department authorization, a permit, or as otherwise provided by rule;

(f) Introduces on or into a water body or property a regulated type A, type B, or type C species without department authorization, a permit, or as otherwise provided by rule;

(g) Fails to readily and clearly identify in writing by taxonomic species name or subspecies name a regulated type B species used for commercial purposes; or

(h) Knowingly violates a quarantine declaration under section 107 of this act.

(2) A violation of subsection (1) of this section is a gross misdemeanor. In addition to criminal penalties, a court may order the person to pay all costs in capturing, killing, or controlling the invasive species, including its progeny. This subsection does not affect the authority of the department to bring a separate civil action to recover habitat restoration costs necessitated by the person's unlawful use of invasive species.

(3) This section does not apply to:

(a) A person who complies with the department directives pursuant to section 114 of this act for mandatory check stations. Such a person is exempt from criminal penalties under this section or section 206 of this act, and forfeiture under this chapter, unless the person has a prior conviction under those sections within the past five years;

(b) A person who possesses an aquatic invasive species, if the person is in the process of:

(i) Removing it from the aquatic conveyance in a manner specified by the department; or

(ii) Releasing it if caught while fishing and immediately returning it to the water body from which it came;

(c) Possessing or introducing nonnative aquatic animal species by ballast water held or discharged by vessels regulated under chapter 77.120 RCW; or

(d) Possessing or introducing nonnative aquatic animal species through private sector shellfish aquaculture operations, transfers, or conveyances regulated under chapter 77.115 RCW.

(4) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

NEW SECTION. Sec. 206. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawful use of invasive species in the first degree if the person:

(a) Traffics or introduces on or into a water body or property a prohibited level 1 or level 2 species without department authorization, a permit, or as otherwise provided by rule; or

(b) Commits a subsequent violation of unlawful use of invasive species in the second degree within five years of the date of a prior conviction under section 205 of this act.

(2) A violation of this section is a class C felony. In addition to criminal penalties, a court may order the person to pay all costs in managing the invasive species, including the species' progeny. This subsection does not affect the authority of the department to bring a separate civil action to recover habitat restoration costs necessitated by the person's unlawful use of invasive species.

(3) This section does not apply to:

(a) A person who complies with department directives pursuant to section 114 of this act for mandatory check stations, and who is exempt from criminal penalties under this section and forfeiture under this chapter, unless the person has a prior conviction under this section or section 205 of this act within the past five years; or

(b) A person who possesses an aquatic invasive species, if the person is in the process of:

(i) Removing it from the aquatic conveyance in a manner specified by the department; or

(ii) Releasing it if caught while fishing and is immediately returning it to the water body from which it came.

(4) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

PART 3

INVASIVE SPECIES--OTHER PROVISIONS

Sec. 301. RCW 77.08.010 and 2012 c 176 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Anadromous game fish buyer" means a person who purchases or sells steelhead trout and other anadromous game fish harvested by Indian fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director.

(2) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(3) ("Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (4), (34), (49), (53), (70), and (71) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(4) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(5)) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

((6)) (4) "Building" means a private domicile, garage, barn, or public or commercial building.

((7)) (5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

((8)) (6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

((9)) (7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

((10)) (8) "Commercial" means related to or connected with buying, selling, or bartering.

((11)) (9) "Commission" means the state fish and wildlife commission.

((12)) (10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

((13)) (11) "Contraband" means any property that is unlawful to produce or possess.

((14)) (12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

((15)) (13) "Department" means the department of fish and wildlife.

((16)) (14) "Director" means the director of fish and wildlife.

((17)) (15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

((18)) (16) "Ex officio fish and wildlife officer" means:

(a) A commissioned officer of a municipal, county, or state agency having as its primary function the enforcement of criminal laws in general, while the officer is acting in the respective jurisdiction of that agency;

(b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;

(c) A commissioned fish and wildlife peace officer from another state who meets the training standards set by the Washington state criminal justice training commission pursuant to RCW 10.93.090, 43.101.080, and 43.101.200, and who is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency; or

(d) A Washington state tribal police officer who successfully completes the requirements set forth under RCW 43.101.157, is employed by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b), and is acting under a mutual law enforcement assistance agreement between the department and the tribal government.

((19)) (17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

((20)) (18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer

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includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

~~((24))~~ (19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

~~((22))~~ (20) "Fish buyer" means a person engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisher.

~~((23))~~ (21) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

~~((24))~~ (22) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

~~((25))~~ (23) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

~~((26))~~ (24) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

~~((27))~~ (25) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.

~~((28))~~ (26) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

~~((29))~~ (27) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

~~((30))~~ (28) "Game farm" means property on which wildlife is held, confined, propagated, hatched, fed, or otherwise raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

~~((31))~~ (29) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

~~((32))~~ (30) "Illegal items" means those items unlawful to be possessed.

~~((33))~~ (31)(a) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building.

(b) "Intentionally feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

~~((34))~~ (32) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

~~((35))~~ (32) "Large wild carnivore" includes wild bear, cougar, and wolf.

~~((36))~~ (33) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

~~((37))~~ (34) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

~~((38))~~ (35) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

~~((39))~~ (36) "Natural person" means a human being.

~~((40))~~ (37)(a) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or

could attract large wild carnivores to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the likelihood that the food, food waste, or other substance could attract large wild carnivores to the land or building.

(b) "Negligently feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

~~((41))~~ (38) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

~~((42))~~ (39) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

~~((43))~~ (40) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

~~((44))~~ (41) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

~~((45))~~ (42) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

~~((46))~~ (43) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

~~((47))~~ (44) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

~~((48))~~ (45) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

~~((49))~~ (46) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

~~((50))~~ (46) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

~~((51))~~ (47) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

~~((52))~~ (48) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

~~((53))~~ (49) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

~~((54))~~ (48) "Resident" has the same meaning as defined in RCW 77.08.075.

~~((55))~~ (49) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

~~((56))~~ (50) "Saltwater" means those marine waters seaward of river mouths.

~~((57))~~ (51) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

~~((58))~~ (52) "Senior" means a person seventy years old or older.

~~((59))~~ (53) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

~~((60))~~ (54)(a) "Shark fin derivative product" means any product intended for use by humans or animals that is derived in whole or in part from shark fins or shark fin cartilage.

(b) "Shark fin derivative product" does not include a drug approved by the United States food and drug administration and available by prescription only or medical device or vaccine approved by the United States food and drug administration.

~~((61))~~ (55) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((62))~~ (56) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((63))~~ (57) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

~~((64))~~ (58) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

~~((65))~~ (59) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

~~((66))~~ (60) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

~~((67))~~ (61) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

~~((68))~~ (62) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~((69))~~ (63) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

~~((70))~~ "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(71) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

~~((72))~~ (64) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

~~((73))~~ (65) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state. The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

~~((74))~~ (66) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

~~((75))~~ (67) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term

"wildlife" includes all stages of development and the bodily parts of wildlife members.

~~((76))~~ (68) "Wildlife meat cutter" means a person who packs, cuts, processes, or stores wildlife for consumption for another for commercial purposes.

~~((77))~~ (69) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

Sec. 302. RCW 77.12.020 and 2002 c 281 s 3 are each amended to read as follows:

(1) The director shall investigate the habits and distribution of the various species of wildlife native to or adaptable to the habitats of the state. The commission shall determine whether a species should be managed by the department and, if so, classify it under this section.

(2) The commission may classify by rule wild animals as game animals and game animals as fur-bearing animals.

(3) The commission may classify by rule wild birds as game birds or predatory birds. All wild birds not otherwise classified are protected wildlife.

(4) In addition to those species listed in RCW 77.08.020, the commission may classify by rule as game fish other species of the class Osteichthyes that are commonly found in freshwater except those classified as food fish by the director.

(5) The director may recommend to the commission that a species of wildlife should not be hunted or fished. The commission may designate species of wildlife as protected.

(6) If the director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the director may request its designation as an endangered species. The commission may designate an endangered species.

(7) If the director determines that a species of the animal kingdom, not native to Washington, is dangerous to the environment or wildlife of the state, the director may request its designation as deleterious exotic wildlife. The commission may designate deleterious exotic wildlife.

(8) ((Upon recommendation by the director, the commission may classify nonnative aquatic animal species according to the following categories:

(a) Prohibited aquatic animal species: These species are considered by the commission to have a high risk of becoming an invasive species and may not be possessed, imported, purchased, sold, propagated, transported, or released into state waters except as provided in RCW 77.15.253;

(b) Regulated aquatic animal species: These species are considered by the commission to have some beneficial use along with a moderate, but manageable risk of becoming an invasive species, and may not be released into state waters, except as provided in RCW 77.15.253. The commission shall classify the following commercial aquaculture species as regulated aquatic animal species, and allow their release into state waters pursuant to rule of the commission: Pacific oyster (*Crassostrea gigas*), kumamoto oyster (*Crassostrea sikamea*), European flat oyster (*Ostrea edulis*), eastern oyster (*Crassostrea virginica*), manila clam (*Tapes philippinarum*), blue mussel (*Mytilus galloprovincialis*), and suminoe oyster (*Crassostrea ariakenensis*);

(c) Unregulated aquatic animal species: These species are considered by the commission as having some beneficial use along with a low risk of becoming an invasive species, and are not subject to regulation under this title;

(d) Unlisted aquatic animal species: These species are not designated as a prohibited aquatic animal species, regulated aquatic animal species, or unregulated aquatic animal species by the commission, and may not be released into state waters. Upon request, the commission may determine the appropriate category for an unlisted aquatic animal species and classify the species accordingly;

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(e) This subsection (8) does not apply to the transportation or release of nonnative aquatic animal species by ballast water or ballast water discharge.

(9))) Upon recommendation by the director, the commission may develop a work plan to eradicate native aquatic species that threaten human health. Priority shall be given to water bodies that the department of health has classified as representing a threat to human health based on the presence of a native aquatic species.

Sec. 303. RCW 77.15.080 and 2012 c 176 s 9 are each amended to read as follows:

((+)) Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title. Fish and wildlife officers and ex officio fish and wildlife officers also may request that the person write his or her signature for comparison with the signature on his or her fishing, harvesting, or hunting license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license. Fish and wildlife officers may require the person, if age sixteen or older, to exhibit a driver's license or other photo identification.

((2) Based upon articulable facts that a person is transporting a prohibited aquatic animal species or any aquatic plant, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and inspect the watercraft to ensure that the watercraft and associated equipment are not transporting prohibited aquatic animal species or aquatic plants.)

Sec. 304. RCW 77.15.290 and 2012 c 176 s 21 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by department rule.

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

(4) This section does not apply to((: (a) Any person stopped at an aquatic)) invasive species ((check station who possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or (b) any person who has voluntarily submitted a recreational or commercial watercraft for inspection by the

department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use)).

Sec. 305. RCW 43.06.010 and 1994 c 223 s 3 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, including as provided in RCW 42.12.070, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of the prosecutor's duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;

(14) The governor, after finding that a prohibited level 1 or level 2 species as defined in chapter 77.-- RCW (the new chapter created in section 121 of this act) has been detected and after finding that the detected species seriously endangers or threatens the environment, economy, human health, or well-being of the state of Washington, may order emergency measures to prevent or abate the prohibited

species, which measures, after thorough evaluation of all other alternatives, may include the surface or aerial application of pesticides;

(15) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

Sec. 306. RCW 43.43.400 and 2011 c 171 s 8 are each amended to read as follows:

(1) ((The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:

(a) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under RCW 77.08.010 [(3),] (28), (40), (44), (58), and (59), aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(b) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(2))) The aquatic invasive species enforcement account is created in the state treasury. Moneys directed to the account from RCW 88.02.640 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

((3) Funds in the aquatic invasive species enforcement account may be appropriated to the Washington state patrol and the department of fish and wildlife to develop an aquatic invasive species enforcement program for recreational and commercial watercraft, which includes equipment used to transport the watercraft and auxiliary equipment such as attached or detached outboard motors. Funds must be expended as follows:

(a) By the Washington state patrol, to inspect recreational and commercial watercraft that are required to stop at port of entry weigh stations managed by the Washington state patrol. The watercraft must be inspected for the presence of aquatic invasive species; and

(b) By the department of fish and wildlife to:

(i) Establish random check stations, to inspect recreational and commercial watercraft as provided for in RCW 77.12.879(3);

(ii) Inspect or delegate inspection of recreational and commercial watercraft. If the department conducts the inspection, there will be no cost to the person requesting the inspection;

(iii) Provide training to all department employees that are deployed in the field to inspect recreational and commercial watercraft; and

(iv) Provide an inspection receipt verifying that the watercraft is not contaminated after the watercraft has been inspected at a check station or has been inspected at the request of the owner of the recreational or commercial watercraft. The inspection receipt is valid until the watercraft is used again.

(4) The Washington state patrol and the department of fish and wildlife shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.))

(2) Expenditures from the account by the Washington state patrol may only be used to inspect for the presence of aquatic invasive species on aquatic conveyances that are required to stop at a Washington state patrol port of entry weigh station.

(3) Expenditures from the account by the department of fish and wildlife may only be used to develop and implement an aquatic invasive species enforcement program including enforcement of chapter 77.-- RCW (the new chapter created in section 121 of this act), enforcement of aquatic invasive species provisions in chapter

77.15 RCW, and training Washington state patrol employees working at port of entry weigh stations on how to inspect aquatic conveyances for the presence of aquatic invasive species.

(4) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

Sec. 307. RCW 10.31.100 and 2013 2nd sp.s. c 35 s 22 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved,

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including whether the conduct was part of an ongoing pattern of abuse; or

(d) The person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(4) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under section 205 or 206 of this act may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((43))~~ (15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

Sec. 308. RCW 77.15.360 and 2007 c 337 s 3 are each amended to read as follows:

(1) A person is guilty of unlawful interfering in department operations if the person prevents department employees from carrying out duties authorized by this title, including but not limited to interfering:

(a) In the operation of department vehicles, vessels, or aircraft; ~~((or))~~

(b) With the collection of samples of tissue, fluids, or other bodily parts of fish, wildlife, and shellfish under RCW 77.12.071; or

(c) With actions authorized by a warrant issued under section 119 or 203 of this act.

(2) Unlawful interfering in department operations is a gross misdemeanor.

Sec. 309. RCW 77.12.879 and 2013 c 307 s 1 are each amended to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. ~~((Moneys directed to the account from RCW 88.02.640(3)(a)(i) must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.~~

(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive species prevention program for recreational and commercial watercraft. Funds must be expended as follows:

(a) To inspect recreational and commercial watercraft;

(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;

(c) To evaluate and survey the risk posed by recreational and commercial watercraft in spreading aquatic invasive species into Washington state waters;

(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and

(e) To implement an aquatic invasive species early detection and rapid response plan. The plan must address the treatment and immediate response to the introduction to Washington waters of aquatic invasive species. Agency and public review of the plan must be conducted under chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant adverse environmental impact, a detailed statement under chapter 43.21C RCW must be prepared on the plan.

(3) Funds in the aquatic invasive species enforcement account created in RCW 43.43.400 may be appropriated to the department and Washington state patrol to develop an aquatic invasive species enforcement program for recreational and commercial watercraft.

(a) The department shall provide training to Washington state patrol employees working at port of entry weigh stations, and other local law enforcement employees, on how to inspect recreational and commercial watercraft for the presence of aquatic invasive species.

(b) A person who enters Washington by road transporting any commercial or recreational watercraft that has been used outside of Washington must have in his or her possession documentation that the watercraft is free of aquatic invasive species. The department must develop and maintain rules to implement this subsection (3)(b), including specifying allowable forms of documentation.

(c) The department is authorized to require persons transporting recreational and commercial watercraft to stop at check stations. Check stations must be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner.

(d) Any person stopped at a check station who possesses a recreational or commercial watercraft that is contaminated with aquatic invasive species, must bear the expense for any necessary impoundment, transportation, cleaning, and decontamination of the watercraft.

(e) Any person stopped at a check station who possesses a recreational or commercial watercraft that is contaminated with aquatic invasive species, is exempt from the criminal penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that person complies with all department directives for the proper decontamination of the watercraft.

(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005.) All receipts directed to the account from RCW 88.02.640, as well as legislative appropriations, gifts, donations, fees, and penalties received by the department for aquatic invasive species management, must be deposited into the account.

(2) Expenditures from the account may only be used to implement the provisions of chapter 77.-- RCW (the new chapter created in section 121 of this act).

(3) Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 310. The following acts or parts of acts are each repealed:

(1) RCW 77.12.875 (Prohibited aquatic animal species--Infested state waters) and 2002 c 281 s 5;

(2) RCW 77.12.878 (Infested waters--Rapid response plan) and 2002 c 281 s 6;

(3) RCW 77.12.882 (Aquatic invasive species--Inspection of recreational and commercial watercraft--Rules--Signage) and 2007 c 350 s 4;

(4) RCW 77.15.253 (Unlawful use of prohibited aquatic animal species--Penalty) and 2007 c 350 s 5 & 2002 c 281 s 4;

(5) RCW 77.15.293 (Unlawfully avoiding aquatic invasive species check stations--Penalty) and 2007 c 350 s 7;

(6) RCW 77.60.110 (Zebra mussels and European green crabs--Draft rules--Prevention of introduction and dispersal) and 1998 c 153 s 2; and

(7) RCW 77.60.120 (Infested waters--List published) and 1998 c 153 s 3."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6040.

Senator Honeyford spoke in favor of the motion.

MOTION

On motion of Senator Hatfield, Senator Hargrove was excused.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6040.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6040 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6040, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6040, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 6040, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hobbs: "Mr. President, I just want to notify this body that a great committee coordinator, Alison Mendiola received a job with Seattle Light. So she'll be leaving us and I just want to let her know because I know she is listening in and she has been a great public servant to this Legislature and she will be sorely missed. I for one wish her well. I wish she would stay here but I understand that it's a long drive for her and it's better opportunities for her with Seattle City Light. If you don't mind Mr. President, if I could just ask the body to give a round of applause to her? I know she's listening right now. Thank you Alison for everything you've done for the Senate."

PERSONAL PRIVILEGE

Senator Baumgartner: "I just want to let everybody know that I saw Senator Pridemore outside. I haven't seen him since he left the body. I thought Craig was a good guy and hope people take the chance to go say hello to him. Oh, today is his birthday, so Happy Birthday Senator Pridemore."

PERSONAL PRIVILEGE

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Senator Benton: “Thank you Mr. President. I too want to echo my colleague, Senator Hobbs’ comment. Alison came as a session only help one year and she was so outstanding that I went down and saw the then Secretary of the Senate, Tom Hoemann. I said, ‘My goodness we’ve got to find a permanent position for this lady. She is really good.’ And we were fortunate enough to get her on staff. She has been tremendous, both sides of the aisle, everybody knows that who has worked with her knows how diligent she is and I got the news with mixed emotions. I was devastated and thrilled. Thrilled for her, devastated for all us because that kind of dedication and talent is hard to find. We’re very lucky that we were able to keep her as long as we did. I knew that she would eventually find a better opportunity and move forward in her career but I just want to say Mr. President it will be a great loss to the Senate. We wish Alison the very best in all of her future endeavors. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Angel: “Thank you Mr. President. I just want to add my two cents on with Alison. She has been amazing and Alison I know you’re watching, those emails when I would shoot through on a Sunday and you would instantly reply, you are a rock star. I just wish you the very best and blessings in your new position. You will be sadly missed. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Kline: “Just want you to know that Alison is a graduate of the University of Maryland Law School. Thank you. Go Terps!”

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6552 with the following amendment(s): 6552-S2.E AMH ENGR H4469.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that preparing students to be successful in postsecondary education, gainful employment, and citizenship requires increased rigor and achievement, including attaining a meaningful high school diploma with the opportunity to earn twenty-four credits. The legislature finds that an investment was made in the 2013-2015 omnibus appropriations act to implement an increase in instructional hours in the 2014-2015 school year. School districts informed the legislature that the funding as provided in the 2013-2015 omnibus appropriations act would result in only a few minutes being added onto each class period and would not result in a meaningful increase in instruction that would have the positive impact on student learning that the legislature expects. The school districts suggested that it would be a better educational policy to use the funds to implement the requirement of twenty-four credits for high school graduation, which will result in a meaningful increase of instructional hours. Based on input from school districts across the state, the legislature recognizes the need to provide flexibility for school districts to implement the increase in instructional hours while still moving towards an increase in the high school graduation requirements. Therefore, the legislature intends to shift the focus and intent of the investments from compliance with the minimum instructional hours offering to assisting school districts to provide an opportunity for students to earn twenty-four credits for high school

graduation and obtain a meaningful diploma, beginning with the graduating class of 2019, with the opportunity for school districts to request a waiver for up to two years.

**PART I
CAREER AND TECHNICAL EQUIVALENCIES**

Sec. 101. RCW 28A.700.070 and 2008 c 170 s 201 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall support school district efforts under RCW 28A.230.097 to adopt course equivalencies for career and technical courses by:

(a) Recommending career and technical curriculum suitable for course equivalencies;

(b) Publicizing best practices for high schools and school districts in developing and adopting course equivalencies; and

(c) In consultation with the Washington association for career and technical education, providing professional development, technical assistance, and guidance for school districts seeking to expand their lists of equivalent courses.

(2) The office of the superintendent of public instruction shall provide professional development, technical assistance, and guidance for school districts to develop career and technical course equivalencies that also qualify as advanced placement courses.

(3) The office of the superintendent of public instruction, in consultation with one or more technical working groups convened for this purpose, shall develop curriculum frameworks for a selected list of career and technical courses that may be offered by high schools or skill centers whose content in science, technology, engineering, and mathematics is considered equivalent in full or in part to science or mathematics courses that meet high school graduation requirements. The content of the courses must be aligned with state essential academic learning requirements in mathematics as adopted by the superintendent of public instruction in July 2011 and the essential academic learning requirements in science as adopted in October 2013, and industry standards. The office shall submit the list of equivalent career and technical courses and their curriculum frameworks to the state board of education for review, an opportunity for public comment, and approval. The first list of courses under this subsection must be developed and approved before the 2015-16 school year. Thereafter, the office may periodically update or revise the list of courses using the process in this subsection.

(4) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate grant funds to school districts to increase the integration and rigor of academic instruction in career and technical courses. Grant recipients are encouraged to use grant funds to support teams of academic and technical teachers using a research-based professional development model supported by the national research center for career and technical education. The office of the superintendent of public instruction may require that grant recipients provide matching resources using federal Carl Perkins funds or other fund sources.

Sec. 102. RCW 28A.230.097 and 2013 c 241 s 2 are each amended to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure. Boards of directors must approve AP computer science courses as equivalent to high school mathematics or science, and must denote on a student's transcript that AP computer science qualifies as a math-based quantitative course for students who take the course in their senior year. In

order for a board to approve AP computer science as equivalent to high school mathematics, the student must be concurrently enrolled in or have successfully completed algebra II. Beginning no later than the 2015-16 school year, a school district board of directors must, at a minimum, grant academic course equivalency in mathematics or science for a high school career and technical course from the list of courses approved by the state board of education under RCW 28A.700.070, but is not limited to the courses on the list. If the list of courses is revised after the 2015-16 school year, the school district board of directors must grant academic course equivalency based on the revised list beginning with the school year immediately following the revision.

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be either part of the student's high school and beyond plan or the student's culminating project, as determined by the student. The office of the superintendent of public instruction shall develop and make available electronic samples of certificates of course completion.

Sec. 103. RCW 28A.230.010 and 2003 c 49 s 1 are each amended to read as follows:

(1) School district boards of directors shall identify and offer courses with content that meet or exceed: ~~((4))~~ (a) The basic education skills identified in RCW 28A.150.210; ~~((2))~~ (b) the graduation requirements under RCW 28A.230.090; ~~((3))~~ (c) the courses required to meet the minimum college entrance requirements under RCW 28A.230.130; and ~~((4))~~ (d) the course options for career development under RCW 28A.230.130. Such courses may be applied or theoretical, academic, or vocational.

(2) School district boards of directors must provide high school students with the opportunity to access at least one career and technical education course that is considered equivalent to a mathematics course or at least one career and technical education course that is considered equivalent to a science course as determined by the office of the superintendent of public instruction and the state board of education in RCW 28A.700.070. Students may access such courses at high schools, interdistrict cooperatives, skill centers or branch or satellite skill centers, or through online learning or applicable running start vocational courses.

(3) School district boards of directors of school districts with fewer than two thousand students may apply to the state board of education for a waiver from the provisions of subsection (2) of this section.

NEW SECTION. **Sec. 104.** A new section is added to chapter 28A.305 RCW to read as follows:

The state board of education may grant a waiver from the provisions of RCW 28A.230.010(2) based on an application from a board of directors of a school district with fewer than two thousand students.

PART II INSTRUCTIONAL HOURS AND HIGH SCHOOL GRADUATION CREDIT REQUIREMENTS

Sec. 201. RCW 28A.150.220 and 2013 2nd sp.s. c 9 s 2 are each amended to read as follows:

(1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210,

school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

(2) Each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased beginning in the 2015-16 school year to at least one thousand eighty instructional hours for students enrolled in ~~((each of))~~ grades ~~((seven))~~ nine through twelve and at least one thousand instructional hours for students in ~~((each of))~~ grades one through ~~((six according to an implementation schedule adopted by the legislature, but not before the 2014-15 school year))~~ eight, all of which may be calculated by a school district using a district-wide annual average of instructional hours over grades one through twelve; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, ~~((subject to a phased-in implementation of the twenty-four credits as established by the legislature))~~ beginning with the graduating class of 2019 or as otherwise provided in RCW 28A.230.090. Course distribution requirements may be established by the state board of education under RCW 28A.230.090;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

(d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(e) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.

(4) Nothing contained in this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(5)(a) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten, to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. ~~((However,))~~

(b) Schools administering the Washington kindergarten inventory of developing skills may use up to three school days at the beginning of the school year to meet with parents and families as

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required in the parent involvement component of the inventory. ~~((In addition, effective May 1, 1979,))~~

(c) In the case of students who are graduating from high school, a school district may schedule the last five school days of the one hundred ~~((and))~~ eighty day school year for noninstructional purposes ~~((in the case of students who are graduating from high school,))~~ including, but not limited to, the observance of graduation and early release from school upon the request of a student~~((, and))~~. All such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260. Any hours scheduled by a school district for noninstructional purposes during the last five school days for such students shall count toward the instructional hours requirement in subsection (2)(a) of this section.

(6) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 202. RCW 28A.230.090 and 2011 c 203 s 2 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except as provided in RCW 28A.230.122 and except those equivalencies established by local high schools or school districts under RCW 28A.230.097. The purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level. Effective with the graduating class of 2015, the state board of education may not establish a requirement for students to complete a culminating project for graduation.

(d)(i) The state board of education shall adopt rules to implement the career and college ready graduation requirement proposal adopted under board resolution on November 10, 2010, and revised on January 9, 2014, to take effect beginning with the graduating class of 2019 or as otherwise provided in this subsection (1)(d). The rules must include authorization for a school district to waive up to two credits for individual students based on unusual circumstances and in accordance with written policies that must be adopted by each board of directors of a school district that grants diplomas. The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on the student's interests and high school and beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal.

(ii) School districts may apply to the state board of education for a waiver to implement the career and college ready graduation

requirement proposal beginning with the graduating class of 2020 or 2021 instead of the graduating class of 2019. In the application, a school district must describe why the waiver is being requested, the specific impediments preventing timely implementation, and efforts that will be taken to achieve implementation with the graduating class proposed under the waiver. The state board of education shall grant a waiver under this subsection (1)(d) to an applying school district at the next subsequent meeting of the board after receiving an application.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements.

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review and to the quality education council established under RCW 28A.290.010. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. Sec. 203. The Washington state school directors' association shall adopt a model policy and procedure that

school districts may use for granting waivers to individual students of up to two credits required for high school graduation based on unusual circumstances. The purpose of the model policy and procedure is to assist school districts in providing all students the opportunity to complete graduation requirements without discrimination and without disparate impact on groups of students. The model policy must take into consideration the unique limitations of a student that may be associated with such circumstances as homelessness, limited English proficiency, medical conditions that impair a student's opportunity to learn, or disabilities, regardless of whether the student has an individualized education program or a plan under section 504 of the federal rehabilitation act of 1973. The model policy must also address waivers if the student has not been provided with an opportunity to retake classes or enroll in remedial classes free of charge during the first four years of high school. The Washington state school directors' association must distribute the model policy and procedure to all school districts in the state that grant high school diplomas by June 30, 2015.

Sec. 204. RCW 28A.230.097 and 2013 c 241 s 2 are each amended to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure. Boards of directors must approve AP computer science courses as equivalent to high school mathematics or science, and must denote on a student's transcript that AP computer science qualifies as a math-based quantitative course for students who take the course in their senior year. In order for a board to approve AP computer science as equivalent to high school mathematics, the student must be concurrently enrolled in or have successfully completed algebra II.

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be ~~(either)~~ part of the student's high school and beyond plan ~~((or the student's culminating project, as determined by the student))~~. The office of the superintendent of public instruction shall develop and make available electronic samples of certificates of course completion.

Sec. 205. RCW 28A.320.240 and 2006 c 263 s 914 are each amended to read as follows:

(1) The purpose of this section is to identify quality criteria for school library media programs that support the student learning goals under RCW 28A.150.210, the essential academic learning requirements under RCW 28A.655.070, and high school graduation requirements adopted under RCW 28A.230.090.

(2) Every board of directors shall provide for the operation and stocking of such libraries as the board deems necessary for the proper education of the district's students or as otherwise required by law or rule of the superintendent of public instruction.

(3) "Teacher-librarian" means a certified teacher with a library media endorsement under rules adopted by the professional educator standards board.

(4) "School-library media program" means a school-based program that is staffed by a certificated teacher-librarian and provides a variety of resources that support student mastery of the

essential academic learning requirements in all subject areas and the implementation of the district's school improvement plan.

(5) The teacher-librarian, through the school-library media program, shall collaborate as an instructional partner to help all students meet the content goals in all subject areas, and assist high school students completing ~~((the culminating project and))~~ high school and beyond plans required for graduation.

Sec. 206. RCW 28A.150.260 and 2011 1st sp.s. c 27 s 2 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and

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provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

General education average class size	
Grades K-3.....	25.23
Grade 4.....	27.00
Grades 5-6.....	27.00
Grades 7-8.....	28.53
Grades 9-12.....	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

Laboratory science average class size	
Grades 9-12.....	19.98

(b) During the 2011-2013 biennium and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average

class size funded under this subsection (4) is no more than 17.0 full-time equivalent students per teacher beginning in the 2017-18 school year.

(c) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical education average class size	
Approved career and technical education offered at the middle school and high school level.....	26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction.....	22.76

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for ((laboratory science,)) advanced placement((s)) and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators.....	1.253	1.353	1.880
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs.....	0.663	0.519	0.523
Health and social services:			
School nurses.....	0.076	0.060	0.096
Social workers.....	0.042	0.006	0.015
Psychologists.....	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising.....	0.493	1.116	((4.909)) <u>2.539</u>
Teaching assistance, including any aspect of educational instructional services provided by classified employees.....	0.936	0.700	0.652
Office support and other noninstructional aides.....	2.012	2.325	3.269
Custodians.....	1.657	1.942	2.965
Classified staff providing student and staff safety.....	0.079	0.092	0.141
Parent involvement coordinators.....	0.00	0.00	0.00

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

.....	Staff per 1,000
K-12 students	
Technology.....	0.628
Facilities, maintenance, and grounds.....	1.813
Warehouse, laborers, and mechanics.....	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (b) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) and (c) of this subsection, the minimum allocation for each school district shall include allocations

per annual average full-time equivalent student for the following materials, supplies, and operating costs, to be adjusted for inflation from the 2008-09 school year:

Per annual average full-time equivalent student in grades K-12	
Technology	\$54.43
Utilities and insurance	\$147.90
Curriculum and textbooks	\$58.44
Other supplies and library materials	\$124.07
Instructional professional development for certified and classified staff	\$9.04
Facilities maintenance	\$73.27
Security and central office	\$50.76

(b) During the 2011-2013 biennium, the minimum allocation for maintenance, supplies, and operating costs shall be increased as specified in the omnibus appropriations act. The following allocations, adjusted for inflation from the 2007-08 school year, are provided in the 2015-16 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average full-time equivalent student in grades K-12	
Technology	\$113.80
Utilities and insurance	\$309.21
Curriculum and textbooks	\$122.17
Other supplies and library materials	\$259.39
Instructional professional development for certificated and classified staff	\$18.89
Facilities maintenance	\$153.18
Security and central office administration	\$106.12

(c) In addition to the amounts provided in (a) and (b) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

Per annual average full-time equivalent student in grades 9-12	
Technology	\$36.35
Curriculum and textbooks	\$39.02
Other supplies and library materials	\$82.84
Instructional professional development for certificated and classified staff	\$6.04

(9) In addition to the amounts provided in subsection (8) of this section, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) ~~(Laboratory science courses for students in grades nine through twelve;~~
- ~~(c))~~ Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and
- ~~((d))~~ ~~(c)~~ Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were

eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 1.5156 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on two and three hundred fourteen one-thousandths percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a) and (b), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

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(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

NEW SECTION. Sec. 207. A new section is added to chapter 43.06B RCW to read as follows:

(1) The office of the education ombuds shall convene a task force on success for students with special needs to:

(a) Define and assess barriers that students with special needs face in earning a high school diploma and fully accessing the educational program provided by the public schools, including but not limited to students with disabilities, dyslexia, and other physical or emotional conditions for which students do not have an individualized education program or section 504 plan but that create limitations to their ability to succeed in school;

(b) Outline recommendations for systemic changes to address barriers identified and successful models for the delivery of education and supportive services for students with special needs;

(c) Recommend steps for coordination of delivery of early learning through postsecondary education and career preparation for students with special needs through ongoing efforts of various state and local education and workforce agencies, including strategies for earlier assessment and identification of disabilities or barriers to learning in early learning programs and in kindergarten through third grade; and

(d) Identify options for state assistance to help school districts develop course equivalencies for competency-based education or similar systems of personalized learning where students master specific knowledge and skills at their own pace.

(2) The task force shall be composed of at least the following members:

(a) One representative each from the office of the superintendent of public instruction, the workforce training and education coordinating board, the Washington state school directors' association, a statewide organization representing teachers and other certificated instructional staff, the student achievement council, the state board of education, the department of early learning, the educational opportunity gap oversight and accountability committee, a nonprofit organization providing professional development and resources for educators and parents regarding dyslexia, a nonprofit organization of special education parents and teachers, and the Washington association for career and technical education, each to be selected by the appropriate agency or organization; and

(b) At least one faculty member from a public institution of higher education, at least one special education teacher, at least one general education teacher, and at least three parent representatives from special needs families, each to be appointed by the education ombuds.

(3) The office of the education ombuds shall submit an initial report to the superintendent of public instruction, the governor, and the legislature by December 15, 2014, and December 15th of each year thereafter until 2016 detailing its recommendations, including recommendations for specific strategies, programs, and potential changes to funding or accountability systems that are designed to close the opportunity gap, increase high school graduation rates, and assure students with special needs are fully accessing the educational program provided by the public schools.

(4) This section expires June 30, 2017.

NEW SECTION. Sec. 208. Sections 103 and 104 of this act take effect September 1, 2015.

NEW SECTION. Sec. 209. Section 206 of this act takes effect September 1, 2014."

Correct the title.
and the same are herewith transmitted.

MOTION

Senator Rolfes moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6552.

Senators Rolfes, Dammeier, McAuliffe and Conway spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rolfes that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6552.

MOTION

On motion of Senator Billig, Senators Hargrove and Ranker were excused.

The motion by Senator Rolfes carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6552 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6552, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6552, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dangel, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Hasegawa and McCoy

Excused: Senators Hargrove and Ranker

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6552, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6518 with the following amendment(s): 6518-S2.E AMH HUDG PRIN 460; 6518-S2.E AMH HUDG PRIN 459

On page 13, line 29, after "(1) The" strike "FAA center of excellence for alternative jet fuels and environment" and insert "office of alternative energy"

On page 14, line 10, after "(3) The" strike "FAA center of excellence for alternative jet fuels and environment" and insert "office of alternative energy"

On page 12, beginning on line 1, strike all of section 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 15, after line 1, insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 43.333 RCW to read as follows:

(1) The innovate Washington program is created in the department to support business growth in the state's innovation and technology sectors and facilitate statewide technology transfer and commercialization activities, for the purpose of increasing the state's economic vitality.

(2) The innovate Washington program shall:

(a) Support businesses in securing federal and private funds to support product research and commercialization, developing and integrating technology in new or enhanced products and services, and launching those products and services in sustainable businesses in the state;

(b) Establish public-private partnerships and programmatic activities that increase the competitiveness of state industries;

(c) Work with utilities, district energy providers, the utilities and transportation commission, and the state energy office to improve the alignment of investments in clean energy technologies with existing state policies;

(d) Administer technology and innovation grant and loan programs including bridge funding programs for the state's technology sector;

(e) Work with impact Washington to ensure that customers have ready access to each other's services;

(f) Develop and strengthen academic-industry relationships through research and assistance that is primarily of interest to existing small and medium-sized Washington-based companies; and

(g) Reach out to firms operating in the state's innovation partnership zones.

(3) The innovate Washington program terminates June 30, 2015. Until that time, any services provided by the program may be delivered by the department directly or through a contract with a 501(c)(3) nonprofit organization with a principal office located in Washington with experience facilitating interaction between the state's higher education institutions and the state's technology-based companies on technology transfer activities.

(4) The department must establish performance metrics for the innovate Washington program. The department must report the outcomes of the program against those metrics to the governor and the economic development committees of the legislature on December 1, 2014.

NEW SECTION. Sec. 10. A new section is added to chapter 43.333 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of commerce.

(2) "Innovate Washington program" or "program" means the program created in section 205 of this act.

Sec. 11. RCW 43.333.030 and 2011 1st sp.s. c 14 s 4 are each amended to read as follows:

(1) The investing in innovation account is created in the custody of the state treasurer to receive state and federal funds, grants, private gifts, or contributions to further the purpose of ~~((innovate Washington))~~ growing the technology and innovation-based sectors of the state and supporting the commercialization of intellectual property and the manufacturing of innovative products in the state.

(2) Expenditures from the account may be used only for the purposes of the investing in innovation programs established in chapter 70.210 RCW and any other purpose consistent with the innovate Washington program established in this chapter.

(3) Only the ~~((executive))~~ director of ~~((innovate Washington))~~ commerce or the ~~((executive))~~ director's designee may authorize

expenditures from the account. Funds may only be used for the department of commerce to provide directly or through contract services consistent with the purposes described in subsection (2) of this section. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 12. RCW 43.333.040 and 2011 1st sp.s. c 14 s 3 are each amended to read as follows:

(1) To increase participation by Washington state small business innovators in federal small business research programs, the innovate Washington program shall provide ~~((or contract for the provision of))~~ a small business innovation assistance program. The assistance program must include a proposal review process and must train and assist Washington small business innovators to win awards from federal small business research programs. The assistance program must collaborate with small business development centers~~((entrepreneur in residence programs))~~ and other appropriate sources of technical assistance to ensure that small business innovators also receive the planning, counseling, and support services necessary to expand their businesses and protect their intellectual property.

(2) ~~((In operating the program,))~~ The innovate Washington program must give priority to first-time applicants to the federal small business research programs, new businesses, and firms with fewer than ten employees, and may charge a fee for its services.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Federal small business research programs" means the programs, operating pursuant to the small business innovation development act of 1982, P.L. 97-219, and the small business technology transfer act of 1992, P.L. 102-564, title II, that provide funds to small businesses to conduct research having commercial application.

(b) "Small business" means a corporation, partnership, sole proprietorship, or individual, operating a business for profit, with two hundred fifty employees or fewer, including employees employed in a subsidiary or affiliated corporation, that otherwise meets the requirements of federal small business research programs.

Sec. 13. RCW 43.333.050 and 2011 1st sp.s. c 14 s 13 are each amended to read as follows:

(1) The innovate Washington program shall administer the investing in innovation program.

(2) Not more than one percent of the available funds from the investing in innovation account may be used for administrative costs of the program.

Sec. 14. RCW 70.210.020 and 2011 1st sp.s. c 14 s 8 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~((1))~~ "Board" means the innovate Washington board of directors.

(3) ~~((2))~~ "Innovate Washington" means the agency created in RCW 43.333.010.)

(1) "Department" means the department of commerce.

(2) "Innovate Washington program" means the program established at the department of commerce under chapter 43.333 RCW.

Sec. 15. RCW 70.210.030 and 2011 1st sp.s. c 14 s 9 are each amended to read as follows:

(1) The investing in innovation program is established.

(2) The innovate Washington program shall periodically make strategic assessments of the types of investments in research, technology, and industrial development in this state that would likely create new products, jobs, and business opportunities and produce the most beneficial long-term improvements to the lives and health of the citizens of the state. The assessments shall be

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available to the public and shall be used to guide decisions on awarding funds under this chapter.

Sec. 16. RCW 70.210.040 and 2011 1st sp.s. c 14 s 10 are each amended to read as follows:

The ~~((board))~~ innovate Washington program shall:

(1) Develop criteria for the awarding of loans or grants to qualifying universities, institutions, businesses, or individuals;

(2) Make decisions regarding distribution of funds;

(3) In making funding decisions and to the extent that economic impact is not diminished, provide priority to enterprises that:

(a) Were created through, and have existing intellectual property agreements in place with, public and private research institutions in the state; and

(b) Intend to produce new products or services, develop or expand facilities, or manufacture in the state; and

(4) Specify in contracts awarding funds that recipients must utilize funding received to support operations in the state of Washington and must subsequently report on the impact of their research, development, and any subsequent production activities within Washington for a period of ten years following the award of funds, and that a failure to comply with this requirement will obligate the recipient to return the amount of the award plus interest as determined by the ~~((board))~~ department.

Sec. 17. RCW 70.210.050 and 2011 1st sp.s. c 14 s 11 are each amended to read as follows:

(1) The ~~((board))~~ innovate Washington program may accept grant and loan proposals and establish a competitive process for the awarding of grants and loans.

(2) The ~~((board))~~ innovate Washington program shall establish a peer review committee to include ~~((board members,))~~ scientists, engineers, and individuals with specific recognized expertise. The peer review committee shall provide to the ~~((board))~~ innovate Washington program an independent peer review of all proposals determined to be competitive for a loan or grant award that are submitted to the ~~((board))~~ innovate Washington program.

(3) In the awarding of grants and loans, priority shall be given to proposals that leverage additional private and public funding resources.

~~((4) Innovate Washington may not be a direct recipient of funding under this chapter.)~~

Sec. 18. RCW 70.210.060 and 2011 1st sp.s. c 14 s 12 are each amended to read as follows:

The ~~((board))~~ department shall establish performance benchmarks against which the program will be evaluated. The program shall be reviewed periodically by the ~~((board))~~ department. The ~~((board))~~ department shall report annually to the appropriate standing committees of the legislature on loans made and grants awarded and as appropriate on program reviews conducted by the ~~((board))~~ department.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) RCW 41.06.0711 (Innovate Washington--Certain personnel exempted from chapter) and 2011 1st sp.s. c 14 s 5;

(2) RCW 43.333.010 (Innovate Washington--Created--Mission--Transfer of administrative responsibilities for facilities located at the Washington technology center and Spokane intercollegiate research and technology institute--Five-year business plan requirements) and 2011 1st sp.s. c 14 s 1; and

(3) RCW 43.333.020 (Board of directors--Composition--Meetings--Duties) and 2011 1st sp.s. c 14 s 2.

(4) RCW 43.333.800 (Sustainable aviation biofuels work group) and 2012 c 63 s 4;

(5) RCW 43.333.900 (Transfer of powers, duties, and functions of Spokane intercollegiate research and technology institute and Washington technology center) and 2011 1st sp.s. c 14 s 17;

(6) RCW 43.333.901 (Effective date--2011 1st sp. S. c 14) and 2011 1st sp.s. c 14 c 12.

NEW SECTION. Sec. 20. A new section is added to chapter 43.333 RCW to read as follows:

(1) Innovate Washington is hereby abolished and its mission, powers, duties, and functions are hereby transferred to the department of commerce.

(2)(a) Except as provided in (c) of this subsection, all property of Innovate Washington shall be assigned and transferred to the department of commerce. Except as provided in (c) of this subsection, all reports, documents, surveys, books, records, files, papers, and written material, regardless of physical form or characteristics, in the possession of Innovate Washington shall be delivered to the department of commerce. Except as provided in (c) of this subsection, all cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by Innovate Washington shall be made available to the department of commerce. Except as provided in (b) and (c) of this subsection, all funds, credits, and other assets, tangible or intangible, held by Innovate Washington shall be assigned and transferred to the department of commerce.

(b) The department of commerce shall honor any donor-imposed condition on the transfer of assets to Innovate Washington, consistent with chapter 14, Laws of 2011 1st sp. sess., returning any unused funds or other assets to the grantor or the grantor's successor in interest, if return of such funds or other assets is required in the grant or other instrument by which the asset was conveyed to Innovate Washington. Any donated assets, the use of which is limited by a donor-imposed restriction, shall be used only for the purposes specified in the granting instrument, and where the instrument restricts the use of such funds or other assets for the purposes of Innovate Washington, they shall be used by the department of commerce only for the purpose of growing the innovation-based economic sectors of the state and responding to the technology transfer needs of existing businesses in the state.

(c)(i) All real property of Innovate Washington is assigned and transferred to Washington State University, including all real estate, buildings, and facilities located at 665 North Riverpoint Boulevard in Spokane, Washington and any associated tenant leases and building obligations. All cabinets, furniture, office equipment, motor vehicles and other tangible property associated with the facilities located at 665 North Riverpoint Boulevard in Spokane, Washington are assigned and transferred to Washington State University. The master lease for the Spokane Technology Center Building located at 120 North Pine Street in Spokane, Washington is assigned and transferred to Washington State University. The department of commerce shall coordinate with the department of enterprise services in assigning and transferring the master lease. Washington State University shall explore terminating the master lease on the Spokane Technology Center and acquiring the property for reintegration into the campus, if in the best interests of the university.

(ii) In operating the 665 North Riverpoint Boulevard building and the Spokane Technology Center building, Washington State University may offer rental space to public, private, or private nonprofit entities that provided services to Innovate Washington in the Spokane Technology Center building, and not in the 665 North Riverpoint Boulevard building, and only at a gross per square foot rate equal to or greater than the rate charged to Washington State University as subleases prior to the effective date of this act.

(d) If any question arises as to the transfer of any asset used or held in the exercise of the powers and the performance of the duties

and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 21. A new section is added to chapter 43.333 RCW to read as follows:

This chapter expires June 30, 2015.

NEW SECTION. Sec. 22. A new section is added to chapter 70.210 RCW to read as follows:

This chapter expires June 30, 2015."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 15, beginning on line 2, strike all of sections 9 and 10.

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Chase moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6518.

Senators Chase and Baumgartner spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Chase that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6518.

The motion by Senator Chase carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6518 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6518, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6518, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Hargrove and Ranker

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6518, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:35 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:25 p.m. by President Owen.

REMARKS BY THE PRESIDENT

President Owen: "Thank you and I don't want to delay things but it looks like nothing happening. Well things are happening, I don't mean that. I mean that we can do this. I have served a long time here with a number of very, very good Readers and some that they sounded great and others that didn't last all that long. I have never served with a reader that has not only been as competent as Ken but as knowledgeable of the process as this gentleman has for us for years. I don't know if you know but Ken is a retired history teacher. Married to Barbara. He lives in Puyallup. It's his thirteenth regular session. He was security staff in his first session in 2002. In 2003 to 2006 he was security and back up Reader for four years and, to our great pleasure, you know he has served from 2007-2014 as not only as security but our Reader so for eight years. Now I understand to our chagrin that he is looking at retirement. Now I, so the Secretary has mentioned that he will continue his relentless, the Secretary of the Senate will continue his relentless pursuit of persuading Ken to return for one more session. However, however, should we fail in this pursuit and he does something like retiring and having fun and being able to go somewhere in January, February, March and April of the year, then the President sincerely wants to wish him the absolute best retirement and give him the most sincere and expression of appreciation for an incredible job. Well done. Thank you Ken."

PERSONAL PRIVILEGE

Senator Hargrove: "Well, I want to say a few about Ken too. So, a couple of things, first of all not only is he excellent at what he does but his inflection and his voice quality really makes our resolutions sound good. When he read the Seahawks resolution it was really, really good. I do have to bring up one time when he was going on and on and the President was not paying attention and I said 'Last line' and he stopped. So, I got you once Ken. We hope you come back."

PERSONAL PRIVILEGE

Senator Pedersen: "Well, I will just add that although I've been in this chamber for only two months I have known Ken for probably about forty years, which may seem astounding to many of you, but I had the great pleasure of growing up at Mountain View Lutheran Church with Ken and his family. And his daughter Kari was in my sister's Kari's class all through school. Ken, it has been an incredible joy these last few years to be able to serve with you and have the pleasure of your company and I will certainly miss you."

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Ken, I also want to say congratulations. It's been wonderful knowing you the last fourteen years. You're a wonderful person. What I really want to bring back, and Senator Hargrove is not on the floor unfortunately. I want you to remind him of the night he made you go, read third reading to sit there and go on and on and on and that was Senator Hargrove's motion. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Baumgartner: “I just want to point out, it’s just more than people in this fine body that Ken’s good work has touched. You know, my father retired now, is an avid watcher of TVW and what we do out here. I just remember off hand him saying, ‘Boy, that guy looks like a class act.’ So, people over in even in Pullman and Spokane Washington are paying attention, thinking you’re doing a great job as well.”

PERSONAL PRIVILEGE

Senator Dammeier: “So, I would like to echo Senator Pedersen’s comments. Ken is a legend back in our community for what he did there before he came down here and then what he’s done since he’s come down here. I’m not exactly sure how many other Puyallup people he has recruited into service in Olympia but there’s been a few. I’ll tell you for me since my service in the other chamber and here I just, when you walk in early in the morning and there’s Ken standing in the intersection in Cherberg and he greets you with that great ‘Good morning,’ it gets your day off to a great start. That’s even beyond the fantastic job he does here in this chamber. So, Ken, thank you very much for all your support for us and the citizens of Puyallup.”

PERSONAL PRIVILEGE

Senator Benton: “Thank you Mr. President. Ken, I want to apologize to you. I have made you read my name more than anybody else’s name on the floor of the Senate because I am the most likely not answer the first time you call. That’s been going on, I think the President can verify that with some awards he’s given out in the past but the fact is I’ve been here twenty years and you normally have to call my name at least twice. I apologize for that. I’m not sure that I’m going to be able, my ear has been trained to your voice. So, whether I am speaking with constituents in the wings or working even outside with one of the lobbyists and I hear your voice and I hear my name I know I’ve got to get in there and vote. So, I’m going to have to completely retrain my hearing if you’re not going to be here calling the names on the roll. I very much appreciated the opportunity to serve with you. I echo Senator Dammeier’s comments that in addition to your job here when we’re actually in session you have been a bright and cheery face that greets us in the morning when we come to work and often times you’re here too when we leave. I just tell you it’s going to be kind of weird getting used to this place without you sir. I will miss you.”

PERSONAL PRIVILEGE

Senator Becker: “Thank you Mr. President. Ken, don’t leave! I remember my first day I walked in the intersection as Senator Dammeier referred to and Ken said, ‘Good morning Senator’ and I turned around and I had to realize that was what my title was at that time and when I’d miss a vote and he looked at me and I realized that I was supposed to vote. You have been an amazing person here and I know from my perspective you sure made me feel welcome and sure made me feel like a part of this institution. Just for that I thank you but for the fact that everybody has talked about your voice. I told my husband about your voice and he told me to quit talking about you in that way, manner. So, I hope you decide to stay one more year but if you decide to retire I wish you the very best.”

REMARKS BY THE PRESIDENT

President Owen: “So, the President had not called us back to order but I did want to get that out of the way so you can continue to mingle I guess, Senator Fain. I will say this: Ken if you change your mind and you come back, if you change your mind you wouldn’t be the first person in this chamber to do that. I can guarantee you that it’s okay to acknowledge all these great things that have been said and still come back next year anyway. Good luck.”

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

PERSONAL PRIVILEGE

Senator Roach: “Thank you Mr. President, members of the senate. Before we get too far into our business today, our important work of closing up, I did want to recognize another person whom I’ve worked with a number of years. I don’t even know how many and that would be Senator Adam Kline who also will not be with us next year. He’s elected to spend time with his family, his lovely grand-daughter and others. This is a strange thing here. I’m fairly concerned Republican and I count on Senator Kline to be my progressive Seattle liberal and he has fulfilled all my wishes for him. He is the greatest. So, with the permission of the President?”

REPLY BY THE PRESIDENT

President Owen: “Senator Roach. I assume that you’re under a point of personal privilege?”

Senator Roach: “Point of Personal Privilege. I have a gift here for Senator Kline and for those of you that can’t see and I did the art work myself. I had to get a book to look at it. I had no idea what this stuff really looks like. Would you indulge us and come over and unveil your gift? So Senator Kline and I have had a lot of fun things we’ve done together and other things not so fun but we always are friends and I appreciate that. Senator Kline, I am going to let you unwrap this for us and then show it to the crowd.”

Senator Kline: “Mr. President, I just hope this is going to be with the rules.”

REMARKS BY THE PRESIDENT

President Owen: “Well, let’s just cross our fingers.”

Senator Roach: “He does this really well. Look how nice and neat. He’s always so neat. Look at that. Don’t rip the paper.”

REMARKS BY THE PRESIDENT

President Owen: “If it’s a lousy picture he’s just going to frame the outside.”

Senator Roach: “Yea, he can frame the art, that’s right. Alright, there it is. This is Senator Adam Kline. I have a picture of him holding a AK-47 out at the Black Diamond Gun Club. He’s with Brian Judy, the Chief of, West Coast Lobbyist for the NRA.”

PERSONAL PRIVILEGE

Senator Kline: "I'm very happy that this is now known to the public after my last election."

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dammeier moved that Takiyah Jackson, Gubernatorial Appointment No. 9120, be confirmed as a member of the Professional Educator Standards Board.

Senator Dammeier spoke in favor of the motion.

APPOINTMENT OF TAKIYAH JACKSON

The President declared the question before the Senate to be the confirmation of Takiyah Jackson, Gubernatorial Appointment No. 9120, as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Takiyah Jackson, Gubernatorial Appointment No. 9120, as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon and Tom

Takiyah Jackson, Gubernatorial Appointment No. 9120, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1260 and asks the Senate to recede therefrom.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hatfield moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1260.

The President declared the question before the Senate to be motion by Senator Hatfield that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1260.

The motion by Senator Hatfield carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1260 by voice vote.

MOTION

On motion of Senator Hatfield, the rules were suspended and Substitute House Bill No. 1260 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1260, by House Committee on Capital Budget (originally sponsored by Representatives Warnick and Stanford)

Concerning public facilities' grants and loans.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following striking amendment by Senator Hatfield and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.160.010 and 2012 c 225 s 2 are each amended to read as follows:

(1) The legislature finds that it is the ((public)) policy of the state of Washington to ((direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment)) employ state and federal resources to foster economic development to promote private investment and to create or retain job opportunities for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless ((is)) are important for the economic welfare of the state.

(2) The legislature finds that a valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. ~~((A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:~~

~~—(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;~~

~~—(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;~~

~~—(c) Encouraging wider access to financial resources for both large and small industrial development projects;~~

~~—(d) Encouraging new economic development or expansions to maximize employment;~~

~~—(e) Encouraging the retention of viable existing firms and employment;~~

~~—(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment; and~~

~~—(g) Enhancing job and business growth through facility development and other improvements in innovation partnership zones designated under RCW 43.330.270.~~

~~—(2))~~ (3) The legislature also finds that the state's economic

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development efforts can be enhanced by, in certain instances, providing funds to improve state highways, county roads, or city streets for industries considering locating or expanding in this state.

~~((3))~~ (4) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

~~((4))~~ (5) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in the state.

~~((5))~~ (6) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that the construction or rehabilitation of public facilities ~~((which))~~ that result in private construction of processing or remanufacturing facilities for recyclable materials ~~((are))~~ is eligible for consideration from the board.

~~((6))~~ (7) The legislature finds that sharing economic growth statewide is important to the welfare of the state. The ability of communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure are critical ingredients for economic development. ~~((It is, therefore, the intent of the legislature to increase the amount of funding available through the community economic revitalization board and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.))~~

(8) It is, therefore, the intent of the legislature to create a community economic revitalization board to aid the development of economic opportunities. The general objectives of the board should include:

- (a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;
- (b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater stability of income and employment;
- (c) Encouraging greater access to financial resources for both large and small industrial development projects;
- (d) Encouraging new economic development or expansions to maximize employment;
- (e) Encouraging the retention of viable existing firms and promoting employment within these firms;
- (f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment; and
- (g) Enhancing job and business growth through facility development and other improvements in innovation partnership zones designated under RCW 43.330.270.

NEW SECTION. Sec. 2. A new section is added to chapter 43.160 RCW to read as follows:

The legislature finds that the community economic revitalization board has successfully acted as an economic development infrastructure financier for local governments. It is, therefore, the intent of the legislature to authorize flexibility for the community economic revitalization board to help fund planning,

predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

Sec. 3. RCW 43.160.020 and 2012 c 225 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Department" means the department of commerce.

(3) "Director" means the director of the department.

~~___~~ (4) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

~~((4))~~ (5) "Planning project" means project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; and economic development industry cluster analysis.

(6) "Project" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of a public facility.

(7) "Public facilities" means ~~((a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of:))~~ bridges; roads; research, testing, training, and incubation facilities in areas designated as innovation partnership zones under RCW 43.330.270; buildings or structures; domestic and industrial water, earth stabilization, sanitary sewer, storm ~~((sewer))~~ water, railroad, electricity, broadband, telecommunications, transportation, natural gas, and port facilities ~~((; all for the purpose of job creation, job retention, or job expansion)).~~

~~((5))~~ (8) "Rural county" means a county with a population density of fewer than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

Sec. 4. RCW 43.160.030 and 2011 1st sp.s. c 21 s 25 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board ~~((shall))~~ must consist of one member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The board ~~((shall))~~ must also consist of the following members appointed by the director of commerce: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of a federally recognized Indian tribe; one representative of the public; ~~((one))~~ four representatives of small businesses ~~((each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades)); and two executives from large businesses.~~ The appointive members ~~((shall))~~ must initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms ~~((which shall))~~ that must include the chair. Thereafter each succeeding term ~~((shall))~~ must be for three years. The chair of the board ~~((shall))~~ must be selected by the director of commerce. When appointing members, the director must endeavor to ensure equitable geographic representation. The

members of the board (~~(shall)~~ must elect one of their members to serve as (~~(vice chair)~~ vice chair. The director of commerce, the director of revenue, the commissioner of employment security, and the secretary of transportation (~~(shall)~~ must serve as nonvoting advisory members of the board.

(3) (Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter.

(4)) Members of the board ((shall)) must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

((~~(5))~~) (4) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the director of commerce ((shall)) must fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the director of commerce, under chapter 34.05 RCW.

((~~(6))~~) (5) A member appointed by the director of commerce may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the director of commerce.

((~~(7))~~) (6) A majority of members currently appointed constitutes a quorum.

Sec. 5. RCW 43.160.050 and 2008 c 327 s 4 are each amended to read as follows:

The board may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business.

(2) Adopt an official seal and alter the seal at its pleasure.

(3) Utilize the services of other governmental agencies.

(4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants.

(5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers.

(6) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter.

(7) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.

(8) Consistent with the guidelines issued by the office of financial management and in consultation with the department, prepare biennial operating and capital budgets and, as needed, update these budgets during the biennium.

(9) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

((~~(9))~~) (10) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 43.160 RCW to read as follows:

Management services, including fiscal and contract services, must be provided by the department to assist the board in implementing this chapter.

NEW SECTION. Sec. 7. A new section is added to chapter 43.160 RCW to read as follows:

(1) In order to assist political subdivisions of the state and federally recognized Indian tribes in financing the cost of public facilities, the board:

(a) Must manage the public facilities construction loan revolving account in such a way as to ensure its sustainability.

(b) Must execute contracts or otherwise financially obligate funds from the public facilities construction loan revolving account

for projects approved for funding by the board under the following programs:

(i) Committed private sector partner construction;

(ii) Prospective development construction;

(iii) Planning; and

(iv) Any other program authorized by the legislature.

(c) Must provide loans to political subdivisions and federally recognized Indian tribes for the purposes of financing the cost of public facilities.

(i) The board must determine the interest rate that loans bear. The interest rate may not exceed ten percent per annum.

(ii) The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural communities as defined by the board, or rural counties. The loans may not exceed twenty years in duration.

(iii) In general, the board must require borrowers to begin repaying loans within one year of final contract execution. The board may authorize borrowers to defer initiating loan repayments for up to five years. A borrower must submit a deferral request to the board in writing and must include justification as to the need.

(d) May provide grants for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward.

(2) No more than twenty-five percent of all financial assistance approved by the board in any biennium may consist of grants to political subdivisions and federally recognized Indian tribes.

(3) Except as authorized to the contrary under subsection (4) of this section, from all funds available to the board for financial assistance in a biennium under this chapter, the board must approve at least seventy-five percent of the first twenty million dollars of funds available and at least fifty percent of any additional funds for financial assistance for projects in rural counties or board defined rural communities.

(4) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in rural counties or board defined rural communities are clearly insufficient to use up the allocations under subsection (3) of this section, the board must estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in rural counties or board defined rural communities.

(5) The board may elect to reserve up to one million dollars of its biennial appropriation to use as state match for federal grant awards. The purpose and use of the federal funds must be consistent with the board's purpose of financing economic development infrastructure. Reserved board funds must be matched, at a minimum, dollar for dollar by federal funds. If the set aside funds are not fully utilized for federal grant match by the 18th month of the biennium, the board may use those funds for other eligible projects as stated in this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 43.160 RCW to read as follows:

The board must:

(1) Establish and maintain collaborative relations with governmental, private, and other financing organizations, advocate groups, and other stakeholders associated with state economic development activities and policies;

(2) Provide information and advice to the governor and legislature on matters related to economic development; and

(3) At the direction of the governor, provide information and advocacy at the national level on matters related to economic development financing.

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NEW SECTION. Sec. 9. A new section is added to chapter 43.160 RCW to read as follows:

(1) Under the committed private sector partner construction program, the board may only provide financial assistance to a project that demonstrates convincing evidence that a specific private sector development or expansion is ready to occur or will occur only if the public facility improvement is made.

(2) Under the prospective development construction program, the board may only provide financial assistance to a project that can demonstrate project feasibility using standard economic principles.

(3)(a) Projects applying under either the committed private sector partner construction program or the prospective development construction program must submit evidence comparing the median hourly wage of the private sector jobs to be created after the project is completed with the countywide median hourly wage for private sector jobs.

(b) The board must award a minimum of fifty percent of the moneys appropriated to it in the omnibus capital appropriations act to projects that are able to demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage for private sector jobs.

(4) The board must give funding priority to eligible projects applying under the committed private sector partner construction program.

NEW SECTION. Sec. 10. A new section is added to chapter 43.160 RCW to read as follows:

(1) The board must prioritize awards for committed private sector partner construction and prospective development construction projects by considering at a minimum the following criteria:

(a) The number of jobs created by the expected business creation or expansion and the average wage of those expected jobs. In evaluating proposals for their job creation potential, the board may adjust the job estimates in applications based on the board's judgment of the credibility of the job estimates;

(b) The need for job creation based on the unemployment rate of the county or counties in which the project is located. When evaluating the jobs created by the project, the board may consider the area labor supply and readily available skill sets of the labor pool in the county or counties surrounding the project location;

(c) How the expected business creation or expansion fits within the region's preferred economic growth strategy as indicated by the efforts of nearby innovation partnership zones, industry clusters, future export prospects, or local government equivalent if available;

(d) The speed with which the project can begin construction;

(e) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;

(f) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas served by adequate public facilities; and

(g) The extent that the project leverages nonstate funds, and achieves overall the greatest benefit in job creation at good wages for the amount of money provided.

(2) The board may not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion;

(b) For any project for which evidence exists that would result in a development or expansion that would displace jobs in any other community in the state;

(c) For a project the primary purpose of which is to facilitate or promote gambling; or

(d) For a project located outside the jurisdiction of the applicant political subdivision or federally recognized Indian tribe.

Sec. 11. RCW 43.160.076 and 2011 c 180 s 301 are each amended to read as follows:

((1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter, the board shall approve at least seventy-five percent of the first twenty million dollars of funds available and at least fifty percent of any additional funds for financial assistance for projects in rural counties.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in rural counties are clearly insufficient to use up the allocations under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in rural counties.

(3)) The board ((shall)) must solicit qualifying projects to plan, design, and construct public facilities needed to attract new industrial and commercial activities in areas impacted by the closure or potential closure of large coal-fired electric generation facilities, which for the purposes of this section means a facility that emitted more than one million tons of greenhouse gases in any calendar year prior to 2008. The projects should be consistent with any applicable plans for major industrial activity on lands formerly used or designated for surface coal mining and supporting uses under RCW 36.70A.368. When the board receives timely and eligible project applications from a political subdivision of the state for financial assistance for such projects, the board from available funds ((shall)) must give priority consideration to such projects.

Sec. 12. RCW 43.160.080 and 2010 1st sp.s. c 36 s 6011 are each amended to read as follows:

(1) There ((shall)) must be a fund in the state treasury known as the public facilities construction loan revolving account, which ((shall)) consists of all moneys collected under this chapter and any moneys appropriated to it by law. Disbursements from the revolving account ((shall)) must be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account ((shall be)) is subject in all respects to chapter 43.88 RCW. During the 2009-2011 biennium, sums in the public facilities construction loan revolving account may be used for community economic revitalization board export assistance grants and loans in section 1018, chapter 36, Laws of 2010 1st sp. sess. and for matching funds for the federal energy regional innovation cluster in section 1017, chapter 36, Laws of 2010 1st sp. sess.

(2) The moneys in the public facilities construction loan revolving account must be used solely to fulfill commitments arising from financial assistance authorized in this chapter. The total outstanding amount, which the board must dispense at any time pursuant to this section, may not exceed the moneys available from the account.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans must be paid into the public facilities construction loan revolving account.

Sec. 13. RCW 43.160.900 and 2008 c 327 s 9 are each amended to read as follows:

(1) The community economic revitalization board ((shall)) must conduct biennial outcome-based evaluations of the financial assistance provided under this chapter. The evaluations ((shall)) must include information on the number of applications for community economic revitalization board assistance; the number and types of projects approved; the grant or loan amount awarded each project; the projected number of jobs created or retained by

each project; the actual number and cost of jobs created or retained by each project; the wages and health benefits associated with the jobs; the amount of state funds and total capital invested in projects; the number and types of businesses assisted by funded projects; the location of funded projects; the transportation infrastructure available for completed projects; the local match and local participation obtained; the number of delinquent loans; and the number of project terminations. The evaluations may also include additional performance measures and recommendations for programmatic changes.

(2)(a) By September 1st of each even-numbered year, the board ~~((shall))~~ must forward its draft evaluation to the Washington state economic development commission for review and comment ~~((as required in section 10 of this act))~~. The board ~~((shall))~~ must provide any additional information as may be requested by the commission for the purpose of its review.

(b) Any written comments or recommendations provided by the commission as a result of its review ~~((shall))~~ must be included in the board's completed evaluation. The evaluation must be presented to the governor and appropriate committees of the legislature by December 31st of each even-numbered year. ~~((The initial evaluation must be submitted by December 31, 2010.))~~

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) RCW 43.160.060 (Loans and grants to political subdivisions and federally recognized Indian tribes for public facilities authorized--Application--Requirements for financial assistance) and 2012 c 196 s 10, 2008 c 327 s 5, 2007 c 231 s 3, & 2004 c 252 s 3;

(2) RCW 43.160.070 (Conditions) and 2008 c 327 s 6, 1999 c 164 s 104, 1998 c 321 s 27, 1997 c 235 s 721, 1996 c 51 s 6, 1990 1st ex.s. c 16 s 802, 1983 1st ex.s. c 60 s 4, & 1982 1st ex.s. c 40 s 7; and

(3) RCW 43.160.078 (Board to familiarize government officials and public with chapter provisions) and 1985 c 446 s 5."

Senators Hatfield, Hewitt and Chase spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hatfield and others to Substitute House Bill No. 1260.

The motion by Senator Hatfield carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "loans;" strike the remainder of the title and insert "amending RCW 43.160.010, 43.160.020, 43.160.030, 43.160.050, 43.160.076, 43.160.080, and 43.160.900; adding new sections to chapter 43.160 RCW; and repealing RCW 43.160.060, 43.160.070, and 43.160.078."

MOTION

On motion of Senator Hatfield, the rules were suspended, Substitute House Bill No. 1260 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1260 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1260 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Dammeier, Dansel, Eide, Ericksen, Fain, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, McAuliffe, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Cleveland, Conway, Darneille, Fraser, Hasegawa, Kohl-Welles, Lias, McCoy, Ranker and Rolfes

SUBSTITUTE HOUSE BILL NO. 1260 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6020.

Senator Keiser spoke in favor of the motion.

POINT OF ORDER

Senator Fain: "Thank you Mr. President. I believe the speaker is getting a little off field."

REPLY BY THE PRESIDENT

President Owen: "Senator Fain has raised a point of order, Senator Keiser that you're getting off. The motion that you made is to concur in the House amendments, so you're discussion must solely be on that concurrence and what is involved in the concurrence."

MOTION

At 3:58 p.m. Senator Fain moved that the Senate be at ease subject to the call of the President.

The President declared the question before the Senate to be the motion by Senator Fain that the Senate go at ease.

The motion by Senator Fain carried by a rising vote.

EVENING SESSION

The Senate was called to order at 5:04 p.m. by President Owen.

Senator Keiser spoke in favor of the motion.

PARLIAMENTARY INQUIRY

Senator Nelson: "Thank you Mr. President. I just want to clarify. I believe this is a fully debatable motion?"

REPLY BY THE PRESIDENT

President Owen: "The motion to concur is, yes."

Senators Honeyford and Baumgartner spoke against the motion.

Senators Mullet and McCoy spoke in favor of the motion.

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Senator McCoy demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Schoesler and Sheldon spoke against the motion.

Senators Liias, Frockt and Nelson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6020.

ROLL CALL

The Secretary called the roll on the motion by Senator Keiser to concur in the House amendments to Engrossed Substitute Senate Bill No. 6020 and the motion failed and the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 6020 by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Danel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

MESSAGE FROM THE HOUSE

March 12, 2014

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6283 and asks the Senate to concur thereon. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6283.

Senator Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6283.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6283 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6283, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6283, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SUBSTITUTE SENATE BILL NO. 6283, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6002 and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304,

ENGROSSED HOUSE BILL NO. 2397,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2029,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2175,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING
OF HOUSE BILLS

ESHB 2304 by House Committee on Government Accountability & Oversight (originally sponsored by Representative Moscoso)

AN ACT Relating to marijuana processing and retail licenses; amending RCW 69.50.325, 69.50.354, 69.50.357, 69.50.360, 42.56.270, and 69.50.535; and reenacting and amending RCW 69.50.101.

MOTION

On motion of Senator Fain, under suspension of the rules Engrossed Substitute House Bill No. 2304 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572, by House Committee on Appropriations (originally sponsored by Representative Cody)

Concerning the effectiveness of health care purchasing and transforming the health care delivery system.

The measure was read the second time.

MOTION

Senator Becker moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the state of Washington has an opportunity to transform its health care delivery system.

(2) The state health care innovation plan establishes the following primary drivers of health transformation, each with individual key actions that are necessary to achieve the objective:

(a) Improve health overall by stressing prevention and early detection of disease and integration of behavioral health;

(b) Developing linkages between the health care delivery system and community; and

(c) Supporting regional collaboratives for communities and populations, improve health care quality, and lower costs.

NEW SECTION. Sec. 2. (1) The health care authority is responsible for coordination, implementation, and administration of interagency efforts and local collaborations of public and private organizations to implement the state health care innovation plan.

(2) Prior to the authority submitting a grant application for innovation plan funding, the authority must consult a neutral actuarial firm not currently contracted with the agency to review the estimated savings with the innovation plan prior to application submission. The plan and the actuarial information must be presented to the joint select committee on health care oversight, including the scope and details of the grant application and any request for proposal, prior to an application submission. The joint committee must review the application in a timely fashion that

enables the grant application, if approved, to be submitted within the required time frame.

(3) The grant application cannot commit the state to any financial obligations beyond the actual grant award amount.

(4) All required federal reporting related to a grant award must be shared with the joint committee at the same time it is submitted to the federal government.

(5) By January 1, 2015, and January 1st of each year through January 1, 2019, the health care authority shall coordinate and submit a status report to the appropriate committees of the legislature regarding implementation of the innovation plan. The report must summarize any actions taken to implement the innovation plan, progress toward achieving the aims of the innovation plan, and anticipated future implementation efforts. In addition, the health care authority shall submit any recommendations for legislation necessary to implement the innovation plan.

NEW SECTION. Sec. 3. (1) The joint select committee on health care oversight is established in statute, continuing the committee created in Engrossed Substitute Senate Concurrent Resolution No. 8401 passed in 2013.

(2) The membership of the joint select committee on health care oversight must consist of the following: (a) The chairs of the health care committees of the senate and the house of representatives, who must serve as cochairs; (b) four additional members of the senate, two each appointed by the leadership of the two largest political parties in the senate; and (c) four additional members of the house of representatives, two each appointed by the leadership of the two largest political parties in the house of representatives. The governor must be invited to appoint, as a liaison to the joint select committee, a person who must be a nonvoting member.

(3) The joint select committee on health care oversight must provide oversight between the health care authority, health benefit exchange, the office of the insurance commissioner, the department of health, and the department of social and health services. The goal must be to ensure that these entities are not duplicating their efforts and are working toward a goal of increased quality of services which will lead to reduced costs to the health care consumer.

(4) The joint select committee on health care oversight must, as necessary, propose legislation to the health care committees and budget recommendations to the ways and means committees of the legislature that aids in their coordination of activities and that leads to better quality and cost savings.

(5) The joint select committee on health care oversight expires on December 31, 2022.

NEW SECTION. Sec. 4. A new section is added to chapter 41.05 RCW to read as follows:

(1) The authority shall, subject to the availability of amounts appropriated or grants received for this specific purpose, award grants to support the development of two pilot projects for a community of health. A community of health is a regionally based, voluntary collaborative. The purpose of the collaborative is to align actions to achieve healthy communities and populations, improve health care quality, and lower costs. Grants may only be used for start-up costs.

(2) The authority shall develop a process for designating an entity as a community of health. An entity seeking designation is eligible if:

(a) It is a nonprofit or public-private partnership, including those led by local public health agencies;

(b) Its membership is broad and incorporates key stakeholders, such as the long-term care system, the health care delivery system, behavioral health, social supports and services, primary care and specialty providers, hospitals, consumers, small and large

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employers, health plans, and public health, with no single entity or organizational cohort serving in a majority capacity; and

(c) It demonstrates an ongoing capacity to:

(i) Lead health improvement activities within the region with other local systems to improve health outcomes and the overall health of the community, improve health care quality, and lower costs; and

(ii) Distribute tools and resources from the health extension program created in section 5 of this act.

(3) In awarding grants under this section, the authority shall consider the extent to which the applicant will:

(a) Base decisions on public input and an active collaboration among key community partners, which can include, but are not limited to, local governments, housing providers, school districts, early learning regional coalitions, large and small businesses, labor organizations, health and human service organizations, tribal governments, health carriers, providers, hospitals, public health agencies, and consumers;

(b) Match the grant funding with funds from other sources; and

(c) Demonstrate capability for sustainability without reliance on state general fund appropriations.

(4) The authority may prioritize applications that commit to providing at least one dollar in matching funds for each grant dollar awarded.

(5) Before grant funds are disbursed, the authority and the applicant must agree on performance requirements.

NEW SECTION. Sec. 5. A new section is added to chapter 43.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a health extension program to provide training, tools, and technical assistance to primary care, behavioral health, and other providers. The program must emphasize high quality preventive, chronic disease, and behavioral health care that is comprehensive and evidence-based.

(2) The health extension program must coordinate dissemination of evidence-based tools and resources that promote:

(a) Integration of physical and behavioral health;

(b) Clinical decision support to promote evidence-based care;

(c) Reports of the Robert Bree collaborative created by RCW 70.250.050 and findings of health technology assessments under RCW 70.14.080 through 70.14.130;

(d) Methods of formal assessment;

(e) Support for patients managing their own conditions;

(f) Identification and use of resources that are available in the community for patients and their families, including community health workers; and

(g) Identification of evidence-based models to effectively treat depression and other conditions in primary care settings, such as the program advancing integrated mental health solutions, and others.

(3) The department may adopt rules necessary to implement this section, but may not adopt rules, policies, or procedures beyond the scope of authority granted in this section.

NEW SECTION. Sec. 6. A new section is added to chapter 41.05 RCW to read as follows:

(1) There is created a performance measures committee, the purpose of which is to identify and recommend standard statewide measures of health performance to inform public and private health care purchasers and to propose benchmarks to track costs and improvements in health outcomes.

(2) Members of the committee must include representation from state agencies, small and large employers, health plans, patient groups, federally recognized tribes, consumers, academic experts on health care measurement, hospitals, physicians, and other providers. The governor shall appoint the members of the committee, except that a statewide association representing hospitals may appoint a

member representing hospitals, and a statewide association representing physicians may appoint a member representing physicians. The governor shall ensure that members represent diverse geographic locations and both rural and urban communities. The chief executive officer of the lead organization must also serve on the committee. The committee must be chaired by the director of the authority.

(3) The committee shall develop a transparent process for selecting performance measures, and the process must include opportunities for public comment.

(4) By January 1, 2015, the committee shall submit the performance measures to the authority. The measures must include dimensions of:

(a) Prevention and screening;

(b) Effective management of chronic conditions;

(c) Key health outcomes;

(d) Care coordination and patient safety; and

(e) Use of the lowest cost, highest quality care for preventive care and acute and chronic conditions.

(5) The committee shall develop a measure set that:

(a) Is of manageable size;

(b) Is based on readily available claims and clinical data;

(c) Gives preference to nationally reported measures and, where nationally reported measures may not be appropriate, measures used by state agencies that purchase health care or commercial health plans;

(d) Focuses on the overall performance of the system, including outcomes and total cost;

(e) Is aligned with the governor's performance management system measures and common measure requirements specific to medicaid delivery systems under RCW 70.320.020 and 43.20A.895;

(f) Considers the needs of different stakeholders and the populations served; and

(g) Is usable by multiple payers, providers, hospitals, purchasers, public health, and communities as part of health improvement, care improvement, provider payment systems, benefit design, and administrative simplification for providers and hospitals.

(6) State agencies shall use the measure set developed under this section to inform purchasing decisions and set benchmarks.

(7) The committee shall establish a public process to periodically evaluate the measure set and make additions or changes to the measure set as needed.

NEW SECTION. Sec. 7. A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority and the department may restructure medicaid procurement of health care services and agreements with managed care systems on a phased basis to better support integrated physical health, mental health, and chemical dependency treatment, consistent with assumptions in Second Substitute Senate Bill No. 6312, Laws of 2014, and recommendations provided by the behavioral health task force. The authority and the department may develop and utilize innovative mechanisms to promote and sustain integrated clinical models of physical and behavioral health care.

(2) The authority and the department may incorporate the following principles into future medicaid procurement efforts aimed at integrating the delivery of physical and behavioral health services:

(a) Medicaid purchasing must support delivery of integrated, person-centered care that addresses the spectrum of individuals' health needs in the context of the communities in which they live and with the availability of care continuity as their health needs change;

(b) Accountability for the client outcomes established in RCW 43.20A.895 and 71.36.025 and performance measures linked to those outcomes;

(c) Medicaid benefit design must recognize that adequate preventive care, crisis intervention, and support services promote a recovery-focused approach;

(d) Evidence-based care interventions and continuous quality improvement must be enforced through contract specifications and performance measures that provide meaningful integration at the patient care level with broadly distributed accountability for results;

(e) Active purchasing and oversight of medicaid managed care contracts is a state responsibility;

(f) A deliberate and flexible system change plan with identified benchmarks to promote system stability, provide continuity of treatment for patients, and protect essential existing behavioral health system infrastructure and capacity; and

(g) Community and organizational readiness are key determinants of implementation timing; a phased approach is therefore desirable.

(3) The principles identified in subsection (2) of this section are not intended to create an individual entitlement to services.

(4) The authority shall increase the use of value based contracting, alternative quality contracting, and other payment incentives that promote quality, efficiency, cost savings, and health improvement, for medicaid and public employee purchasing. The authority shall also implement additional chronic disease management techniques that reduce the subsequent need for hospitalization or readmissions. It is the intent of the legislature that the reforms the authority implements under this subsection are anticipated to reduce extraneous medical costs, across all medical programs, when fully phased in by fiscal year 2017 to generate budget savings identified in the omnibus appropriations act.

NEW SECTION. Sec. 8. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Carrier" and "health carrier" have the same meaning as in RCW 48.43.005.

(3) "Claims data" means the data required by section 11 of this act to be submitted to the database, as defined by the director in rule. "Claims data" includes, but is not limited to, claims data related to health care coverage and services funded, in whole or in part, in the omnibus appropriations act, including coverage and services funded by appropriated and nonappropriated state and federal moneys, for medicaid programs and the public employees benefits board program.

(4) "Database" means the statewide all-payer health care claims database established in section 10 of this act.

(5) "Director" means the director of financial management.

(6) "Lead organization" means the organization selected under section 10 of this act.

(7) "Office" means the office of financial management.

NEW SECTION. Sec. 9. The legislature finds that:

(1) The activities authorized by this chapter will require collaboration among state agencies and local governments that purchase health care, private health carriers, third-party purchasers, health care providers, and hospitals. These activities will identify strategies to increase the quality and effectiveness of health care delivered in Washington state and are therefore in the best interest of the public.

(2) The benefits of collaboration, together with active state supervision, outweigh potential adverse impacts. Therefore, the legislature intends to exempt from state antitrust laws, and provide immunity through the state action doctrine from federal antitrust laws, activities that are undertaken, reviewed, and approved by the office pursuant to this chapter that might otherwise be constrained

by such laws. The legislature does not intend and does not authorize any person or entity to engage in activities not provided for by this chapter, and the legislature neither exempts nor provides immunity for such activities including, but not limited to, agreements among competing providers or carriers to set prices or specific levels of reimbursement for health care services.

NEW SECTION. Sec. 10. (1) The office shall establish a statewide all-payer health care claims database to support transparent public reporting of health care information. The database must improve transparency to: Assist patients, providers, and hospitals to make informed choices about care; enable providers, hospitals, and communities to improve by benchmarking their performance against that of others by focusing on best practices; enable purchasers to identify value, build expectations into their purchasing strategy, and reward improvements over time; and promote competition based on quality and cost.

(2) The director shall select a lead organization to coordinate and manage the database. The lead organization is responsible for internal governance, management, funding, and operations of the database. At the direction of the office, the lead organization shall:

(a) Collect claims data from data suppliers as provided in section 11 of this act;

(b) Design data collection mechanisms with consideration for the time and cost involved in collection and the benefits that measurement would achieve;

(c) Ensure protection of collected data and store and use any data with patient-specific information in a manner that protects patient privacy;

(d) Consistent with the requirements of this chapter, make information from the database available as a resource for public and private entities, including carriers, employers, providers, hospitals, and purchasers of health care;

(e) Report performance on cost and quality pursuant to section 14 of this act using, but not limited to, the performance measures developed under section 6 of this act;

(f) Develop protocols and policies to ensure the quality of data releases;

(g) Develop a plan for the financial sustainability of the database and charge fees not to exceed five thousand dollars for reports and data files as needed to fund the database. Any fees must be approved by the office and must be comparable across data requesters and users; and

(h) Convene advisory committees with the approval and participation of the office, including: (i) A committee on data policy development; and (ii) a committee to establish a data release process consistent with the requirements of this chapter and to provide advice regarding formal data release requests. The advisory committees must include representation from key provider, hospital, payer, public health, health maintenance organization, purchaser, and consumer organizations.

(3) The lead organization governance structure and advisory committees must include representation of the third-party administrator of the uniform medical plan. A payer, health maintenance organization, or third-party administrator must be a data supplier to the all-payer health care claims database to be represented on the lead organization governance structure or advisory committees.

NEW SECTION. Sec. 11. (1) Data suppliers must submit claims data to the database within the time frames established by the director in rule and in accordance with procedures established by the lead organization.

(2) An entity that is not a data supplier but that chooses to participate in the database shall require any third-party administrator utilized by the entity's plan to release, at no additional cost, any claims data related to persons receiving health coverage from the plan.

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(3) Each data supplier shall submit an annual status report to the office regarding its compliance with this section. The report to the legislature required by section 2 of this act must include a summary of these status reports.

NEW SECTION. Sec. 12. (1) The claims data provided to the database, the database itself, including the data compilation, and any raw data received from the database are not public records and are exempt from public disclosure under chapter 42.56 RCW.

(2) Claims data obtained in the course of activities undertaken pursuant to or supported under this chapter are not subject to subpoena or similar compulsory process in any civil or criminal, judicial, or administrative proceeding, nor may any individual or organization with lawful access to data under this chapter be compelled to testify with regard to such data, except that data pertaining to a party in litigation may be subject to subpoena or similar compulsory process in an action brought by or on behalf of such individual to enforce any liability arising under this chapter.

NEW SECTION. Sec. 13. (1) Except as otherwise required by law, claims or other data from the database shall only be available for retrieval in original or processed form to public and private requesters pursuant to this section and shall be made available within a reasonable time after the request.

(2) Except as otherwise required by law, the office shall direct the lead organization to maintain the confidentiality of claims or other data it collects for the database that include direct and indirect patient identifiers. Any agency, researcher, or other person that receives claims or other data under this section containing direct or indirect patient identifiers must also maintain confidentiality and may not release such claims or other data except as consistent with this section. The office shall oversee the lead organization's release of data as follows:

(a) Claims or other data that include direct or indirect patient identifiers, as specifically defined in rule, may be released to:

(i) Federal, state, and local government agencies upon receipt of a signed data use agreement with the office and the lead organization; and

(ii) Researchers with approval of an institutional review board upon receipt of a signed confidentiality agreement with the office and the lead organization.

(b) Claims or other data that do not contain direct patient identifiers but that may contain indirect patient identifiers may be released to agencies, researchers, and other persons upon receipt of a signed data use agreement with the lead organization.

(c) Claims or other data that do not contain direct or indirect patient identifiers may be released upon request.

(3) Recipients of claims or other data under subsection (2)(a) or (b) of this section must agree in a data use agreement or a confidentiality agreement to, at a minimum:

(a) Take steps to protect direct and indirect patient identifying information as described in the agreement; and

(b) Not redisclose the data except as authorized in the agreement consistent with the purpose of the agreement or as otherwise required by law.

(4) Recipients of the claims or other data under subsection (2)(b) of this section must not attempt to determine the identity of persons whose information is included in the data set or use the claims or other data in any manner that identifies the individuals or their families.

(5) For purposes of this section, the following definitions apply unless the context clearly requires otherwise.

(a) "Direct patient identifier" means information that identifies a patient.

(b) "Indirect patient identifier" means information that may identify a patient when combined with other information.

NEW SECTION. Sec. 14. (1) Under the supervision of the office, the lead organization shall prepare health care data reports using the database and the statewide health performance and quality measure set, including only those measures that can be completed with readily available claims data. Prior to releasing any health care data reports that use claims data, the lead organization must submit the reports to the office for review and approval.

(2)(a) Health care data reports prepared by the lead organization that use claims data must assist the legislature and the public with awareness and promotion of transparency in the health care market by reporting on:

(i) Whether providers and health systems deliver efficient, high quality care; and

(ii) Geographic and other variations in medical care and costs as demonstrated by data available to the lead organization.

(b) Measures in the health care data reports should be stratified by demography, income, language, health status, and geography when feasible with available data to identify disparities in care and successful efforts to reduce disparities.

(c) Comparisons of costs among providers and health care systems must account for differences in acuity of patients, as appropriate and feasible, and must take into consideration the cost impact of subsidization for uninsured and governmental patients, as well as teaching expenses, when feasible with available data.

(3) The lead organization may not publish any data or health care data reports that:

(a) Directly or indirectly identify patients; or

(b) Disclose specific terms of contracts, discounts, or fixed reimbursement arrangements or other specific reimbursement arrangements between an individual provider and a specific payer.

(4) The lead organization may not release a report that compares and identifies providers, hospitals, or data suppliers unless it:

(a) Allows the data supplier, the hospital, or the provider to verify the accuracy of the information submitted to the lead organization and submit to the lead organization any corrections of errors with supporting evidence and comments within forty-five days of receipt of the report; and

(b) Corrects data found to be in error within a reasonable amount of time.

(5) The office and the lead organization may use claims data to identify and make available information on payers, providers, and facilities, but may not use claims data to recommend or incentivize direct contracting between providers and employers.

(6) The lead organization shall ensure that no individual data supplier comprises more than twenty-five percent of the claims data used in any report or other analysis generated from the database. For purposes of this subsection, a "data supplier" means a carrier and any self-insured employer that uses the carrier's provider contracts.

NEW SECTION. Sec. 15. (1) The director shall adopt any rules necessary to implement this chapter, including:

(a) Definitions of claim and data files that data suppliers must submit to the database, including: Files for covered medical services, pharmacy claims, and dental claims; member eligibility and enrollment data; and provider data with necessary identifiers;

(b) Deadlines for submission of claim files;

(c) Penalties for failure to submit claim files as required;

(d) Procedures for ensuring that all data received from data suppliers are securely collected and stored in compliance with state and federal law; and

(e) Procedures for ensuring compliance with state and federal privacy laws.

(2) The director may not adopt rules, policies, or procedures beyond the authority granted in this chapter.

NEW SECTION. Sec. 16. A new section is added to chapter 48.02 RCW to read as follows:

(1) The commissioner may not use data acquired from the statewide all-payer health care claims database created in section 10 of this act for purposes of reviewing rates pursuant to this title.

(2) The commissioner's authority to access data from any other source for rate review pursuant to this title is not otherwise curtailed, even if that data may have been separately submitted to the statewide all-payer health care claims database.

Sec. 17. RCW 42.56.360 and 2013 c 19 s 47 are each amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the pharmacy quality assurance commission as provided in RCW 69.45.090;

(b) Information obtained by the pharmacy quality assurance commission or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, a notification of an incident under RCW 70.56.040(5), and reports regarding adverse events under RCW 70.56.020(2)(b), regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1);

(g) Information obtained by the department of health under chapter 70.225 RCW;

(h) Information collected by the department of health under chapter 70.245 RCW except as provided in RCW 70.245.150;

(i) Cardiac and stroke system performance data submitted to national, state, or local data collection systems under RCW 70.168.150(2)(b); ~~((and))~~

(j) All documents, including completed forms, received pursuant to a wellness program under RCW 41.04.362, but not statistical reports that do not identify an individual; and

(k) Data and information exempt from disclosure under section 12 of this act.

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

(3)(a) Documents related to infant mortality reviews conducted pursuant to RCW 70.05.170 are exempt from disclosure as provided for in RCW 70.05.170(3).

(b)(i) If an agency provides copies of public records to another agency that are exempt from public disclosure under this subsection (3), those records remain exempt to the same extent the records were exempt in the possession of the originating entity.

(ii) For notice purposes only, agencies providing exempt records under this subsection (3) to other agencies may mark any exempt records as "exempt" so that the receiving agency is aware of the exemption, however whether or not a record is marked exempt does not affect whether the record is actually exempt from disclosure.

Sec. 18. RCW 70.02.045 and 2000 c 5 s 2 are each amended to read as follows:

Third-party payors shall not release health care information disclosed under this chapter, except as required by chapter 43--- RCW (the new chapter created in section 22 of this act) and to the extent that health care providers are authorized to do so under RCW 70.02.050.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. Section 3 of this act constitutes a new chapter in Title 44 RCW.

NEW SECTION. Sec. 21. Section 4 of this act expires July 1, 2020.

NEW SECTION. Sec. 22. Sections 8 through 15 of this act constitute a new chapter in Title 43 RCW."

Senator Becker spoke in favor of adoption of the committee striking amendment.

MOTION

Senator Becker moved that the following amendment by Senator Becker to the committee striking amendment be adopted:

On page 4, line 11 of the amendment, after "requirements." Insert the following:

"(6) The authority may adopt rules necessary to implement this section, but may not adopt rules, policies, or procedures beyond the scope of the authority granted in this section."

On page 6, line 11 of the amendment, after "inform" insert "and set benchmarks for"

and after "decisions" strike "and set benchmarks"

On page 7, line 35 of the amendment, after "includes" strike ", but is not limited to," and insert ": (a)"

On page 8, line 3 of the amendment, after "program" insert "; and (b) Claims data voluntarily provided by other data suppliers, including carriers and self-funded employers"

On page 9, line 26 of the amendment, after "dollars" insert "unless otherwise negotiated"

On page 10, line 11 of the amendment, after "release: strike ", at no additional cost,"

On page 12, line 31 of the amendment, after "patients;" strike "or" and on line 34 after "payer" insert the following: "; or (c) Compares performance in a report generated for the general public that includes any provider in a practice with fewer than five providers"

Senator Becker spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Becker on page 4, line 11 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2572.

The motion by Senator Becker carried and the amendment to the committee striking amendment was adopted by voice vote.

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MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Hobbs to the committee striking amendment be adopted:

On page 8, line 2 of the amendment after "moneys" strike the remainder of the sentence and insert "(4) "Data supplier" means a health carrier or an employer that provides health insurance to its employees. It does not include any entity, other than a state or local governmental entity, that is self-insured."

Renumber the remaining subsections consecutively.

Senators Keiser and Mullet spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Becker spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser and Hobbs on page 8, line 2 to the committee striking amendment to Engrossed Second Substitute House Bill No. 2572.

The motion by Senator Keiser failed and the amendment to the committee striking amendment as not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 2572.

The motion by Senator Becker carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 5 of the title, after "supports;" strike the remainder of the title and insert "amending RCW 42.56.360 and 70.02.045; adding new sections to chapter 41.05 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 48.02 RCW; adding a new chapter to Title 44 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Second Substitute House Bill No. 2572 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Conway and Keiser spoke in favor of passage of the bill.

Senator Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2572 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2572 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Keiser, King,

Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker, Rolfes, Schoesler and Tom

Voting nay: Senators Angel, Bailey, Baumgartner, Benton, Brown, Danel, Ericksen, Hewitt, Holmquist Newbry, Honeyford, O'Ban, Padden, Parlette, Pearson, Rivers, Roach and Sheldon

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2207, by House Committee on Appropriations (originally sponsored by Representatives Haigh, Orcutt, Haler, Tharinger, Blake, Short, Van De Wege, Fagan, Magendanz and Buys)

Eliminating the reduction in state basic education funding that occurs in counties with federal forest lands.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed Second Substitute House Bill No. 2207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Hargrove, Ericksen, Danel and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2207.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2207 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Hasegawa and Liias

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6040,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6518,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6552.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304, by House Committee on Government Accountability & Oversight (originally sponsored by Representative Moscoso)

Concerning marijuana processing and retail licenses.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 2304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

POINT OF ORDER

Senator Padden: "How many votes, Mr. President, does it take to pass this bill?"

REPLY BY THE PRESIDENT

President Owen: "Thirty-three Senator, two-thirds."

Senators Conway and Kohl-Welles spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Benton: "I'm looking for some paperwork on this bill and I can't seem to find it. I apologize for that but was it amended here on the floor? Are there amendments? I didn't see any amendments. Is this a conference report? How do we know exactly what's in this bill? I don't see it in my bill book and I think it's been changed from that point anyway. So, I'm just wondering if there is some paperwork on this bill that had been distributed sometime today?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, the President can't speak as to what materials have been passed out to you. You will have to take that up with your leadership or the Secretary of the Senate. I can't answer the questions that there were no amendments. The bill is a House bill."

POINT OF ORDER

Senator Padden: "Is there a requirement Mr. President that our Rules that we have a printed copy of the bills and analysis before we vote on them?"

REPLY BY THE PRESIDENT

President Owen: "Senator Padden, there is no rule. You can request it and any member that requests will be granted that."

Senator Padden: "I would make that request Mr. President. I think we got to have the bills here before we vote on them."

REPLY BY THE PRESIDENT

President Owen: "Senator Padden, specifically you're asking for a copy of the bill? It will be done."

MOTION

Senator Fain moved that further consideration of Engrossed Substitute House Bill No. 2304 be deferred and the bill hold its place on the third reading calendar.

REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Mr. President I would like to note that for those of us who do have our Senate lap tops with us we can look on line and see the, all the different versions of the bills. What happened in the House. How the bill was engrossed. We can also read the bill reports and I believe that we do keep copies of the bills up by the Senate rostrum. I don't know if this particular bill is there because it just came over from the House. I've noted that Senator Benton's point is a good one though. We have not had copies of the bills, many of the bills we've been doing and that happens on sine die. I think we all get a little frustrated but with the speed of bills going back and forth, that's what happens."

The President declared the question before the Senate to be the motion by Senator Fain that further consideration of Engrossed Substitute House Bill No. 2304 be deferred and the bill hold its place on the third reading calendar.

The motion by Senator Fain carried by a voice vote.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute Senate Bill No. 6002
March 13, 2014

MR. PRESIDENT:
MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 6002, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART I
GENERAL GOVERNMENT

Sec. 101. 2013 2nd sp.s. c 4 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES	
General Fund--State Appropriation (FY 2014)	-
.....	(\$30,789,000)
.....	\$30,923,000
General Fund--State Appropriation (FY 2015)	.....
.....	(\$31,075,000)
.....	\$30,810,000
Motor Vehicle Account--State Appropriation
.....	\$1,765,000
TOTAL APPROPRIATION(\$63,629,000)

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.....\$63,498,000

The appropriations in this section are subject to the following conditions and limitations: A joint select task force on nuclear energy is created to study the generation of energy in the region through the use of nuclear power. The task force must report any findings and recommendations to the legislature by December 1, 2014.

(1) In its deliberations, the task force must consider the greatest amount of environmental benefit for each dollar spent based on the life-cycle cost of any nuclear power technology. Life-cycle costs must include the storage and disposal of any nuclear wastes.

(2) The task force must consist of eight members that serve on the legislative standing committees with primary jurisdiction over energy issues. The president of the senate shall appoint two members from the majority caucus, two members from the minority caucus, and an alternate. The speaker of the house of representatives shall appoint two members from each caucus and an alternate.

(3) The members of the task force shall select from among their members a chair and other officers as the task force deems appropriate.

(4) The task force must hold no more than four meetings, with two of those meetings in Richland, Washington.

(5) The task force must be staffed by senate committee services and the office of program research of the house of representatives.

(6) The task force terminates December 15, 2014.

Sec. 102. 2013 2nd sp.s. c 4 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2014)	.....(((\$21,150,000))
.....	.....\$21,240,000
General Fund--State Appropriation (FY 2015)	.....
.....	.....(((\$23,405,000))
.....	.....\$23,216,000
Motor Vehicle Account--State Appropriation	.....
.....	.....\$1,514,000
TOTAL APPROPRIATION	.....(((\$46,069,000))
.....	.....\$45,970,000

The appropriations in this section are subject to the following conditions and limitations: A joint select task force on nuclear energy is created to study the generation of energy in the region through the use of nuclear power. The task force must report any findings and recommendations to the legislature by December 1, 2014.

(1) In its deliberations, the task force must consider the greatest amount of environmental benefit for each dollar spent based on the life-cycle cost of any nuclear power technology. Life-cycle costs must include the storage and disposal of any nuclear wastes.

(2) The task force must consist of eight members that serve on the legislative standing committees with primary jurisdiction over energy issues. The president of the senate shall appoint two members from the majority caucus, two members from the minority caucus, and an alternate. The speaker of the house of representatives shall appoint two members from each caucus and an alternate.

(3) The members of the task force shall select from among their members a chair and other officers as the task force deems appropriate.

(4) The task force must hold no more than four meetings, with two of those meetings in Richland, Washington.

(5) The task force must be staffed by senate committee services and the office of program research of the house of representatives.

(6) The task force terminates December 15, 2014.

Sec. 103. 2013 2nd sp.s. c 4 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2014)	.....
.....	.....\$62,000
General Fund--State Appropriation (FY 2015)	.....
.....	.....(((\$111,000))
.....	.....\$85,000
Performance Audits of Government Account--State	.....
Appropriation	.....\$5,641,000
Medical Aid Account--State Appropriation	.....
.....	.....\$332,000
Accident Account--State Appropriation	.....\$332,000
TOTAL APPROPRIATION	.....(((\$6,478,000))
.....	.....\$6,452,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2013-15 work plan as necessary to efficiently manage workload.

(2) \$332,000 of the medical aid account--state appropriation and \$332,000 of the accident account--state appropriation are provided for the purposes of chapter 37, Laws of 2011 (workers' compensation).

(3) \$323,000 of the performance audits of government account--state appropriation is provided for consultant and staff costs related to the economic analysis of tax preferences as directed by chapter 43.136 RCW.

(4) The joint legislative audit and review committee shall conduct an audit of Washington's state research universities. The purpose of the audit is to identify cost and profit centers within, and in partnership with, the research universities. The audit must focus on public funds; student fees, in particular tuition; and auxiliary enterprises, which for the purposes of the audit at the University of Washington includes University of Washington medical center, the internal lending program, the W fund, and the center for commercialization. The audit at each university must achieve the following:

(a) Assess the university's policies and practices for tracking per-student expenditures for instruction and identify the average amount per student that the university has spent on instruction for undergraduate students in each of the past five fiscal years;

(b) Obtain the university's definition of auxiliary enterprises and determine the number of auxiliary enterprises, including the University of Washington medical center, the University of Washington internal lending program, the W fund, and the center for commercialization, that exist in the university system, the methods the university uses to track revenue and expenditures of auxiliary enterprises, and the policies and practices the university has in place to ensure that state funding is not used to supplement or guarantee projects or programs authorized by auxiliary enterprises;

(c) Identify how much money is being spent on undergraduate education and to what extent undergraduate education is subsidizing graduate education; and

(d) Determine how tuition funds are being used and to what extent they are being used to fund the University of Washington medical center, the University of Washington internal lending program, the W fund, and the center for commercialization and to back bonds authorized by the university.

(5) The committee shall conduct a study of the current methods of collecting legal financial obligations and compare those methods with other debt collection methods, including contracting for debt collection of legal financial obligations. The study shall include analysis of the costs and revenues of current methods and compare those to alternatives, and include analysis of the impact of current

methods and alternatives to revenues received by the state. Included shall be an examination of costs and revenue generation before and after the implementation of chapter 379, Laws of 2003 (SSB 5990) and chapter 362, Laws of 2005 (SSB 5256) and analysis of whether these changes met the legislative goals of reducing costs and increasing collections. A report on the results of the analysis shall be presented to the appropriate committees of the legislature by December 2014.

(6) The committee shall conduct a study of economic development programs and projects supported by the state general fund in the department of commerce. The study shall first review the extent to which these programs: (a) Included specific economic development targets; (b) monitored economic development targets; (c) required for programs which provided support or services through contracts, whether the contracts were structured such that if economic development targets were not met, contracts were reviewed or revised; and (d) changed the economic development targets of associate development organizations relative to funding increases since 2007. The study will include the feasibility of determining how to isolate other factors, such as general economic trends, from the impacts of economic development programs. The costs and options for conducting future analysis of the outcomes specific to economic development programs shall be included and a briefing report shall be provided to the appropriate committees of the legislature by December 1, 2013. A complete report with study data and conclusions shall be provided to the appropriate committees of the legislature by December 1, 2014.

(7) The committee shall analyze the incidence and level of taxation and business incentives available to the financial services industry in Washington State, and identify the relative differences in taxes and business incentives compared to California. A report shall be provided to the appropriate committees of the legislature by December 1, 2014.

(8) The committee shall conduct an analysis of how school districts use school days. The analysis must include:

- (a) How school districts define classroom time, nonclassroom time, instructional time, noninstructional time, and any other definitions of how the school day is divided or used;
- (b) Estimates of time in each category;
- (c) How noninstructional time is distributed over the annual number of school days;
- (d) When noninstructional hours occur;
- (e) How noninstructional hours are used, including how much noninstructional time is devoted to professional development for the purposes of teacher and principal evaluation training or common core state standards training; and
- (f) The extent to which the use of each category of time is identified or defined in collective bargaining agreements.

To the extent data is not available at the statewide level, the committee may use case studies or other methods to conduct the analysis. The committee shall submit a report of its findings to the education committees of the legislature by December 1, 2014.

(9) The committee shall review funding enhancement formulas that provide minimum staffing unit funding to small school districts and districts with school plants that have been judged by the state board of education to be remote and necessary. The committee will make an assessment of the current formulas and report any recommended adjustments to the legislative fiscal committees of the senate and the house of representatives by November 1, 2014. In assessing the current formulas, the committee may consider: Enhancements being made to basic education funding in the 2013-2015 omnibus appropriations act and committed to under Engrossed Substitute House Bill No. 2261 (chapter 548, Laws of 2009) and Substitute House Bill No. 2776 (chapter 236, Laws of 2010); developments in technology or educational service delivery since the formulas were established; practices in other states;

districts' ability to provide students with access to a program of education; and inter-district equity.

~~((42))~~ (10) In carrying out the report required by RCW 44.28.157, the committee shall include by December 2014, an analysis of the impacts of using the Washington health benefit exchange established in chapter 43.71 RCW as a mechanism for providing health insurance for part-time certificated and classified K-12 public school employees. The analysis shall be conducted in coordination with the health care authority and shall include a review of how the exchange, federal health premium tax credits and subsidies for out-of-pocket expenses administered through the exchange, and Medicaid expansion have impacted, or could impact, health care costs for individuals, school districts, and the state. The analysis shall also include a review of the cost of stand-alone dental plans.

(11) The committee shall conduct an analysis of the changes to modifying the medicaid dispensing methods for contraceptive drugs in section 213(48) chapter 4, Laws of 2013 2nd special session. The analysis must include:

- (a) Whether the changes to contraceptive methods are achieving the assumed budget savings; and
- (b) A determination of whether a twelve-month supply is an optimal level of supply to achieve assumed savings at the lowest state cost.

Sec. 104. 2013 2nd sp.s. c 4 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2014) .....	.....
.....	.....(\$1,653,000)
.....	.....\$1,642,000
General Fund--State Appropriation (FY 2015) .....	.....
.....	.....(\$1,811,000)
.....	.....\$1,788,000
TOTAL APPROPRIATION .....	.....(\$3,464,000)
.....	.....\$3,430,000

Sec. 105. 2013 2nd sp.s. c 4 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2014) .....	.....
.....	.....(\$8,004,000)
.....	.....\$8,062,000
General Fund--State Appropriation (FY 2015) .....	.....
.....	.....(\$7,973,000)
.....	.....\$7,976,000
TOTAL APPROPRIATION .....	.....(\$15,977,000)
.....	.....\$16,038,000

Sec. 106. 2013 2nd sp.s. c 4 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund--State Appropriation (FY 2015) .....	.....
.....	.....\$163,000
General Fund--Federal Appropriation .....	.....\$163,000
State Health Care Administration Account--State	
Appropriation .....	.....\$227,000
Department of Retirement Systems Expense	
Account--State Appropriation .....	.....(\$3,529,000)
.....	.....\$3,527,000
TOTAL APPROPRIATION .....	.....\$4,080,000

The appropriations in this section are subject to the following conditions and limitations: \$163,000 of the general fund--state appropriation for fiscal year 2015, \$163,000 of the general fund--federal appropriation, and \$227,000 of the state health care administration account appropriation are provided to improve the legislature's access to independent and objective health care

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actuarial analysis for the state medicaid and public employee benefits programs.

Sec. 107. 2013 2nd sp.s. c 4 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2014)	.....	.....(((\$3,895,000))
		.....\$3,896,000
General Fund--State Appropriation (FY 2015)	.....	.....(((\$4,102,000))
		.....\$4,053,000
TOTAL APPROPRIATION	.....	.....(((\$7,997,000))
		.....\$7,949,000

Sec. 108. 2013 2nd sp.s. c 4 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund--State Appropriation (FY 2014)	.....	.....(((\$3,686,000))
		.....\$3,558,000
General Fund--State Appropriation (FY 2015)	.....	.....(((\$3,684,000))
		.....\$3,820,000
TOTAL APPROPRIATION	.....	.....(((\$7,370,000))
		.....\$7,378,000

Sec. 109. 2013 2nd sp.s. c 4 s 110 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2014)	.....	.....(((\$6,911,000))
		.....\$7,028,000
General Fund--State Appropriation (FY 2015)	.....	.....(((\$6,836,000))
		.....\$6,813,000
TOTAL APPROPRIATION	.....	.....(((\$13,747,000))
		.....\$13,841,000

Sec. 110. 2013 2nd sp.s. c 4 s 111 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2014)	.....	.....(((\$1,481,000))
		.....\$1,484,000
General Fund--State Appropriation (FY 2015)	.....	.....(((\$1,468,000))
		.....\$1,457,000
TOTAL APPROPRIATION	.....	.....(((\$2,949,000))
		.....\$2,941,000

Sec. 111. 2013 2nd sp.s. c 4 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2014)	.....	.....(((\$1,068,000))
		.....\$1,071,000
General Fund--State Appropriation (FY 2015)	.....	.....(((\$994,000))
		.....\$997,000
TOTAL APPROPRIATION	.....	.....(((\$2,062,000))
		.....\$2,068,000

Sec. 112. 2013 2nd sp.s. c 4 s 113 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2014)	.....	.....(((\$15,691,000))
		.....\$15,865,000
General Fund--State Appropriation (FY 2015)	.....	.....

.....	.....(((\$15,685,000))
.....	.....\$15,811,000
TOTAL APPROPRIATION	.....(((\$31,376,000))
.....	.....\$31,676,000

Sec. 113. 2013 2nd sp.s. c 4 s 114 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2014)	.....	.....(((\$51,085,000))
		.....\$51,403,000
General Fund--State Appropriation (FY 2015)	.....	.....(((\$50,771,000))
		.....\$50,987,000
General Fund--Federal Appropriation	.....	.....(((\$2,125,000))
		.....\$2,123,000
General Fund--Private/Local Appropriation	.....	.....(((\$658,000))
		.....\$657,000
Judicial Information Systems Account--State		
Appropriation	.....	.....(((\$46,611,000))
		.....\$53,517,000
Judicial Stabilization Trust Account--State		
Appropriation	.....	.....\$6,691,000
TOTAL APPROPRIATION	.....	.....(((\$157,941,000))
		.....\$165,378,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the judicial information systems account--state appropriation is provided solely for development and implementation of the information network hub project.

(2) \$2,138,000 of the judicial information systems account--state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades.

~~((4))~~ (3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

~~((5))~~ (4) \$1,199,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

~~((6))~~ (5) ~~(\$108,000 of the general fund--state appropriation for fiscal year 2014 and)~~ \$108,000 of the general fund--state appropriation for fiscal year 2015 ~~(are)~~ is provided solely for the implementation of chapter 210, Laws of 2013 (Senate Bill No. 5052) (superior court judges Whatcom county). The funds provided in this subsection shall be expended only if the fourth superior court judge position in Whatcom county is appointed and serving on the bench.

~~((7))~~ (6) ~~(\$108,000 of the general fund--state appropriation for fiscal year 2014 and)~~ \$108,000 of the general fund--state appropriation for fiscal year 2015 ~~(are)~~ is provided solely for the implementation of chapter 142, Laws of 2013 (House Bill No. 1175) (superior court judges Benton/Franklin counties). The funds provided in this subsection shall be expended only if the seventh superior court judge position in Benton and Franklin counties jointly is appointed and serving on the bench.

((8)) \$11,300,000 of the judicial information systems account--state appropriation is provided solely for continued implementation of the superior court case management system project. The administrative office of the courts, in consultation with the judicial information systems committee, the superior court case management system project steering committee, and the office

of the chief information officer shall develop a revised charter to implement the next phases of the superior court case management system. The revised charter shall insure that the superior court case management system project steering committee continues to provide contract oversight, in collaboration with the judicial information system committee, through the implementation period and various phases of the project. Oversight responsibilities throughout the various phases of the project must include, but are not limited to, vendor management, contract and deliverable management, and assuring satisfaction of the business and technical needs at the local level. The superior court case management system project steering committee may solicit input from user groups as deemed appropriate. The revised charter shall be approved by the judicial information systems committee)) (7) \$16,606,000 of the judicial information systems account--state appropriation is provided solely for continued implementation of the superior court case management system project. The administrative office of the courts, in consultation with the judicial information systems committee and the office of the chief information officer shall develop a revised superior court case management steering committee charter to implement the next phases of the superior court case management system. The steering committee members shall be appointed by the judicial information systems committee and shall consist of two members representing each of the following groups: Court administrators, superior court judges, county clerks, and the administrative office of the courts. The revised charter shall insure that voting members of the steering committee represent the administrative office of the courts and those courts that have implemented, or have committed to implement, the statewide superior court vendor solution as selected by the judicial information systems committee. The revised charter shall also insure that the superior court case management system project steering committee continues to provide contract oversight in collaboration with the judicial information system committee through the implementation period. Oversight responsibilities of the steering committee throughout the various phases of the project must include, but are not limited to, vendor management, contract and deliverable management, assuring reasonable satisfaction of the business and technical needs at the local level, receipt of stakeholder feedback, and communication between the various stakeholder groups and the judicial information systems committee. Issues of significant scope, schedule or budget changes, and risk mitigation strategies must be escalated to the judicial information systems committee for consideration. In the event that a majority of the steering committee members cannot reach a decision, the issue must be escalated to the judicial information systems committee for consideration. The superior court case management system project steering committee may solicit input from user groups as deemed appropriate. The revised charter shall be approved by the judicial information systems committee.

((~~9~~)) (8) \$1,399,000 of the general fund--state appropriation for fiscal year 2014 and \$1,399,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

((~~4~~)) (9)(a) \$7,313,000 of the general fund--state appropriation for fiscal year 2014 and \$7,313,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for

distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2013-2015 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

((~~4~~)) (10) \$274,000 of the general fund--state appropriation for fiscal year 2014 and \$274,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of public guardianship to continue guardianship services for those low-income incapacitated persons who were receiving services on June 30, 2013.

((~~2~~ - \$333,000)) (11) \$1,426,000 of the judicial information systems account--state appropriation is provided solely for the content management system for the appellate courts.

(12) The administrative office of the courts and the judicial information systems committee shall develop statewide superior court data collection and exchange standards. Upon implementation, these standards must be met by each superior court in order to continue to receive judicial information systems account funding or equipment and services funded by the account. For those courts that do not use the statewide superior court vendor solution as chosen by the judicial information systems committee, judicial information systems account funds may not be allocated for (a) the costs to meet the data collection and exchange standards developed by administrative office of the courts and judicial information systems committee, and (b) the costs to develop and implement local court case management systems.

(13) \$200,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the office of public guardianship for the purpose of providing guardianship services to low income and indigent alleged or actual incapacitated persons.

Sec. 114. 2013 2nd sp.s. c 4 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE	
General Fund--State Appropriation (FY 2014)	.....(((\$30,410,000))
	.....\$30,912,000
General Fund--State Appropriation (FY 2015)	.....
	.....(((\$33,719,000))
	.....\$35,475,000
Judicial Stabilization Trust Account--State	
Appropriation.....	\$3,648,000
General Fund--Federal Appropriation.....	(((\$152,000))
	.....\$304,000
TOTAL APPROPRIATION.....	(((\$67,929,000))
	.....\$70,339,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$3,378,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to expand the parents representation

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program into Asotin, Columbia, Garfield, King, Whatcom, and Whitman counties.

(3) \$225,000 of the general fund--state appropriation for fiscal year 2014 and \$1,721,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for parents representation program costs related to increased parental rights termination filings from the department of social and health services permanency initiative.

(4) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the immigration consequences advisement program at the Washington defenders association.

Sec. 115. 2013 2nd sp.s. c 4 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID	
General Fund--State Appropriation (FY 2014) .....	.....(((\$10,862,000))
.....	.....\$10,910,000
General Fund--State Appropriation (FY 2015) .....	.....(((\$10,870,000))
.....	.....\$12,105,000
Judicial Stabilization Trust Account--State	
Appropriation.....	.....(((\$1,454,000))
.....	.....\$1,453,000
TOTAL APPROPRIATION .....	.....(((\$23,186,000))
.....	.....\$24,468,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2014 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2015 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$48,000 of the general fund--state appropriation for fiscal year 2014 and \$956,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6126 (representation of children in dependency matters) and to fund the cost of legal services. The office is authorized to include in its contracts with counties provisions to reduce reimbursement levels, impose case funding limits or other measures to remain within appropriated amounts. If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

Sec. 116. 2013 2nd sp.s. c 4 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR	
General Fund--State Appropriation (FY 2014) .....	.....(((\$5,509,000))
.....	.....\$5,565,000
General Fund--State Appropriation (FY 2015) .....	.....(((\$5,217,000))
.....	.....\$5,225,000
Economic Development Strategic Reserve Account--State	
Appropriation.....	.....\$4,000,000
TOTAL APPROPRIATION .....	.....(((\$14,726,000))
.....	.....\$14,790,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,000,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new

jobs to the state or will retain headquarter locations of major companies currently housed in the state.

(2) \$684,000 of the general fund--state appropriation for fiscal year 2014 and \$684,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the education ombudsman.

(3) \$258,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5802 (greenhouse gas emissions). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(4) \$35,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the implementation of Second Substitute House Bill No. 1709 (foreign language interpreters). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the office of the education ombuds to provide special education ombuds services. Beginning in fiscal year 2015, the superintendent of public instruction must enter into an interagency agreement with the office of the education ombuds to provide support for additional special education ombuds services.

(6) Within appropriated funds, the office of the education ombuds shall develop a scope of work and proposed plan for a task force on success for students with special needs that will: (a) Define and assess barriers that students placed or qualified to be placed in special education and students with a plan for accommodation under section 504 of the federal rehabilitation act of 1973 face in earning a high school diploma and fully accessing the educational program provided by the public schools; and (b) outline recommendations for systemic changes and successful models for education and service delivery, including improved coordination of early learning through postsecondary education and career preparation. With input from interested parents, educators, state agencies, and organizations representing students placed or qualified to be placed in special education and students with a section 504 plan, the office of the education ombuds shall invite representative individuals to participate in the task force. The office of the education ombuds shall submit the scope of work and proposed task force plan to the education and fiscal committees of the legislature by December 1, 2014, along with a request for additional funds necessary to implement the plan. To the extent possible within appropriated funds, the office of the education ombuds may convene the task force and commence its work before June 30, 2015.

Sec. 117. 2013 2nd sp.s. c 4 s 118 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR	
General Fund--State Appropriation (FY 2014) .....	.....\$654,000
General Fund--State Appropriation (FY 2015) .....	.....(((\$658,000))
.....	.....\$657,000
General Fund--Private/Local Appropriation .....	.....\$90,000
TOTAL APPROPRIATION .....	.....(((\$1,402,000))
.....	.....\$1,401,000

Sec. 118. 2013 2nd sp.s. c 4 s 119 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION	
General Fund--State Appropriation (FY 2014) .....	.....(((\$2,082,000))
.....	.....\$2,084,000
General Fund--State Appropriation (FY 2015) .....	.....(((\$2,015,000))

.....	\$2,044,000
TOTAL APPROPRIATION.....	..(\$4,097,000))
.....	\$4,128,000
Sec. 119. 2013 2nd sp.s. c 4 s 120 (uncodified) is amended to read as follows:	
FOR THE SECRETARY OF STATE	
General Fund--State Appropriation (FY 2014).....	.....(((\$11,356,000))
.....	\$11,813,000
General Fund--State Appropriation (FY 2015).....	.....(((\$9,535,000))
.....	\$9,440,000
General Fund--Federal Appropriation	
.....	.....(((\$7,419,000))
.....	\$7,428,000
General Fund--Private/Local Appropriation.....	\$20,000
Public Records Efficiency, Preservation, and Access	
Account--State Appropriation .....	.....(((\$7,361,000))
.....	\$8,336,000
Charitable Organization Education Account--State	
Appropriation.....	\$364,000
Local Government Archives Account--State	
Appropriation.....	.....(((\$8,467,000))
.....	\$8,485,000
Election Account--Federal Appropriation .....	.....(((\$12,016,000))
.....	\$12,006,000
Washington State Heritage Center Account--State	
Appropriation.....	\$8,860,000
TOTAL APPROPRIATION .....	.....(((\$65,378,000))
.....	\$66,752,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$3,301,000)~~) \$3,767,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,847,000 of the general fund--state appropriation for fiscal year 2014 and \$1,926,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2013-2015 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any

county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) It is the intent of the legislature to consider during the 2014 legislative session funding for the publication and distribution of a primary election voters pamphlet.

(5) \$771,000 of the general fund--state appropriation for fiscal year 2014 and \$772,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the state library to purchase statewide on-line access to the information technology academy to allow public access to on-line courses and learning resources through public libraries.

(6) The legislature finds that the volume of state records retained in paper format continues to grow, increasing the records storage costs for the state. The secretary of state shall convene a work group to study methods for retaining records in electronic formats and for shorter periods of time, with the goal of reducing the volume of stored paper records by ten percent by the end of 2016, and an additional ten percent by the end of 2018. The following state agencies shall participate in the work group, which shall report to the appropriate committees of the legislature by December 31, 2014, and December 31, 2015:

- (a) Office of the secretary of state;
- (b) Office of the attorney general;
- (c) Office of the state auditor;
- (d) Office of financial management;
- (e) Department of corrections;
- (f) Department of social and health services;
- (g) Department of health; and
- (h) Department of transportation.

Sec. 120. 2013 2nd sp.s. c 4 s 121 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS	
General Fund--State Appropriation (FY 2014) .....	.....(((\$253,000))
.....	\$249,000
General Fund--State Appropriation (FY 2015) .....	.....(((\$248,000))
.....	\$250,000
TOTAL APPROPRIATION .....	.....(((\$501,000))
.....	\$499,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 121. 2013 2nd sp.s. c 4 s 122 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS	
General Fund--State Appropriation (FY 2014)	
.....(((\$213,000))

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.....	\$210,000
General Fund--State Appropriation (FY 2015).....	
.....	..((\$207,000))
.....	\$208,000
TOTAL APPROPRIATION.....	..((\$420,000))
.....	\$418,000

Sec. 122. 2013 2nd sp.s. c 4 s 123 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State

Appropriation.....	..((\$14,924,000))
.....	\$14,872,000

The appropriation in this section is subject to the following conditions and limitations: \$150,000 of the state treasurer's service account--state appropriation is provided solely for legal fees related to additional legal assistance due to changes in federal financial regulations and an increase in complex and high profile litigation.

Sec. 123. 2013 2nd sp.s. c 4 s 124 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2014).....	
.....	..((\$728,000))
.....	\$755,000

General Fund--State Appropriation (FY 2015)	
.....	..((\$733,000))
.....	\$754,000

State Auditing Services Revolving Account--State	
Appropriation.....	..((\$9,573,000))
.....	\$9,821,000

((Performance Audits of Government Account--State	
Appropriation.....	\$56,000))

TOTAL APPROPRIATION.....	..((\$11,090,000))
.....	\$11,330,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$728,000)~~ \$755,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$733,000)~~ \$754,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2)(a) \$300,000 of the state auditing services revolving account--state appropriation is provided solely to contract with a private firm with accounting expertise to conduct an audit of the use of dedicated local and operating fee accounts by the state's public institutions of higher education. For the purpose of this audit, the public institutions of higher education means the state's colleges and universities as defined in RCW 28B.15.005, one public community and technical college selected by the state auditor that offers applied baccalaureate programs, and one public community and technical college selected by the state auditor that does not offer applied baccalaureate programs.

(b) The legislature intends that tuition revenue be expended in support of instruction and student support services and that other dedicated fees are expended for the purposes for which they are charged. As a result, the legislature directs this audit to examine the accounting of these accounts; to provide clarity regarding the use of these accounts; and to make recommendations for improvement that will support the ongoing clarity, transparency, and accurate accounting of the use of these accounts in accordance with legislative intent. The final audit must include:

(i) For the 2007-2009 through the 2011-2013 fiscal biennia, a thorough examination of the accounting, as required by governmental accounting standards board requirements that govern accounting functions of the office of financial management, of:

- (A) All revenue into these accounts;
- (B) All expenditures out of these accounts; and
- (C) All transfers to, from, and within these accounts;

(ii) A narrative summary of the management and uses of these accounts by the institutions of higher education, including an explanation of the reserve policies implemented by the institutions of higher education that govern fund balances in these accounts; and

(iii) Recommendations to improve current practices that will support the ongoing clarity, transparency, and accurate accounting of the use of these accounts in a manner that satisfies the governmental accounting standards board requirements that govern accounting functions of the office of financial management and that aligns with the legislature's intended use of these accounts.

(c) The final audit shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2015. The state auditor shall recover the costs of this audit, which may not exceed the amount provided in this subsection, from the state's colleges and universities and the state board for community and technical colleges.

(d) With any funds remaining from the audit required by this subsection, the state auditor shall review other issues of significance in support of the goal of achieving transparency in the use of funding sources available to institutions of higher education.

Sec. 124. 2013 2nd sp.s. c 4 s 125 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2014).....	
.....	..((\$141,000))
.....	\$138,000

General Fund--State Appropriation (FY 2015).....	
.....	..((\$171,000))
.....	\$170,000

TOTAL APPROPRIATION.....	..((\$312,000))
.....	\$308,000

Sec. 125. 2013 2nd sp.s. c 4 s 126 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2014)	
.....	..((\$10,456,000))
.....	\$11,019,000

General Fund--State Appropriation (FY 2015).....	
.....	..((\$10,132,000))
.....	\$10,803,000

General Fund--Federal Appropriation.....	\$7,114,000
New Motor Vehicle Arbitration Account--State	
Appropriation.....	..((\$997,000))
.....	990,000

Legal Services Revolving Account--State	
Appropriation.....	..((\$191,286,000))
.....	\$205,174,000

Tobacco Prevention and Control Account--State	
Appropriation.....	\$271,000
Medicaid Fraud Penalty Account--State Appropriation	
.....	..((\$2,279,000))
.....	\$2,333,000

Public Services Revolving Account--State	
Appropriation.....	..((\$2,093,000))
.....	\$2,106,000

TOTAL APPROPRIATION.....	..((\$224,628,000))
.....	\$239,810,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) The executive ethics board shall: (a) Develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices; (b) coordinate and work with the commission on judicial conduct and the legislative ethics board; (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington state quality award feedback reports, and publish an annual report on the results to the public; and (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector.

(5) \$424,000 of the legal services revolving account--state appropriation is provided solely for replacement of a portion of the agency's personal computers. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer and section 945 of this act, personal computer acquisition and replacement.

(6) \$609,000 of the legal services revolving account--state appropriation is provided solely for upgrades to software programs. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(7) \$150,000 of the legal services revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5405 (extended foster care). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Engrossed Substitute House Bill No. 1341 (wrongful imprisonment). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(9) \$189,000 of the legal services revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1420 (transportation improvement

projects). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(10) \$2,093,000 of the public service revolving account--state appropriation is provided solely for the work of the public counsel section of the office of the attorney general.

(11) \$353,000 of the general fund--state appropriation for fiscal year 2014 and \$353,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

(12) \$69,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Substitute House Bill No. 2171 (veterans, military personnel). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(13) \$182,000 of the general fund--state appropriation for fiscal year 2015, \$13,000 of the public service revolving account--state appropriation, \$54,000 of the medicaid fraud penalty account--state appropriation, and \$3,128,000 of the legal services revolving account--state appropriation are provided solely for the purposes of salary adjustments addressing recruitment and retention issues for assistant attorneys general in the first six years of their employment with the attorney general's office.

(14) \$80,000 of the legal services revolving account--state appropriation is provided solely for implementation of Engrossed Third Substitute Senate Bill No. 5887 (medical and recreational marijuana). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 126. 2013 2nd sp.s. c 4 s 127 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL	
General Fund--State Appropriation (FY 2014)	
.....	..(((\$1,260,000))
.....	.....\$1,211,000
General Fund--State Appropriation (FY 2015)	
.....	.....(((\$1,230,000))
.....	.....\$1,192,000
TOTAL APPROPRIATION .....	.....(((\$2,490,000))
.....	.....\$2,403,000

Sec. 127. 2013 2nd sp.s. c 4 s 128 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE	
General Fund--State Appropriation (FY 2014) ..(((\$63,076,000))	
.....	.....\$61,546,000
General Fund--State Appropriation (FY 2015) ..(((\$60,151,000))	
.....	.....\$63,394,000
General Fund--Federal Appropriation	
.....	.....(((\$265,004,000))
.....	.....\$266,732,000
General Fund--Private/Local Appropriation	
.....	.....(((\$5,638,000))
.....	.....\$5,595,000
Public Works Assistance Account--State	
Appropriation.....	.....(((\$3,036,000))
.....	.....\$3,013,000
Drinking Water Assistance Administrative	
Account--State Appropriation .....	.....(((\$445,000))
.....	.....\$442,000
Lead Paint Account--State Appropriation .....	.....\$147,000
Building Code Council Account--State Appropriation ..	.....\$13,000
Home Security Fund Account--State Appropriation	
.....	.....(((\$25,452,000))
.....	.....\$25,457,000
Affordable Housing for All Account--State	
Appropriation.....(((\$11,915,000))
.....\$11,908,000

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Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account--State Appropriation(((\$969,000))
.....	.....\$1,166,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account--State Appropriation	.....(((\$1,882,000))
.....	.....\$1,879,000
Community and Economic Development Fee Account--State Appropriation.....	.....(((\$5,303,000))
.....	.....\$5,298,000
Washington Housing Trust Account--State Appropriation.....	.....(((\$19,592,000))
.....	.....\$18,481,000
Prostitution Prevention and Intervention Account--State Appropriation.....	.....\$98,000
Public Facility Construction Loan Revolving Account--State Appropriation .....	.....(((\$758,000))
.....	.....\$752,000
Washington Community Technology Opportunity Account--Private/Local Appropriation.....	.....\$10,000
Liquor Revolving Account--State Appropriation.....	.....\$5,605,000
TOTAL APPROPRIATION .....	.....(((\$469,094,000))
.....	.....\$471,536,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$306,000 of the general fund--state appropriation for fiscal year 2014 and \$306,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund--state appropriation for fiscal year 2014 and \$375,000 of the general fund--state appropriation for fiscal year 2015 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(7) \$5,000,000 of the home security fund--state appropriation is for the operation, repair, and staffing of shelters in the homeless family shelter program.

(8) \$198,000 of the general fund--state appropriation for fiscal year 2014 and ~~(((\$198,000))~~ \$396,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington new Americans program.

(9) \$2,949,000 of the general fund--state appropriation for fiscal year 2014 and \$2,949,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for associate development organizations. During the 2013-2015 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(10) \$234,000 of the general fund--state appropriation for fiscal year 2014 and \$233,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington asset building coalitions.

(11) \$5,605,000 of the liquor revolving account--state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(12) \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the purposes of purchasing contracted services to expand and promote the tourism industry in the state of Washington.

(a) The department must contract with the Washington tourism alliance. Expenditure of state moneys is contingent upon the contractor providing a dollar for dollar cash or in-kind match. Funding must be provided for the following services:

(i) Serving as a central point of contact through developing and maintaining a web portal for Washington tourism, operating a call center, and mailing travel guides;

(ii) Promoting Washington as a tourism destination to national and international markets, with emphasis on markets in Europe and Asia;

(iii) Providing information to businesses and local communities on tourism opportunities that could expand local revenues; and

(iv) Conducting tourism-related research, including market research and measuring the return on investment of funded activities.

(b) The department may not use more than 4 percent of the funds to administer, monitor, and report the outcomes of the services. The department must electronically submit performance metrics by January 1, 2014, and report the outcomes of the services by January 1, 2015, to the economic development committees of the legislature.

(c) The department has the authority to designate one or more alternative contractors if necessary due to performance or other significant issues. Such change must only be made after consultation with the Washington tourism alliance, the governor's office, and the chairs and ranking members of the economic development committees of the legislature.

(13) \$72,000 of the prostitution prevention and intervention account is provided solely for implementation of Engrossed Substitute House Bill No. 1291 (sex trade victims). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(14) \$49,000 of the general fund--state appropriation for fiscal year 2014 and \$49,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of House Bill No. 1818 (business and government streamlining). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(15) \$36,000 of the general fund--state appropriation for fiscal year 2014 and \$37,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to develop an economic cluster strategy to leverage the state's unique maritime assets, geography, history, and infrastructure. Goals include growing employment, targeted economic activity, environmental considerations, tax revenue to state and local governments, and quality of life associated with the maritime sector by working with

the industry to understand workforce needs, parity considerations with Oregon and British Columbia, and tax structure and regulatory barriers. The department will report its findings to the appropriate committees of the legislature no later than December 1, 2014.

(16) \$2,000,000 of the Washington housing trust account--state appropriation is provided solely for the department of commerce for services to homeless families through the Washington families fund.

(17) \$5,000,000 of the home security account--state appropriation is provided solely for the department of commerce to provide emergency assistance to homeless families in the temporary assistance for needy families program.

(18) \$75,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the economic development commission to retain one current administrative position. The department shall convene a work group, chaired by the current chair of the economic development commission, of representatives of associate development organizations and the economic development commission to recommend: (1) Changes to the economic development commission's purpose and source and amount of funding; (2) objective benchmarks and outcome-based performance measures for evaluating state investments in economic development; (3) high priority regulatory reforms to foster a favorable business climate for long-term private sector job creation and competitiveness; and (4) organizational roles responsibilities and structures to strengthen cohesive planning, streamline execution, and improve outcomes. The work group shall be comprised of representatives from no less than eight associate development organizations representing both urban and rural counties and counties on both sides of the Cascade range. The department shall submit a report of the work group's recommendation to the fiscal and economic development policy committees of the legislature by December 15, 2013.

(19) ~~(\$4,000,000)~~ \$2,515,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$850,000)~~ \$3,779,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for purposes of creating and operating a community health care and education and innovation center at the Pacific Medical Center in Seattle. Amounts provided in this subsection must be used for lease, maintenance, operations, and other required related expenses for Seattle community colleges allied health programs and other related uses identified by the department of commerce. The department is authorized to enter into a thirty-year lease for the Pacific Medical Center property.

(20) Within the appropriations in this section, the department shall, by December 1, 2013, develop a comprehensive start-up Washington strategy to facilitate the growth of start-ups and enhance the state's competitiveness in recruiting and retaining businesses that start up in Washington. This shall include but is not limited to: Business and occupation tax relief, capital investment, regulatory burdens, workforce and infrastructure needs and support. Start-up businesses interactions with state government and other public entities as a customer shall also be considered.

(21) \$700,000 of the general fund--state appropriation for fiscal year 2014 and \$700,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. For each dollar expended the department must receive a one hundred percent match. The match may be provided by the department through nongeneral fund sources, or any partnering governments or organizations. Sector

leads established by the department must include the industries of: (a) Tourism; (b) agriculture, wood products, and other natural resource industries; and (c) clean technology and renewable and nonrenewable energy. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead. The department must develop performance metrics and milestones. The department must electronically submit the performance metrics and performance-to-date by January 1, 2014, to the economic development committees of the legislature.

(22) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(23) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(24) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the economic impact and infrastructure cost study for Covington town center.

(25) The department is directed to work with innovation partnership zone administrators to review the existing grant program, including the criteria for designation as an innovation partnership zone and the grant funding criteria. The department shall submit its report to the legislature by December 1, 2013.

(26) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(27) \$306,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the long-term care ombuds program to improve ombuds access to long-term care residents in community-based settings such as adult family homes and assisted living facilities.

(28) \$26,000 of the home security fund--state appropriation is provided solely for the department to establish a pilot program to provide a certification of homeless status for persons who may need a physical or mailing address for purposes of employment. The department must choose one county within which to implement the program, based on the support of local homeless housing and service providers, community leaders, and businesses willing to partner with the department. The department must establish a homeless status form that requires sufficient information to verify a person's homeless status and to provide the address and location of a homeless housing or service provider to be used as the person's own address. The department must develop a procedure for collecting and maintaining the information provided on the homeless status forms and convene regular meetings with homeless housing and service providers, community leaders, homeless persons, and businesses interested in implementing the program. The department must submit a report to the appropriate legislative committees that includes the number of persons who filed a homeless status form, the number of persons who obtained employment with use of the certification, the involvement of partners within the community in implementing the program, and an evaluation and recommendation of the opportunities and impediments for expanding the program statewide. The evaluation and recommendation should include input from statewide homeless housing and service provider networks and business associations.

(29) \$466,000 of the Washington housing trust account--state appropriation is provided solely for the department to provide one-time funding to the Tacoma housing authority to offset expenses associated with remediating units of low-income housing that have been contaminated by the manufacture or use of methamphetamine. The Tacoma housing authority must provide

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sufficient documentation to verify the costs associated with remediating units of low-income housing that have been contaminated by the manufacture or use of methamphetamine for which they request support. The department may make full or partial payment once sufficient documentation has been provided.

(30) Within existing resources, the department must conduct a data-based evaluation of the effectiveness of the department's international trade services. The report must include comparative data from other states and detail the possible advantages and disadvantages of contracting these services to a nonstate entity. The department must present its findings to the economic development committees of the legislature no later than January 15, 2015.

Sec. 128. 2013 2nd sp.s. c 4 s 129 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2014)	(\$764,000)
.....	\$758,000
General Fund--State Appropriation (FY 2015)	(\$802,000)
.....	\$805,000
Lottery Administrative Account--State Appropriation...	\$50,000
TOTAL APPROPRIATION	(\$1,616,000)
.....	\$1,613,000

Sec. 129. 2013 2nd sp.s. c 4 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2014)	(\$18,414,000)
.....	\$17,942,000
General Fund--State Appropriation (FY 2015)	(\$17,542,000)
.....	\$17,539,000
General Fund--Federal Appropriation	(\$31,340,000)
.....	\$34,336,000
General Fund--Private/Local Appropriation	\$370,000
Economic Development Strategic Reserve Account--State Appropriation.....	(\$289,000)
.....	\$288,000
Personnel Service Fund--State Appropriation	(\$8,656,000)
.....	\$8,592,000
Data Processing Revolving Account--State Appropriation.....	(\$6,015,000)
.....	\$6,552,000
Higher Education Personnel Services Account--State Appropriation.....	\$1,497,000
Performance Audits of Government Account--State Appropriation.....	\$4,000,000
TOTAL APPROPRIATION	(\$88,123,000)
.....	\$91,116,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management shall prepare a report outlining alternative methods of procuring health benefits for home care workers, including individual providers and agency providers. In preparing the report, the office of financial management shall consult with the department of social and health services, representatives of individual home care providers, and agency home care providers.

Along with a summary of the current method of providing benefits, the report must include an analysis of the policy and fiscal implications of accessing health benefits through the Washington health benefits exchange. The report must also provide an analysis of a medicaid section 1115 waiver with the federal centers for medicare and medicaid services that would provide additional medicaid matching funds for individual provider home care workers who are provided with health care benefits through a collective

bargaining agreement negotiated with the state under chapter 74.39A RCW, but would otherwise be eligible for medicaid under the federal expanded eligibility provisions that take effect January 1, 2014.

The report must be submitted to the appropriate fiscal committees of the legislature by January 6, 2014.

(2) \$350,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5802 (greenhouse gas emissions). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(3) \$536,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for a study of the state's medical and public assistance eligibility systems and infrastructure with the goal of simplifying procedures, improving customer service, and reducing state expenditures. The study must also examine which state entities play various roles in the eligibility and data verification processes in order to determine if eligibility processes can be further streamlined in light of changes related to the federal affordable care act. The study must identify how costs will be allocated between state and federal funding sources and options for maximizing federal participation. The office of financial management shall provide a report on its findings and recommendations to the relevant policy and fiscal committees of the legislature by January 1, 2014.

(4)(a) The legislature finds that the state's nationally recognized student achievement initiative has led to significant improvements at two-year institutions of higher education. With the goal of creating such efficiencies within the four-year institutions of higher education, the office of financial management shall convene, in coordination with the joint committee on higher education and the student achievement council, a technical incentive funding model task force to propose an incentive funding model for the four-year institutions of higher education. The model will provide new incentive funding to four-year institutions of higher education that demonstrate improvement on existing performance measures and control resident undergraduate tuition growth. Participation in the program is voluntary; however, funding appropriated for this program shall only be available to those institutions that have chosen to participate in the program.

(b) The task force must include the following members:

- (i) One representative from the student achievement council;
- (ii) One representative from the education data center created in RCW 43.41.400; and

(iii) One representative from each of the four-year institutions of higher education.

(c) The program shall include, but shall not be limited to:

(i) A system for allocating new incentive funding to participating institutions based on an institution's:

- (A) Performance in specific metrics;
- (B) Control and reduction where possible of resident undergraduate and graduate tuition; and
- (C) Efficient utilization of classrooms, laboratories, and online and other high technology instructional methods;

(ii) A methodology for allocating funding for performance as specified in (c)(i)(A) of this subsection that is based on performance metrics reported in the accountability monitoring and reporting system established in RCW 28B.77.090 and that recognizes each institution's unique mission by measuring each institution's performance in these metrics against its past performance;

(iii) A methodology for investing any unallocated incentive funds to the state need grant program created in chapter 28B.92 RCW to expand access to low-income and underserved student populations; and

(iv) A methodology for establishing a baseline level of state funding that:

(A) Fully supports the state's need for an increasing portion of its citizens to gain post-secondary education and qualifications;

(B) Recognizes the acute need of the state's high-technology economy for a sufficient number of graduates in high employer demand programs of study;

(C) Achieves a more equitable share of support between the state and students and their families; and

(D) Provides for funding enhancements based on demonstrated improvements in institutional performance within the educational achievement and tuition reduction incentive program.

(d) The workgroup shall submit a final report containing an incentive funding model to the governor and higher education and fiscal committees of the legislature by December 31, 2013.

(5) \$37,000 of the data processing revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2192 (state agency permitting). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(6) \$262,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the implementation of Substitute House Bill No. 2739 (student success in schools). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(7) Within amounts provided in this section, the office of the chief information officer must survey and review agency security policies and standards including, but not limited to (a) compliance with employee information technology security training policies; (b) agency standards and policies for decommissioning personal computers; and (c) the security plans of the provider one system and other health information technology systems within the health care authority and the department of social and health services to ensure compliance with federal health information portability and accountability act rules and the council for affordable quality healthcare committee on operating rules for information exchange. The office must report to the legislature by December 1, 2014, with findings and recommendations from the survey and review.

(8) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures shall include the following: The agency's priority ranking of each information technology request; the estimated cost for the current biennium; the estimated total cost of the request over all biennia; and expected timeline to complete the request. The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(9) \$300,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for an analysis of statewide jail needs and how operational costs are incurred among local governments. The analysis must examine, among other things, how regional capacity is currently being utilized at the state and local level including, but not limited to: Historical and current utilization, level of security, ability to provide medical and mental health care, and availability of programming. The analysis must examine the financial impact to counties of providing felon and juvenile detention. In addition, the analysis must include the identification of barriers and solutions for the use of local jails in lieu of prison beds including: For individuals who would otherwise be transferred to department of corrections for a short-term stay; for violator population billing and tracking; and for long-term stays in jail in lieu of prison. A report of findings and recommendations must be provided to the governor and legislative fiscal committees by November 1, 2014.

(10) \$46,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the education data center to:

(a) Collect and publish on its web site by October 1, 2014, short-term and long-term earnings and employment data for completers of higher education degrees, apprenticeships, and certificates awarded by institutions of higher education as defined in RCW 28B.10.016 for each institution;

(b) With the assistance of the legislative evaluation and accountability program committee, make publicly available on its web site a detailed inventory of the data that are contained in the data warehouse. The data center and its contributors shall continue to expand efforts to improve the integrity of the information and web site displays to maximize value and utility. The education data center shall also collaborate with the legislative evaluation and accountability program committee to broadly disseminate meaningful information on the publicly accessible web sites by expanding and increasing interactive web-based reporting; and

(c) In consultation with the state board for community and technical colleges, the workforce training and education coordinating board, representatives of the public four-year institutions of higher education, and the legislative evaluation and accountability program committee, prepare, or contract with an entity to prepare, an economic success metrics report of employment and earnings outcomes for degrees, apprenticeships, and certificates earned at institutions of higher education. The final report shall be published on the education data center web site and delivered to the governor and the higher education and fiscal committees of the legislature by November 1, 2014.

Sec. 130. 2013 2nd sp.s. c 4 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State	
Appropriation.....	(\$37,772,000)
.....	\$38,011,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$151,000 of the administrative hearings revolving account--state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(2) \$137,000 of the administrative hearings revolving account--state appropriation is provided solely for replacement of a portion of the agency's personal computers. The amount provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) Within the amounts provided in this section, the office shall improve the timeliness of its hearings and report the progress of its efforts to the office of financial management and the fiscal committees of the legislature by November 1, 2014.

Sec. 131. 2013 2nd sp.s. c 4 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State	
Appropriation.....	(\$25,696,000)
.....	\$25,607,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$596,000 of the lottery administrative account--state appropriation is provided solely for the replacement of the lottery's gaming systems vendor contract.

(2) No portion of this appropriation may be used for acquisition of gaming system capabilities that violates state law.

Sec. 132. 2013 2nd sp.s. c 4 s 133 (uncodified) is amended to read as follows:

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FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2014).....(((\$238,000))	
.....	\$235,000
General Fund--State Appropriation (FY 2015).....(((\$235,000))	
.....	\$238,000
TOTAL APPROPRIATION.....	\$473,000

Sec. 133. 2013 2nd sp.s. c 4 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2014).....(((\$233,000))	
.....	\$238,000
General Fund--State Appropriation (FY 2015).....(((\$224,000))	
.....	\$233,000
TOTAL APPROPRIATION.....(((\$457,000))	
.....	\$471,000

Sec. 134. 2013 2nd sp.s. c 4 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense	
Account--State Appropriation.....(((\$50,728,000))	
.....	\$50,599,000

The appropriation in this section is subject to the following conditions and limitations: \$57,000 of the department of retirement systems expense account--state appropriation is provided solely for the purposes of Senate Bill No. 6201 (optional life annuities for LEOFF 2 members). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 135. 2013 2nd sp.s. c 4 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2014)(((\$107,985,000))	
.....	\$108,115,000
General Fund--State Appropriation (FY 2015)(((\$106,301,000))	
.....	\$105,511,000
Timber Tax Distribution Account--State	
Appropriation.....(((\$6,102,000))	
.....	\$6,083,000
Waste Reduction/Recycling/Litter Control--State	
Appropriation.....(((\$132,000))	
.....	\$131,000
State Toxics Control Account--State Appropriation .(((\$93,000))	
.....	\$92,000
((Master License Fund--State Appropriation \$17,082,000))	
Business License Account--State Appropriation.....\$17,043,000	
Data Processing Revolving Account--State Appropriation.....	
.....	\$6,751,000
TOTAL APPROPRIATION.....(((\$244,446,000))	
.....	\$243,726,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of revenue is authorized to increase the master application fee to nineteen dollars and the renewal fee to eleven dollars consistent with RCW 19.02.075.

(2) \$6,751,000 of the data processing revolving account--state appropriation and \$4,853,000 of the master license fund--state appropriation are provided solely for the replacement of the department's legacy business systems. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) \$495,000 of the general fund--state appropriation for fiscal year 2014 and \$431,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of

House Bill No. 1971 or Senate Bill No. 5873 (communications services reform). If neither bill is enacted by June 30, 2013, the amounts provided in the subsection shall lapse.

(4) \$641,000 of the general fund--state appropriation for fiscal year 2014 and \$297,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Senate Bill No. 5882 or House Bill No. 2081 (tax preferences and transparency). If neither bill is enacted by June 30, 2013, the amounts provided in the subsection shall lapse.

(5) \$78,000 of the general fund--state appropriation for fiscal year 2014 and \$262,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Substitute Senate Bill No. 5360 (unpaid wage collection). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(6) \$8,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Second Engrossed Second Substitute House Bill No. 2493 (land use/horticulture). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(7) \$14,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Engrossed Substitute House Bill No. 1287 (Indian tribes/property tax). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(8) \$25,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Substitute House Bill No. 1634 (property tax levy limit). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(9) The department must consult with counties it determines to be directly affected by the United States open golf championship held in June 2015 in Washington state for the purpose of establishing metrics to estimate the additional state sales tax revenue attributable to that event. The department must report the additional state sales tax revenue attributable to the United States open golf championship to the fiscal committees of the legislature not later than December 1, 2015.

Sec. 136. 2013 2nd sp.s. c 4 s 137 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2014)....(((\$1,217,000))	
.....	\$1,203,000
General Fund--State Appropriation (FY 2015)....(((\$1,178,000))	
.....	\$1,174,000
TOTAL APPROPRIATION.....(((\$2,395,000))	
.....	\$2,377,000

Sec. 137. 2013 2nd sp.s. c 4 s 138 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation.....	
.....(((\$4,077,000))	
.....	\$3,999,000

The appropriation in this section is subject to the following conditions and limitations: (((\$200,000 of the minority and women's business enterprises account--state appropriation is provided for implementation of a certification program for small business enterprises.))

(1) The agency will collaborate with the department of transportation to certify small businesses as small business enterprises. Funding for this work is provided through interagency agreement with the state department of transportation.

(2) The agency must engage in the stakeholder process with the department of transportation, cities, counties, ports, transit agencies, and other entities that rely on the agency for federal certification as a

small business enterprise, disadvantaged business enterprise, or airport concessionaire disadvantaged business enterprise to determine an equitable manner to fully recover from users the agency's costs for providing this statewide service. Cost to be reviewed include, but are not limited to, business outreach, certification application and renewal processing, investigations and audits, and appeals from denials and decertifications.

Sec. 138. 2013 2nd sp.s. c 4 s 139 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--State Appropriation (FY 2014).....	\$300,000
General Fund--State Appropriation (FY 2015).....	(((\$100,000))
.....	\$227,000
General Fund--Federal Appropriation.....	(((\$4,495,000))
.....	\$4,486,000
Health Benefit Exchange Account--State Appropriation.....	
.....	\$676,000
Insurance Commissioners Regulatory Account--State	
Appropriation.....	(((\$49,555,000))
.....	\$50,145,000
TOTAL APPROPRIATION.....	(((\$55,126,000))
.....	\$55,834,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$676,000 of the health benefit exchange account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1947 (Washington health benefit exchange). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(2) The office of the insurance commissioner shall not curtail functions relating to solvency, rates and forms, and consumer protection.

(3) \$498,000 of the insurance commissioners regulatory account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2461 (insurance company solvency). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(4) Appropriations in this section, as previously appropriated by the legislature in section 144, chapter 564, Laws of 2009 for the implementation of chapter 298, Laws of 2009, are sufficient to implement Engrossed Substitute Senate Bill No. 6511 (prior authorization).

Sec. 139. 2013 2nd sp.s. c 4 s 140 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State	
Appropriation.....	(((\$36,035,000))
.....	\$35,967,000

Sec. 140. 2013 2nd sp.s. c 4 s 141 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

Dedicated Marijuana Fund--State Appropriation.....	\$8,136,000
Liquor Revolving Account--State Appropriation(((\$65,146,000))	
.....	\$57,268,000
General Fund--Federal Appropriation.....	\$945,000
General Fund--Private/Local Appropriation	\$25,000
TOTAL APPROPRIATION.....	(((\$66,116,000))
.....	\$66,374,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((\$2,494,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to implement Initiative Measure No. 502.

(2))(a) The liquor control board must work with the department of health and the department of revenue to develop recommendations for the legislature regarding the interaction of

medical marijuana regulations and the provisions of Initiative Measure No. 502. At a minimum, the recommendations must include provisions addressing the following:

- (i) Age limits;
- (ii) Authorizing requirements for medical marijuana;
- (iii) Regulations regarding health care professionals;
- (iv) Collective gardens;
- (v) Possession amounts;
- (vi) Location requirements;
- (vii) Requirements for medical marijuana producing, processing, and retail licensing;
- (viii) Taxation of medical marijuana in relation to recreational marijuana; and
- (ix) The state agency that should be the regulatory body for medical cannabis.

(b) The board must submit its recommendations to the appropriate committees of the legislature by January 1, 2014.

(2) For the purposes of RCW 43.88.110(7), any initial cash deficit in the dedicated marijuana fund must be liquidated over the remainder of the 2013-2015 fiscal biennium.

(3) \$786,000 of the dedicated marijuana fund--state appropriation is provided solely for implementation of Engrossed Third Substitute Senate Bill No. 5887 (medical and recreational marijuana). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 141. 2013 2nd sp.s. c 4 s 142 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--Federal Appropriation.....	\$150,000
General Fund--Private/Local Appropriation	(((\$11,228,000))
.....	\$11,217,000
Public Service Revolving Account--State	
Appropriation.....	(((\$29,893,000))
.....	\$29,850,000
Pipeline Safety Account--State Appropriation.....	(((\$4,411,000))
.....	\$4,407,000
Pipeline Safety Account--Federal Appropriation.....	(((\$1,938,000))
.....	\$1,929,000
TOTAL APPROPRIATION.....	(((\$47,620,000))
.....	\$47,553,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall work with the Idaho public utilities commission and the public utility commission of Oregon to identify common regulatory functions that can be performed jointly, with the goal of formalizing an agreement that protects essential services while increasing regulatory effectiveness and efficiencies through economies of scale. The commission is authorized to enter into an agreement with such other state public utility commissions to work jointly in administering specified respective regulatory functions.

(2) Up to \$200,000 of the total appropriation is provided for the commission to continue to evaluate the regulatory processes for energy companies and identify and implement administrative actions to improve those processes. The commission shall develop and adopt a schedule for such administrative actions.

Sec. 142. 2013 2nd sp.s. c 4 s 143 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2014).....	(((\$1,880,000))
.....	\$1,833,000
General Fund--State Appropriation (FY 2015).....	(((\$1,846,000))
.....	\$1,640,000
General Fund--Federal Appropriation.....	(((\$140,135,000))
.....	\$140,024,000
Enhanced 911 Account--State Appropriation	(((\$58,514,000))

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.....	\$58,392,000
Disaster Response Account--State Appropriation	
.....	(((\$14,531,000))
.....	\$20,223,000
Disaster Response Account--Federal Appropriation	
.....	(((\$53,253,000))
.....	\$69,625,000
Military Department Rent and Lease Account--State	
Appropriation.....	\$615,000
Worker and Community Right-to-Know Account--State	
Appropriation.....	(((\$2,794,000))
.....	\$3,180,000
TOTAL APPROPRIATION	(((\$273,568,000))
.....	\$295,532,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$14,531,000~~) \$20,223,000 of the disaster response account--state appropriation and ((~~\$53,253,000~~) \$69,625,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2014-2015 biennium based on current revenue and expenditure patterns.

(2) ((~~\$75,000,000~~) \$60,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate.

(3) \$388,000 of the worker and community right-to-know account--state appropriation is provided solely for the department's equipment replacement plan. Prior to using appropriated funds for the purchase of server or other related equipment, the department shall create a plan, in consultation with consolidated technology services and the office of the chief information officer, to migrate the department's existing data center to the state data center located in the 1500 Jefferson building and use services provided by consolidated technology services instead of purchasing new servers or other related equipment. If the department has specific service or performance requirements for locating servers outside the state data center, the agency will submit a waiver request to the office of the chief information officer as required in RCW 43.41A.150.

Sec. 143. 2013 2nd sp.s. c 4 s 144 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2014)	(((\$1,977,000))
.....	\$1,993,000
General Fund--State Appropriation (FY 2015)	(((\$2,036,000))
.....	\$2,058,000
Higher Education Personnel Services Account--State	
Appropriation.....	\$521,000
Personnel Service Account--State Appropriation.....	(((\$3,300,000))
.....	\$3,319,000

TOTAL APPROPRIATION	(((\$7,834,000))
.....	\$7,891,000

Sec.144. 2013 2nd sp.s. c 4 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY
Certified Public Accountants' Account--State
Appropriation.....(((\$2,699,000))
.....\$2,680,000

Sec. 145. 2013 2nd sp.s. c 4 s 147 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION
Horse Racing Commission Operating Account--State
Appropriation.....(((\$3,552,000))
.....\$3,436,000

The appropriation in this section is subject to the following conditions and limitations: Pursuant to RCW 43.135.055, the commission is authorized to increase licensing fees by up to five percent in fiscal year 2014 and up to five percent in fiscal year 2015; and background check fees by up to one dollar in fiscal year 2014, and up to one dollar in fiscal year 2015.

Sec. 146. 2013 2nd sp.s. c 4 s 148 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES
General Fund--State Appropriation (FY 2014) (((\$3,654,000)) || | \$3,661,000 |
General Fund--State Appropriation (FY 2015)	(((\$3,628,000))
.....	\$5,863,000
Building Code Council Account--State Appropriation	
.....	(((\$1,227,000))
.....	\$1,223,000
Data Processing Revolving Account--State	
Appropriation.....	\$7,062,000
Enterprise Services Account--State Appropriation.....	\$2,400,000
TOTAL APPROPRIATION	(((\$8,509,000))
.....	\$20,209,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,287,000 of the general fund--state appropriation for fiscal year 2014 and \$3,286,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2014 and 2015 as necessary to meet the actual costs of conducting business.

(3) The building code council account appropriation is provided solely for the operation of the state building code council as required by statute and modified by the standards established by executive order 10-06. The council shall not consider any proposed code amendment or take any other action not authorized by statute or in compliance with the standards established in executive order 10-06. No member of the council may receive compensation, per diem, or reimbursement for activities other than physical attendance at those meetings of the state building code council or the council's

designated committees, at which the opportunity for public comment is provided generally and on all agenda items upon which the council proposes to take action. The building code council shall comply with chapter 19.85 RCW, known as the regulatory fairness act, by including with all proposed substantial code amendments an analysis addressing cost effectiveness, net benefits, payback periods, and life-cycle costs.

~~((5))~~ (4) The department of enterprise services shall purchase flags needed for ceremonial occasions on the capitol campus in order to fully represent the countries that have an international consulate in Washington state.

~~((6))~~ (5) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services.

~~((7))~~ (6) \$2,400,000 of the ~~((data processing revolving account))~~ enterprise services account--state appropriation is provided solely for the implementation of a pilot program to implement a strategy and action plan to modernize the state's enterprise financial and administrative systems. The department, the office of financial management, and the office of the chief information officer, will lead the planning effort and establish advisory committees composed of key stakeholders. The plan will include an assessment of the readiness of state government to conduct a business transformation and system replacement project of this scale. The plan shall incorporate the objectives of lean management and should include recommendations on: Project scope, phasing and timeline, expected outcomes and measures of success, product strategy, budget and financing strategy options, risk mitigation, staffing and organization, and strategies to close readiness gaps. The department shall submit the implementation plan to the fiscal committees of the legislature by December 15, ~~((2013))~~ 2014.

The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

~~((8))~~ ~~(\$8,013,000)~~ (7) \$7,062,000 of the data processing revolving account--state appropriation is provided solely for the implementation of a pilot program to implement a time, leave, and attendance enterprise system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

~~((9))~~ (8) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$2,039,000 in fiscal year 2014 and \$2,038,000 in fiscal year 2015.

~~((10))~~ (9) The legislature intends to review for purchase parcel number one and surrounding property on McNeil Island. The department shall coordinate with the federal government to obtain an appraisal determining the fair market value and shall provide an estimate to the legislative fiscal committees by October 1, 2013.

(10) Appropriations to state agencies in this act have been reduced to reflect the following changes and reductions in services provided by the department. The department shall revise its central services rates charged to state agencies to implement these changes in services and policy: Small agency client services shall be transferred to the office of financial management on July 1, 2014; small agency human resources services shall cease on July 1, 2014; and costs for the print and imaging program shall be fully recovered through rates charged to state agencies and other government and nonprofit entities for this service.

(11) On a one-time basis, \$2,250,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for incremental costs to facilitate the purchasing of electricity for use in state government operations from in-state alternative power sources

consisting of high-efficiency cogeneration from woody biomass that is at least sixty-five percent energy efficient based upon low heat value, coal transition power, and solar energy facilities. This funding shall be provided on a temporary basis to assist state agencies to make purchases from in-state alternative power sources. The department may solicit proposals from local electric utilities that currently serve state operations.

Sec. 147. 2013 2nd sp.s. c 4 s 149 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS
Volunteer Firefighters' and Reserve Officers'
Administrative Account--State Appropriation(((\$1,044,000))
.....\$959,000

Sec. 148. 2013 2nd sp.s. c 4 s 150 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND
HISTORIC PRESERVATION
General Fund--State Appropriation (FY 2014).....(((\$1,293,000))
.....\$1,271,000
General Fund--State Appropriation (FY 2015).....(((\$1,242,000))
.....\$1,258,000
General Fund--Federal Appropriation.....(((\$1,950,000))
.....\$1,944,000
General Fund--Private/Local Appropriation\$14,000
TOTAL APPROPRIATION(((\$4,499,000))
.....\$4,487,000

(End of part)

**PART II
HUMAN SERVICES**

Sec. 201. 2013 2nd sp.s. c 4 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority and the department are authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under

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the Washington medicaid integration partnership (WMIP) and the medicare integrated care project (MICP), the health care authority and the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 213 of this act as may be necessary to finance a unified health care plan for the WMIP and the MICP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county during the 2013-2015 fiscal biennium. The amount of funding assigned from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. In implementing the WMIP and the MICP, the health care authority and the department may: (i) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for enrolled individuals; and (ii) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs.

(b) If Washington has been selected to participate in phase two of the federal demonstration project for persons dually-eligible for both medicare and medicaid, the department and the authority may initiate the MICP. Participation in the project shall be limited to persons who are eligible for both medicare and medicaid and to counties in which the county legislative authority has agreed to the terms and conditions under which it will operate. The purpose of the project shall be to demonstrate and evaluate ways to improve care while reducing state expenditures for persons enrolled both in medicare and medicaid. To that end, prior to initiating the project, the department and the authority shall assure that state expenditures shall be no greater on either a per person or total basis than the state would otherwise incur. Individuals who are solely eligible for medicaid may also participate if their participation is agreed to by the health care authority, the department, and the county legislative authority.

(4) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(5) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in section 213 of this act. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(6) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for the medicaid expansion but are enrolled in coverage that will be eliminated in the transition to the medicaid expansion.

(7)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2014, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2014 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2014 caseload forecasts and utilization assumptions in the long-term care, foster care, adoptions support, medicaid personal care, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 202. 2013 2nd sp.s. c 4 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)(((\$296,676,000))	
.....	\$297,837,000
General Fund--State Appropriation (FY 2015)(((\$297,641,000))	
.....	\$298,132,000
General Fund--Federal Appropriation.....(((\$489,939,000))	
.....	\$495,189,000
General Fund--Private/Local Appropriation	\$1,354,000
Home Security Fund Account--State Appropriation	\$10,741,000
Domestic Violence Prevention Account--State	
Appropriation.....	\$1,240,000
Child and Family Reinvestment Account--State	
Appropriation.....(((\$6,491,000))	
.....	\$2,647,000
TOTAL APPROPRIATION	(((\$1,104,082,000))
.....	\$1,107,140,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(2) \$668,000 of the general fund--state appropriation for fiscal year 2014 and \$668,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current

foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(3) \$538,500 of the general fund--state appropriation for fiscal year 2014, \$539,500 of the general fund--state appropriation for fiscal year 2015, \$656,000 of the general fund--private/local appropriation, and \$253,000 of the general fund--federal appropriation are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the transition to performance based contracts. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

(4) \$10,741,000 of the home security fund--state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220. The department shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW. The reductions to appropriations in this subsection related to semi-secure crisis residential centers reflect a reduction to the number of beds for semi-secure crisis residential centers and not a reduction in rates. Any secure crisis residential center or semi-secure crisis residential center bed reduction shall not be based solely upon bed utilization. The department is to exercise its discretion in reducing the number of beds but to do so in a manner that maintains availability and geographic representation of semi-secure and secure crisis residential centers.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2014 and \$125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a community-based organization that has innovated, developed, and replicated a foster care delivery model that includes a licensed hub home. The community-based organization will provide training and technical assistance to the children's administration to develop five hub home models in region 2 that will improve child outcomes, support foster parents, and encourage the least restrictive community placements for children.

(6) \$73,000 of the general fund--state appropriation for fiscal year 2014, \$20,000 of the general fund--state appropriation for fiscal year 2015, and \$31,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1566 (youth in out-of-home care). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(7) \$88,000 of the general fund--state appropriation for fiscal year 2014, \$2,000 of the general fund--state appropriation for fiscal year 2015, and \$28,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1774 (child welfare system). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(8) \$1,698,000 of the general fund--state appropriation for fiscal year 2014, \$2,788,000 of the general fund--state appropriation for fiscal year 2015, and \$1,894,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5405 (extended foster care). If

the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(9) \$579,000 of the general fund--state appropriation for fiscal year 2014, \$579,000 of the general fund--state appropriation for fiscal year 2015, and \$109,000 of the general fund--federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(10)(a) \$446,000 of the general fund--state appropriation for fiscal year 2014 and \$446,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a contract with a nongovernmental entity or entities to establish one demonstration site in a school district or group of school districts in western Washington.

(b) The children's administration and the nongovernmental entity or entities shall collaboratively select the demonstration site. The demonstration site should be a school district or group of school districts with a significant number of students who are dependent pursuant to chapter 13.34 RCW.

(c) The demonstration site established under this subsection must be selected by September 1, 2013.

(d) The purpose of the demonstration site is to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW by providing individualized education services and monitoring and supporting dependent youths' completion of educational milestones, remediation needs, and special education needs.

(e) The demonstration site established under this subsection must facilitate the educational progress and graduation of dependent youth. The contract must be performance-based with a stated goal of improving the graduation rates of foster youth by two percent per year over five school year periods, starting with the 2014-15 school year and ending with the 2019-20 school year. The demonstration site must develop and provide services aimed at improving the educational outcomes of foster youth. These services must include:

(i) Direct advocacy for foster youth to eliminate barriers to educational access and success;

(ii) Consultation with department of social and health services case workers to develop educational plans for and with participating youth;

(iii) Monitoring education progress of participating youth;

(iv) Providing participating youth with school and local resources that may assist in educational access and success; and

(v) Coaching youth, caregivers, and social workers to advocate for dependent youth in the educational system.

(f) The contracted nongovernmental entity or entities must report demonstration site outcomes to the department of social and health services and the office of public instruction by June 30, 2014, for the 2013-14 school year, and by June 30, 2015, for the 2014-15 school year.

(g) The children's administration must proactively refer all students fifteen years or older, within the demonstration site area, to the selected nongovernmental entity for educational services.

(h) The children's administration must report quarterly to the legislature on the number of eligible youth and number of youth referred for services beginning at the close of the second quarter of fiscal year 2014 and through the final quarter of fiscal year 2015.

(i) The contracted nongovernmental entity or entities shall report to the legislature by June 30, 2015, on the effectiveness of the demonstration site in increasing graduation rates for dependent youth.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2014, and \$50,000 of the general fund--state appropriation for fiscal year 2015, and \$256,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5315 (Powell fatality team). If the bill is not

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enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(12) \$670,000 of the general fund--state appropriation for fiscal year 2014 and \$670,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for services provided through children's advocacy centers.

(13)(a) \$22,695,000 of the general fund--state appropriation for fiscal year 2014, \$22,695,000 of the general fund--state appropriation for fiscal year 2015, and \$28,450,000 of the general fund--federal appropriation are provided solely for services for children and families. Prior to approval of contract services pursuant to RCW 74.13B.020, the amounts provided in this section shall be allotted on a monthly basis and expenditures shall not exceed allotments based on a three-month rolling average without approval of the office of financial management following notification to the legislative fiscal committees.

(b) The department shall provide these services to safely reduce the number of children in out-of-home care, the time spent in out-of-home care prior to achieving permanency, and the number of children returning to out-of-home care following permanency.

(14) ~~(\$1,783,000)~~ \$6,332,000 of the general fund--state appropriation for fiscal year 2015, ~~(\$6,491,000)~~ \$2,647,000 of the child and family reinvestment account--state appropriation, and ~~(\$8,274,000)~~ \$9,474,000 of the general fund--federal appropriation, are provided solely for the implementation and operations of the family assessment response program.

(15) \$35,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for a rate add-on paid to residential facilities providing behavioral rehabilitation service placements to children or youth who have been assessed as needing mental health services through the mental health division's children's long-term inpatient program and are waiting for an available placement. In no case shall the department decrease any rates paid to such residential facilities as a result of this subsection.

(16) \$329,000 of the general fund--state appropriation for fiscal year 2015 and \$48,000 of the general fund--federal appropriation are provided solely for a tiered reimbursement pilot project for family home and center child care providers who participate in the early achievers quality and improvement system. The tiered reimbursement rates shall be consistent with those established by the department of early learning.

(17) \$150,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for training, technical assistance, and fidelity oversight for an open source parenting program developed by a university-based child welfare research entity. Expenditure of the amount provided in this subsection is contingent upon the availability of private or local funds necessary for the research entity to develop the open source parenting curriculum. The children's administration must make the open source parenting program available to parents with an open child welfare case beginning January 1, 2015.

(18) Effective January 2015, in addition to the youth eligible for extended foster care services under RCW 13.34.267 and 74.13.031, the department is authorized to provide extended foster care services to nonminor dependents who are engaged in employment for eighty hours or more per month. \$83,000 of the general fund--state appropriation for fiscal year 2015 and \$23,000 of the general fund--federal appropriation are provided solely for such services.

Sec. 203. 2013 2nd sp.s. c 4 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2014)..(((\$89,967,000))
.....\$89,505,000

General Fund--State Appropriation (FY 2015)..(((\$90,255,000))	
.....	\$88,778,000
General Fund--Federal Appropriation.....	\$3,464,000
General Fund--Private/Local Appropriation	(((\$1,981,000))
.....	\$1,978,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation.....	\$196,000
Reinvesting in Youth--State Appropriation.....	\$383,000
Juvenile Accountability Incentive Account--Federal	
Appropriation.....	\$2,801,000
TOTAL APPROPRIATION.....	(((\$189,047,000))
.....	\$187,105,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund--state appropriation for fiscal year 2014 and \$331,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,716,000 of the general fund--state appropriation for fiscal year 2014 and \$2,716,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,482,000 of the general fund--state appropriation for fiscal year 2014 and \$3,482,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,130,000 of the general fund--state appropriation for fiscal year 2014 and \$1,130,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,123,000 of the general fund--state appropriation for fiscal year 2014 and \$3,123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,537,000 of the general fund--state appropriation for fiscal year 2014 and \$1,537,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit-cost finding in the institute's report. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) The juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide

service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(c) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile rehabilitation administration and Washington state institute for public policy. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(9) \$445,000 of the general fund--state appropriation for fiscal year 2014 and \$445,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for funding of the teamchild project.

(10) \$178,000 of the general fund--state appropriation for fiscal year 2014 and \$178,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the juvenile detention alternatives initiative.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant program focused on criminal street gang prevention and intervention. The Washington state partnership council on juvenile justice may award grants under this subsection. The council shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection.

(12) \$400,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for competitive grants to community-based organizations to provide at-risk youth intervention services, including but not limited to, case management, employment services, educational services, and street

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outreach intervention programs. Projects funded should focus on preventing, intervening, and suppressing behavioral problems and violence while linking at-risk youth to pro-social activities. The costs of administration may not exceed four percent of appropriated funding for each grant recipient. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services upon the youth and the community.

Sec. 204. 2013 2nd sp.s. c 4 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2014)((\$327,467,000))	\$328,527,000
General Fund--State Appropriation (FY 2015)((\$308,723,000))	\$329,208,000
General Fund--Federal Appropriation.....(\$561,394,000)	\$666,113,000
General Fund--Private/Local Appropriation	\$17,864,000
TOTAL APPROPRIATION.....(\$1,215,448,000)	\$1,341,712,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$104,999,000 of the general fund--state appropriation for fiscal year 2014 and (~~\$85,895,000~~) \$88,895,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. This is a reduction in flexible nonmedicaid funding of \$4,343,000 for fiscal year 2014 and (~~\$23,446,000~~) \$20,446,000 for fiscal year 2015. This reduction reflects offsets in state funding related to services that will now be funded with federal dollars through the affordable care act medicaid expansion. This reduction shall be distributed as follows:

(i) The \$4,343,000 reduction in fiscal year 2014 and (~~\$11,723,000~~) \$10,223,000 of the reduction in fiscal year 2015 must be distributed among regional support networks based on a formula that equally weights each regional support networks proportion of individuals who become newly eligible and enroll in medicaid under the expansion provisions of the affordable care act in fiscal year 2014 and each regional support network's spending of flexible nonmedicaid funding on services that would be reimbursable for federal medicaid matching funds if provided to medicaid enrollees in the 2011-2013 fiscal biennium.

(ii) The remaining (~~\$11,723,000~~) \$10,223,000 reduction in fiscal year 2015 must be distributed among regional support networks based on each regional support network's proportion of individuals who become newly eligible and enroll in medicaid under the expansion provisions of the affordable care act through fiscal year 2015.

(b) \$6,590,000 of the general fund--state appropriation for fiscal year 2014, \$6,590,000 of the general fund--state appropriation for fiscal year 2015, and \$7,620,000 of the general fund--federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs

associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(a) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) \$5,850,000 of the general fund--state appropriation for fiscal year 2014, \$5,850,000 of the general fund--state appropriation for fiscal year 2015, and \$1,300,000 of the general fund--federal appropriation are provided solely for the western Washington regional support networks to provide either community- or hospital campus-based services for persons who require the level of care previously provided by the program for adaptive living skills (PALS) at western state hospital.

(d) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 557 per day.

(e) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(f) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(g) \$750,000 of the general fund--state appropriation for fiscal year 2014 and \$750,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(h) \$1,125,000 of the general fund--state appropriation for fiscal year 2014 and \$1,125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(i) \$1,529,000 of the general fund--state appropriation for fiscal year 2014 and \$1,529,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(j) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(k) \$3,436,000 of the general fund--state appropriation for fiscal year 2014 and \$2,291,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(l) \$523,000 of the general fund--state appropriation for fiscal year 2014, \$775,000 of the general fund--state appropriation for fiscal year 2015, and \$854,000 of the general fund--federal appropriation are provided solely for implementation of sections 3 through 5 of chapter 289, Laws of 2013 (E2SHB 1114). Regional support networks must use this funding for the development of intensive community programs that allow individuals to be diverted or transitioned from the state hospitals in accordance with plans approved by the department.

(m) \$5,986,000 of the general fund--state appropriation for fiscal year 2014, \$11,592,000 of the general fund--state appropriation for fiscal year 2015, and \$10,160,000 of the general fund--federal appropriation are provided solely for implementation of chapter 335, Laws of 2013 (ESSB 5480). Regional support networks must use this funding for the development of intensive community programs that allow individuals to be diverted or transitioned from the state hospitals in accordance with plans approved by the department.

(n) Due to recent approval of federal medicaid matching funds for the disability lifeline and the alcohol and drug abuse treatment support act programs, the department shall charge regional support networks for only the state share rather than the total cost of community psychiatric hospitalization for persons enrolled in those programs.

(o) The legislature finds that the circumstances of the Chelan-Douglas regional support network (CD-RSN) make it necessary for CD-RSN to undergo restructuring in order to provide mental health services essential to the health and wellness of the citizens within its service area. The legislature intends to provide additional temporary financial relief to the CD-RSN while it undergoes internal restructuring or negotiates a merger with another regional support network.

The department shall negotiate relief for outstanding fiscal year 2013 reimbursements owed by CD-RSN to the state provided that the CD-RSN has a plan in place that is approved by the department by August 1, 2013, that demonstrates how CD-RSN will maintain financial viability and stability or will merge with another regional support network.

For the period of July 1, 2013, through December 31, 2013, the department may alter collection of reimbursement from CD-RSN for overuse of state hospital beds. To receive a reduction to the required reimbursement for overuse of state hospital beds, CD-RSN must continue to prioritize services that reduce its utilization and census at eastern state hospital and be actively implementing an approved plan to maintain financial viability or pursuing a future merger with another regional support network. Up to \$298,000 of the general fund--state appropriation for fiscal year 2014 is for the department to provide payments to regional support networks in

eastern Washington which have used less than their allocated or contracted patient days of care at the state hospital to replace the share of the reimbursements from CD-RSN that the regional support networks would have received under RCW 71.24.320.

(p) \$266,000 of the general fund--state appropriation for fiscal year 2014 ~~((is))~~ and \$1,500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to maintain services for the King county regional support network as it works to transition services to settings that are eligible for federal participation for individuals covered under the medicaid program.

(q) Within the amounts appropriated in this section, funding is provided for the department to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(r) \$7,281,000 of the general fund--state appropriation for fiscal year 2015 and \$4,589,000 of the general fund--federal appropriation are provided solely for enhancement of community mental health services. The department must contract these funds for the operation of community programs in which the department determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King regional support network, the Spokane regional support network outside of Spokane county, and the Thurston Mason regional support network; (ii) one new full program of an assertive community treatment team in the King regional support network and two new half programs of assertive community treatment teams in the Spokane regional support network and the Pierce regional support network; and (iii) three new recovery support services programs in the Grays Harbor regional support network, the greater Columbia regional support network, and the north sound regional support network. In contracting for community evaluation and treatment services, the department may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the department is unable to come to a contract agreement with a designated regional support network for any of the services identified above, it may consider contracting for that service in another regional support network that has the need for such service.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014) ((\$135,246,000))	
.....	\$137,913,000
General Fund--State Appropriation (FY 2015) ((\$131,863,000))	
.....	\$130,754,000
General Fund--Federal Appropriation.....((\$150,863,000))	
.....	\$158,952,000
General Fund--Private/Local Appropriation .....((\$63,097,000))	
.....	\$58,844,000
TOTAL APPROPRIATION.....((\$481,069,000))	
.....	\$486,463,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2014 and \$231,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police

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officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2014 and \$45,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$20,000,000 of the general fund--state appropriation for fiscal year 2014 and \$20,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to maintain staffed capacity to serve an average daily census in forensic wards at western state hospital of 270 patients per day.

(e) ~~(\$2,068,000)~~ \$2,994,000 of the general fund--state appropriation for fiscal year 2014, ~~(\$2,066,000)~~ \$5,266,000 of the general fund--state appropriation for fiscal year 2015, and \$240,000 of the general fund--federal appropriation are provided solely for the state psychiatric hospitals to plan, procure, and implement the core elements of an electronic medical record system that is compliant with the international classification of diseases (ICD-10) by October 1, 2014. These funds must only be used for an electronic medical record system that meets federal criteria for electronic sharing of patient information and clinical care summaries with doctors' offices, hospitals, and health systems which use federally certified electronic health record systems. The procurement and implementation shall be conducted to allow for these services to be expanded to the department of corrections. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2014)....	(\$1,609,000)
.....	\$1,612,000
General Fund--State Appropriation (FY 2015)....	(\$1,610,000)
.....	\$452,000
General Fund--Federal Appropriation.....	\$6,286,000
TOTAL APPROPRIATION.....	(\$9,505,000)
.....	\$8,350,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,161,000 of the general fund--state appropriation for fiscal year 2014 ~~(and \$1,161,000 of the general fund--state appropriation for fiscal year 2015 are)~~ is provided solely for children's evidence-based mental health services.

(b) \$446,000 of the general fund--state appropriation for fiscal year 2014, \$446,000 of the general fund--state appropriation for fiscal year 2015, and \$178,000 of the general fund--federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The institute and the department must submit this plan to the office of financial management and the fiscal committees of the legislature by December 1, 2013.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2014)....	(\$5,287,000)
.....	\$5,807,000
General Fund--State Appropriation (FY 2015)....	(\$4,777,000)
.....	\$7,418,000
General Fund--Federal Appropriation.....	(\$7,711,000)
.....	\$10,030,000
General Fund--Private/Local Appropriation.....	\$502,000
TOTAL APPROPRIATION.....	(\$18,277,000)
.....	\$23,757,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2014 and 2015 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(b) \$74,000 of the general fund--state appropriation for fiscal year 2014, \$74,000 of the general fund--state appropriation for fiscal year 2015, and \$78,000 of the general fund--federal appropriation are provided solely for implementation of chapter 335, Laws of 2013 (ESSB 5480).

(c) \$160,000 of the general fund--state appropriation for fiscal year 2014 and \$80,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 284, Laws of 2013 (ESSB 5551).

(d) In developing the new medicaid managed care rates under which the public mental health managed care system will operate, the department must seek to estimate the reasonable and necessary cost of efficiently and effectively providing a comparable set of medically necessary mental health benefits to persons of different acuity levels regardless of where in the state they live. The department must report to the office of financial management and to the relevant fiscal and policy committees of the legislature on its proposed new mental health managed care rate-setting approach by August 1, 2013, and again at least sixty days prior to implementation of new capitation rates.

(e) \$349,000 of the general fund--state appropriation for fiscal year 2014, \$212,000 of the general fund--state appropriation for fiscal year 2015, and \$302,000 of the general fund--federal appropriation are provided solely to implement chapter 320, Laws of 2013 (ESHB 1519) and chapter 338, Laws of 2013 (2SSB 5732).

(f) The department shall work cooperatively with the health care authority to explore the feasibility of incentivizing small, rural hospitals to convert, in part or fully, some of their beds to psychiatric treatment beds. No later than December 31, 2014, the department shall report to the appropriate fiscal committees of the legislature on the feasibility of such conversion. The report shall consider rate enhancements and the ability to claim federal medicaid matching funds on converted beds.

(g) \$75,000 of the general fund--state appropriation for fiscal year 2014 and \$21,000 of the general fund--federal appropriation are provided for implementation of section 9, chapter 197, Laws of 2013 (ESHB 1336). The department must utilize these funds for mental health first aid training targeted at teachers and educational staff in accordance with the training model developed by the department of psychology in Melbourne, Australia.

(h) Within the amounts appropriated in this section, funding is provided for the department to continue to develop the child adolescent needs and strengths assessment tool and build workforce capacity to provide evidence based wraparound services for children, consistent with the ~~(anticipated)~~ settlement agreement in *T.R. v. Dreyfus and Porter*.

(i) \$144,000 of the general fund--state appropriation for fiscal year 2014, \$466,000 of the general fund--state appropriation for fiscal year 2015, and \$687,000 of the general fund--federal

appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6312 (mental health, chemical dependency) and Engrossed Substitute House Bill No. 2315 (suicide prevention). If Substitute Senate Bill No. 6312 (mental health, chemical dependency) is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(j) \$120,000 of the general fund--state appropriation for fiscal year 2014, \$780,000 of the general fund--state appropriation for fiscal year 2015, and \$900,000 of the general fund--federal appropriation are provided solely for contracted actuarial services required for integrating treatment services into managed care contracts in accordance with Second Substitute Senate Bill No. 6312 (mental health, chemical dependency). This includes the development of integrated rates for mental health and chemical dependency services that can be used for contracts with behavioral health and recovery organizations effective April 1, 2016, and for integrated physical health and behavioral health contracts with early adopters. The department shall collaborate with the health care authority, the office of the state actuary, and legislative staff on the establishment of these rates. Contracts for these actuarial services must require the contractors to provide information in response to questions from the health care authority, the office of the state actuary, and legislative staff. By November 1, 2014, the department shall provide a preliminary progress report on the rate setting process to the behavioral health task force established in chapter 338, Laws of 2013, and to the appropriate policy and fiscal committees of the legislature. The department shall provide an updated report to the same entities by June 30, 2015.

Sec. 205. 2013 2nd sp.s. c 4 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2014)	(\$439,963,000)
.....	\$444,370,000
General Fund--State Appropriation (FY 2015)	(\$458,131,000)
.....	\$470,359,000
General Fund--Federal Appropriation	(\$820,769,000)
.....	\$835,386,000
General Fund--Private/Local Appropriation	(\$21,000)
.....	\$535,000
TOTAL APPROPRIATION	(\$1,718,884,000)
.....	\$1,750,650,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be increased to \$225 per bed beginning in fiscal year 2014 and \$225 per bed beginning in fiscal year 2015. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(ii) The current annual renewal license fee for assisted living facilities shall be increased to \$106 per bed beginning in fiscal year 2014 and \$106 per bed beginning in fiscal year 2015.

(iii) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2014 and \$359 per bed beginning in fiscal year 2015.

(c) \$13,301,000 of the general fund--state appropriation for fiscal year 2014, \$20,607,000 of the general fund--state appropriation for fiscal year 2015, and \$33,910,000 of the general fund--federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw through an interest arbitration decision under the provisions of chapters 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium.

(d) \$6,244,000 of the general fund--state appropriation for fiscal year 2014 and \$6,244,000 of the general fund--state appropriation for fiscal year 2015 are appropriated solely for the individual and family support program. Within these amounts, the department shall expand the current number of clients receiving services and focus on extending services to individuals with developmental disabilities who are not otherwise receiving paid services from the department.

(e) The department shall reimburse with the exceptional care rate adult family homes that provided care solely to clients with HIV/AIDS on or before January 1, 2000, and continue to provide care solely to clients with HIV/AIDS. The department shall not reduce the exceptional care rate from the rate paid on October 1, 2013.

(f) ~~(\$1,547,000)~~ \$774,000 of the general fund--state appropriation for fiscal year 2015, and ~~(\$4,790,000)~~ \$2,395,000 of the general fund--federal appropriation are provided solely for a payment system that satisfies medicaid requirements regarding time reporting for W-2 providers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(g) \$1,707,000 of the general fund--state appropriation for fiscal year 2014, \$2,670,000 of the general fund--state appropriation for fiscal year 2015, and \$4,376,000 of the general fund--federal appropriation are provided solely for the homecare agency parity impacts of the service employees international union healthcare 775nw arbitration award.

(h) The department is authorized to establish limited exemption criteria in rule to address RCW 74.39A.325 when a landline phone is not available to the employee.

(i) \$91,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to implement Substitute House Bill No. 2310 (provider safety equipment). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(j) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(k) The department of social and health services shall increase the benchmark rates for community residential service businesses providing supported living, group home, and licensed staff residential services for people with developmental disabilities by thirty cents starting July 1, 2014.

(l) By January 1, 2015, the developmental disabilities administration of the department of social and health services shall identify stakeholders to participate in work groups, at their own expense, to complete the following and report to the appropriate

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committees of the legislature on issues raised in the July 31, 2013, state auditor's report which includes:

(i) Providing various community funding scenarios to phase in serving the fifteen thousand people on the no paid services waitlist caseload;

(ii) Developing strategies to expand data gathered during the initial developmental disabilities application process to improve waitlist management;

(iii) Identifying ways to streamline the eligibility and assessment processes that ensure fairness for services provided by the developmental disabilities administration;

(iv) Providing different options that address the need for more community crisis and respite support for individuals and families;

(v) Identifying the resources and models needed to expand community peer support networks so that they can provide greater support to people receiving limited services or waiting for services;

(vi) Reviewing how other states use shared support hours for community living;

(vii) Identifying additional community residential options;

(viii) Identifying strategies to increase employment hours and wages for individuals employed;

(ix) Reviewing current community access rules and identifying ways to increase hours of service;

(x) Developing strategies to address retaining an adequate workforce;

(xi) Identifying ways to streamline the developmental disabilities system to make it easier and more accessible to navigate;

(xii) Identifying mechanisms for improved contract monitoring and quality assurance;

(xiii) Researching and analyzing moving the developmental disabilities system to a managed care approach and to more self-direction; and

(xiv) Identifying the various medicaid waiver and state plan options that could make better use of state funds while making the service delivery system more accessible to people in need of the services.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014) ..(((\$85,261,000))	
.....	\$86,005,000
General Fund--State Appropriation (FY 2015) ..(((\$84,980,000))	
.....	\$84,806,000
General Fund--Federal Appropriation	(((\$160,021,000))
.....	\$160,310,000
General Fund--Private/Local Appropriation	\$23,041,000
TOTAL APPROPRIATION	(((\$353,303,000))
.....	\$354,162,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$721,000 of the general fund--state appropriation for fiscal year 2014 and \$721,000 of the general fund--state appropriation for fiscal year 2015 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2014) ....(((\$1,943,000))	
.....	\$1,975,000
General Fund--State Appropriation (FY 2015) ....(((\$1,993,000))	
.....	\$2,074,000
General Fund--Federal Appropriation	(((\$1,957,000))

.....	\$2,102,000
TOTAL APPROPRIATION	(((\$5,893,000))
.....	\$6,151,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$68,000 of the general fund--state appropriation for fiscal year 2015 and \$46,000 of the general fund--federal appropriation are provided solely for the purposes of designing and implementing the community first choice option benefit pursuant to either Engrossed Substitute House Bill No. 2746 (medicaid personal care) or Substitute Senate Bill No. 6387 (eliminating waiting for individuals with developmental disabilities). If neither of these bills is enacted by June 30, 2014, the amounts provided in this subsection (3)(a) shall lapse.

(b) It is the intent of the legislature to use savings from the community first choice option to make needed investments in home and community-based services for seniors and people with disabilities, including potential investments recommended by the joint legislative executive committee on aging and disability and a development and implementation council that the department of social and health services must convene prior to submitting the proposed community first choice option to the centers for medicare and medicaid services. At a minimum, the final report to the legislature from the joint legislative executive committee on aging and disability must explore the cost and benefit of rate enhancements for providers of long-term services and supports, restoration of hours for in-home clients, additional investment in the family caregiver support program, and additional investment in the individual and family services program or other medicaid services to support individuals with developmental disabilities.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2014) ....(((\$1,400,000))	
.....	\$1,403,000
General Fund--State Appropriation (FY 2015) ....(((\$1,400,000))	
.....	\$1,403,000
General Fund--Federal Appropriation	(((\$1,200,000))
.....	\$1,206,000
TOTAL APPROPRIATION	(((\$4,000,000))
.....	\$4,012,000

Sec. 206. 2013 2nd sp.s. c 4 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2014)(((\$869,628,000))	
.....	\$860,198,000
General Fund--State Appropriation (FY 2015)(((\$923,218,000))	
.....	\$913,984,000
General Fund--Federal Appropriation	(((\$1,934,089,000))
.....	\$1,898,401,000
General Fund--Private/Local Appropriation	(((\$30,122,000))
.....	\$33,471,000
Traumatic Brain Injury Account--State Appropriation	
.....	(((\$3,393,000))
.....	\$3,392,000
Skilled Nursing Facility Safety Net Trust Account--State	
Appropriation	(((\$88,000,000))
.....	\$110,681,000
TOTAL APPROPRIATION	(((\$3,848,450,000))
.....	\$3,820,127,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$171.35 for fiscal year 2014 and shall not exceed ~~(((\$171.58))~~ \$178.82 for fiscal year 2015, including the rate add-ons described in

(a) ~~((and))~~, (b), and (g) of this subsection. However, if the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment is for any reason disapproved, the weighted average nursing facility payment rate shall not exceed \$162.43 for fiscal year 2014 and shall not exceed \$163.58 for fiscal year 2015. There will be no adjustments for economic trends and conditions in fiscal years 2014 and 2015. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) For fiscal year 2014 and 2015 within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. For fiscal year 2015 within funds provided, the department shall provide an additional add-on per medicaid resident day per facility not to exceed the industry weighted average rate of \$2.44. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$17 in calendar year 2012, according to cost report data. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) The department shall do a comparative analysis of the facility-based payment rates calculated on July 1, ~~((2013))~~ 2014, using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the low wage worker add-on found in (a) of this subsection, the rate add-ons for direct care, support services, and therapy care found in (g) of this subsection, the comparative add-on, acuity add-on, and safety net reimbursement, to the facility-based payment rates in effect June 30, 2010. If the facility-based payment rate calculated on July 1, ~~((2013))~~ 2014, is smaller than the facility-based payment rate on June 30, 2010, then the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in subsection (b) of this section, if it is found that the direct care rate for any facility calculated using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the low wage worker add-on found in (a) of this subsection, the rate add-ons for direct care, support services, and therapy care found in (g) of this subsection, the comparative add-on, acuity add-on, and safety net reimbursement, is greater than the direct care rate in effect on June 30, 2010, then the facility shall receive a ten percent direct care rate add-on to compensate that facility for taking on more acute clients than they have in the past.

(d) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility

safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(e) The rate add-on provided in (c) of this subsection is subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(f) If the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment is for any reason disapproved, (b), (c), ~~((and))~~ (d), (g), and the fiscal year 2015 additional add-on in (a) of this subsection do not apply.

(g) For fiscal year 2015, the department shall provide the following rate add-ons per medicaid resident day:

(i) A direct care rate add-on of \$3.63 per medicaid resident day;

(ii) A support services rate add-on of \$1.12 per medicaid resident day; and

(iii) A therapy care rate add-on of \$0.05 per patient day.

This subsection (1)(g) is subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(2) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2014 and no new certificates of capital authorization for fiscal year 2015 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2014 and 2015.

(3) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be increased to \$225 per bed beginning in fiscal year 2014 and \$225 per bed beginning in fiscal year 2015. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(b) The current annual renewal license fee for assisted living facilities shall be increased to \$106 per bed beginning in fiscal year 2014 and \$106 per bed beginning in fiscal year 2015.

(c) The current annual renewal license fee for nursing facilities shall be increased to \$359 per bed beginning in fiscal year 2014 and \$359 per bed beginning in fiscal year 2015.

(4) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(5) \$30,640,000 of the general fund--state appropriation for fiscal year 2014, \$48,633,000 of the general fund--state appropriation for fiscal year 2015, and \$79,273,000 of the general fund--federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw through an interest arbitration decision under the provisions of chapters 74.39A and 41.56 RCW for the 2013-2015 fiscal biennium.

(6) \$1,840,000 of the general fund--state appropriation for fiscal year 2014 and \$1,877,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(7) ~~(((\$4,894,000))~~ \$2,447,000 of the general fund--state appropriation for fiscal year 2015, and ~~(((\$15,150,000))~~ \$7,575,000 of the general fund--federal appropriation are provided solely for a payment system that satisfies medicaid requirements regarding time reporting for W-2 providers. The amounts provided in this

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subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(8) The department is authorized to establish limited exemption criteria in rule to address RCW 74.39A.325 when a landline phone is not available to the employee.

(9) Within the amounts appropriated in this section, in a report to the appropriate fiscal committees of the legislature that must be submitted by December 1, 2013, the department of social and health services must describe the process for establishing medicaid rates for assisted living and adult family homes. The report must include information about licensing and physical plant standards, contracting provisions, and per capita and biennial expenditures for assisted living and adult family homes.

(10) \$10,800,000 of the general fund--state appropriation for fiscal year 2014, \$17,768,000 of the general fund--state appropriation for fiscal year 2015, and \$28,567,000 of the general fund--federal appropriation are provided solely for the homecare agency parity impacts of the service employees international union healthcare 775nw arbitration award.

(11) \$33,000 of the general fund--state appropriation for fiscal year 2014, \$17,000 of the general fund--state appropriation for fiscal year 2015, and \$50,000 of the general fund--federal appropriation are provided solely for staffing and other expenses associated with the work of the joint legislative executive committee on planning for aging and disability issues that is established by this subsection.

(a) A joint legislative executive committee on aging and disability is established, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members. Four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee; and

(v) The director of the department of retirement systems or his or her designee.

(b) The committee must convene by September 1, 2013. At the first meeting, the committee will select cochairs from among its members who are legislators. All meetings of the committee are open to the public.

(c) The purpose of the committee is to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but not limited to, the following tasks:

(i) Establish a profile of Washington's current population of older people and people with disabilities and a projection of population growth through 2030;

(ii) Establish an inventory of services and supports currently available to older people and people with disabilities from the health care and long-term services and support systems and other community resources such as housing, transportation, income support, and protection for vulnerable adults;

(iii) Identify state budget and policy options to more effectively use state, federal and private resources to, over time, reduce the growth rate in state expenditures that would otherwise occur by continuing current policy in light of significant population growth;

(iv) Identify strategies to better serve the health care needs of an aging population and people with disabilities, and promote healthy living;

(v) Identify policy options to create financing mechanisms for long-term services and supports that will promote additional private responsibility for individuals and families to meet their needs for service;

(vi) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans; and

(vii) Identify policy options to help communities adapt to the aging demographic in planning for housing, land use and transportation.

(d) The committee shall consult with the office of the insurance commissioner, the caseload forecast council, health care authority, and other appropriate entities with specialized knowledge of the needs and growth trends of the aging population and people with disabilities.

(e) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(f) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(g) The committee shall issue an interim report to the legislature by December 10, 2013, and issue final recommendations to the governor and relevant standing committees of the legislature by December 10, 2014.

(12) \$240,000 of the general fund--state appropriation for fiscal year 2014, \$1,342,000 of the general fund--state appropriation for fiscal year 2015, and \$1,468,000 of the general fund--federal appropriation are provided solely to implement chapter 320, Laws of 2013 (ESHB 1519) and chapter 338, Laws of 2013 (SSB 5732).

(13) The department shall review the capital add-on rate established by RCW 74.39A.320 for effectiveness in incentivizing assisted living facilities to serve Medicaid eligible clients. Upon completing its review, the department shall submit its findings along with recommendations for alternatives to the office of financial management and the fiscal committees of the legislature by December 1, 2013. The department is encouraged to engage stakeholders in developing alternatives.

(14) \$239,000 of the general fund--state appropriation for fiscal year 2014, \$160,000 of the general fund--state appropriation for fiscal year 2015, and \$398,000 of the general fund--federal appropriation are provided solely to implement chapter 300, Laws of 2013 (SSB 5630).

(15) \$3,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to implement Substitute House Bill No. 2310 (provider safety equipment). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(16) \$296,000 of the general fund--state appropriation for fiscal year 2015 and \$296,000 of the general fund--federal appropriation are provided solely for the purposes of designing and implementing the community first choice option benefit pursuant to either Engrossed Substitute House Bill No. 2746 (medicaid personal care) or Substitute Senate Bill No. 6387 (eliminating waiting for individuals with developmental disabilities). If neither of these bills is enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(17) \$5,094,000 of the general fund--state appropriation for

fiscal year 2015 is provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(18) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(19) It is the intent of the legislature to use savings from the community first choice option to make needed investments in home and community-based services for seniors and people with disabilities, including potential investments recommended by the joint legislative executive committee on aging and disability and the development and implementation council that the department of social and health services must convene prior to submitting the proposed community first choice option to the centers for medicare and medicaid services. At a minimum, the final report to the legislature from the joint legislative executive committee on aging and disability must explore the cost and benefit of rate enhancements for providers of long-term services and supports, restoration of hours for in-home clients, additional investment in the family caregiver support program, and additional investment in the individual and family services program or other medicaid services to support individuals with developmental disabilities.

(20) The department shall reimburse with the exceptional care rate adult family homes that provided care solely to clients with HIV/AIDS on or before January 1, 2000, and continue to provide care solely to clients with HIV/AIDS. The department shall not reduce the exceptional care rate from the rate paid on October 1, 2013.

(21) \$30,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the department to contract with area agencies on aging to convene a work group to include first responders and companies providing life alert or other emergency alert services and to develop a proposal on how vulnerable adults who have life alert services might be made known to first responders in the event of a long-term power or telecommunications outage. The work group shall review methods for information sharing to include:

- (a) Protocols and conditions in which information would be shared;
- (b) A process whereby vulnerable life alert and emergency alert customers may provide permission for their information to be shared in the event of an emergency;
- (c) Privacy protections for participants in the program; and
- (d) Liability protections for agencies that collect, maintain, and track information.

The work group shall develop recommendations and provide them to the office of financial management and to the appropriate legislative committees by November 15, 2014.

(22) Within existing appropriations, the department is authorized to implement the fully capitated demonstration project for individuals who are dually eligible for medicare and medicaid. Savings realized from this implementation may be used to offset any general fund--state costs incurred by the department.

Sec. 207. 2013 2nd sp.s. c 4 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2014) ((\$402,504,000))
.....\$371,738,000

General Fund--State Appropriation (FY 2015) ((\$405,019,000))
.....\$374,979,000
General Fund--Federal Appropriation.....((\$1,211,774,000))
.....\$1,235,362,000
General Fund--Private/Local Appropriation((\$30,594,000))
.....\$36,450,000

Administrative Contingency Account--State
Appropriation.....\$5,000,000
TOTAL APPROPRIATION.....((\$2,049,891,000))
.....\$2,023,529,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) (~~(\$178,757,000)~~) \$145,315,000 of the general fund--state appropriation for fiscal year 2014, (~~(\$172,999,000)~~) \$146,136,000 of the general fund--state appropriation for fiscal year 2015, \$5,000,000 of the administrative contingency account--state appropriation, and (~~(\$732,881,000)~~) \$770,440,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting the new structure. The secretary of the department of social and health services, working with WorkFirst partner agencies and in collaboration with the WorkFirst oversight task force, shall develop a plan for maximizing the following outcomes and shall report back to the legislature by November 1, 2013. The outcomes to be measured are: (i) Increased employment; (ii) completion of education or post-secondary training; (iii) completion of barrier removal activity including drug and alcohol or mental health treatment; (iv) housing stability; (v) child care or education stability for the children of temporary assistance for needy families recipients; (vi) reduced rate of return after exit from the WorkFirst program; and (vii) work participation requirements.

(b) (~~(\$406,818,000)~~) \$374,455,000 of the amounts in (a) of this subsection are provided solely for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(c) (~~(\$168,019,000)~~) \$171,893,000 of the amounts in (a) of this subsection are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures.

(d) (~~(\$367,676,000)~~) \$352,085,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135. The amounts provided in this subsection (d) are provided conditioned on the department of social and health services and the department of early learning taking additional actions to identify and reduce the backlog of overpayment cases related to public assistance programs, including the working connections child care program. The departments

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shall collaborate and create a plan to triage overpayment cases in a manner that identifies and prioritizes cases with large overpayments and likelihood of fraudulent activity. The departments shall provide a quarterly report to the appropriate policy and fiscal committees of the legislature detailing the specific actions taken as a result of this subsection (d). The department of social and health services shall also establish an interagency agreement with the state auditor's office to conduct an independent performance audit of the office of fraud and accountability recovery. The audit shall include an analysis of the data reporting elements used by the office, current methods for determining the closing of cases, workload allocation, and issues associated with coordination between the two departments. \$300,000 of the amount provided in this subsection (d) is provided solely for this performance audit.

(e) ~~(\$142,124,000)~~ \$168,456,000 of the amounts in (a) of this subsection are provided solely for WorkFirst and working connections child care administration and overhead.

(f) The amounts in (b) through ~~((d))~~ (e) of this subsection shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between (b) through ~~((d))~~ (e) of this subsection ~~((but only if the funding is available or necessary to transfer solely due to utilization, caseload changes, or underperformance in terms of client outcomes))~~. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(2) \$1,657,000 of the general fund--state appropriation for fiscal year 2014 and \$1,657,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On December 1, 2013, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be no less than seventy-five percent and no more than one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) \$18,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of section 1, chapter 337, Laws of 2013 (2SSB 5595).

(7) \$4,729,000 of the general fund--state appropriation for fiscal year 2014 and \$4,729,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of the telephone assistance program and the Washington information network 211 organization pursuant to Substitute House Bill No. 1971 (communication services). Of these funds, \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000

of the general fund--state appropriation for fiscal year 2015 are provided solely for operational support of the Washington information network 211 organization. If Substitute House Bill No. 1971 (communication services) is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(8) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(9) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2014 and \$1,500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Substitute House Bill No. 2069 (safety net benefits). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

Sec. 208. 2013 2nd sp.s. c 4 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2014) ..	(\$72,650,000)
.....	\$73,021,000
General Fund--State Appropriation (FY 2015) ..	(\$61,855,000)
.....	\$63,535,000
General Fund--Federal Appropriation	(\$277,248,000)
.....	\$279,090,000
General Fund--Private/Local Appropriation	(\$13,554,000)
.....	\$16,301,000
Criminal Justice Treatment Account--State	
Appropriation.....	(\$14,568,000)
.....	\$14,284,000
Problem Gambling Account--State Appropriation	(\$1,450,000)
.....	\$1,449,000
TOTAL APPROPRIATION	(\$441,325,000)
.....	\$447,680,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the department by request; (b) program modifications needed to maximize access to federal medicaid matching funds will be phased in over the course of the 2013-2015 fiscal biennium; and (c) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible, pregnant and parenting women, disability lifeline, and alcoholism and drug addiction treatment and support act, and medical care services clients.

(3) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to adopt fees for the review and approval of treatment programs in fiscal years 2014 and 2015 as necessary to

support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(4) \$3,500,000 of the general fund--federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) \$2,600,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the department to transition 128 beds from settings that are considered institutions for mental diseases to facilities with no more than 16 beds that are able to claim federal match for services provided to medicaid clients or individuals covered under the department's section 1115 medicaid waiver. The department may conduct a request for proposal process to fulfill this requirement and adopt rates that are comparable to the pilot projects implemented in the 2011-13 fiscal biennium. The department may use these funds to assist with the costs of providers in setting up or converting to 16-bed facilities. This funding may also be used for providers that are developing new capacity for clients who will become eligible for services under the affordable care act medicaid expansion. The number of beds available for pregnant and parenting women must not be reduced.

(6) ~~(\$283,000)~~ \$141,000 of the ~~(criminal justice treatment account)~~ general fund--state appropriation ~~(is)~~ for fiscal year 2014 and \$142,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for transitional funding for the family drug court in Pierce county.

(7) Within the amounts appropriated in this section, the department shall review differential rates paid for alcohol and substance abuse assessment and treatment services for medicaid and nonmedicaid clients and the impact to providers as previously uninsured clients become eligible for services through the medicaid expansion under the federal patient protection and affordable care act. By December 1, 2014, the department must submit a report to the legislature which provides: (a) The estimated impact on providers for each type of medicaid reimbursable service as newly eligible clients shift from nonmedicaid to medicaid rates; (b) identification of which types of providers will be most significantly impacted by these shifts; (c) identification of the estimated annual costs for increasing rates for each level of service; and (d) a summary of federal requirements that must be considered in determining how any future rate increase must be implemented.

(8) \$33,000 of the general fund--state appropriation for fiscal year 2015 and \$29,000 of the general fund--federal appropriation are provided solely to expand access to a program located in a county with a population over 700,000 that provides case management and coordinating services for low-income women who are pregnant or parenting and have a suspected history of alcohol or drug abuse.

(9) Within existing appropriations, the department shall prioritize the prevention and treatment of intravenous, opiate-based drug use.

Sec. 209. 2013 2nd sp.s. c 4 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2014)..((\$16,478,000))

.....	\$16,568,000
General Fund--State Appropriation (FY 2015) ..	(\$16,459,000))
.....	\$11,083,000
General Fund--Federal Appropriation	(\$99,413,000))
.....	\$99,397,000
TOTAL APPROPRIATION	(\$132,350,000))
.....	\$127,048,000

The appropriations in this section are subject to the following conditions and limitations: \$5,006,000 of the general fund--state appropriation for fiscal year 2014 ~~((and \$5,094,000 of the general fund--state appropriation for fiscal year 2015 are))~~ is provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

Sec. 210. 2013 2nd sp.s. c 4 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2014) ..	(\$36,420,000))
.....	\$37,796,000
General Fund--State Appropriation (FY 2015) ..	(\$35,813,000))
.....	\$36,492,000
TOTAL APPROPRIATION	(\$72,233,000))
.....	\$74,288,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of social and health services shall transfer the stewardship of McNeil Island to the department of corrections industries program, effective September 1, 2013. The transferred responsibilities shall include marine operations, waste water treatment, water treatment, road maintenance, and any other general island maintenance that is not site specific to the operations of the special commitment center or the Pierce county secure community transition facility. Facility maintenance within the perimeter of the special commitment center shall remain the responsibility of the department of social and health services. Capital repairs and maintenance necessary to maintain the special commitment center on McNeil Island shall be managed by the department of social and health services. The legislature directs both departments to enter into an interagency agreement by August 1, 2013. The office of financial management shall oversee the negotiations of the interagency agreement. The interagency agreement must describe equipment that will transfer between the departments, warehouse space that will be shared by the departments, and occupancy requirements for any shops outside the perimeter of the special commitment center. The office of financial management will make the final determination on any disagreements between the departments on the details of the interagency agreement.

(2) ~~(\$3,120,000)~~ \$3,042,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$3,120,000)~~ \$3,024,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for operational costs specific to island operations of the special commitment center and the Pierce county secure community transition facility. The department shall establish an accounting structure that enables it to track and report on costs specific to island operations.

(3) All employees of the department of social and health services engaged in performing the powers, functions, and duties transferred to the department of corrections industries program under this subsection, are transferred to the department of corrections.

(4) All classified employees of the department of social and health services assigned to the department of corrections under this subsection whose positions are within an existing bargaining unit description at the department of corrections shall become a part of the existing bargaining unit at the department of corrections and

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shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

(5) By November 1, 2014, the department of social and health services shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that evaluates the department's costs for certain medical and pharmacy costs for its residents within the special commitment center. The department as part of its evaluation shall consult with the health care authority, the health benefits exchange, and the department of corrections. At a minimum, the report should look at the following items: (a) Obtaining medicaid eligibility for residents; (b) feasibility of obtaining insurance for residents through the health benefit exchange; (c) utilizing multistate consortiums for the purchase of pharmaceuticals to reduce costs; and (d) consolidating contracts for medical inpatient and outpatient services with western state hospital.

Sec. 211. 2013 2nd sp.s. c 4 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2014) ..(((\$30,127,000))	
.....	\$29,773,000
General Fund--State Appropriation (FY 2015) ..(((\$29,333,000))	
.....	\$28,313,000
General Fund--Federal Appropriation ..(((\$37,150,000))	
.....	\$37,067,000
General Fund--Private/Local Appropriation	\$654,000
TOTAL APPROPRIATION ..(((\$97,264,000))	
.....	\$95,807,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$395,000 of the general fund--state appropriation for fiscal year 2014, \$228,000 of the general fund--state appropriation for fiscal year 2015, and \$335,000 of the general fund--federal appropriation are provided solely to implement chapter 320, Laws of 2013 (ESHB 1519) and chapter 338, Laws of 2013 (2SSB 5732).

(2) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(3) \$82,000 of the general fund--state appropriation for fiscal year 2014, \$44,000 of the general fund--state appropriation for fiscal year 2015, and \$28,000 of the general fund--federal appropriation are provided solely to develop a report on state efforts to prevent and control diabetes. The department, the health care authority, and the department of health shall submit a coordinated report to the governor and the appropriate committees of the legislature by December 31, 2014, on the following:

(a) The financial impacts and reach that diabetes of all types and undiagnosed gestational diabetes are having on the programs administered by each agency and individuals, including children with mothers with undiagnosed gestational diabetes, enrolled in those programs. Items in this assessment must include: (i) The number of lives with diabetes and undiagnosed gestational diabetes impacted or covered by the programs administered by each agency; (ii) the number of lives with diabetes, or at risk for diabetes, and family members impacted by prevention and diabetes control programs implemented by each agency; (iii) the financial toll or impact diabetes and its complications, and undiagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs in comparison to other chronic diseases and conditions; and (iv) the

financial toll or impact diabetes and its complications, and diagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs;

(b) An assessment of the benefits of implemented and existing programs and activities aimed at controlling all types of diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to each agency for the programs and activities aimed at reaching those with diabetes of all types;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all types of diabetes and its complications;

(d) The development or revision of detailed policy-related action plans and budget recommendations for battling diabetes and undiagnosed gestational diabetes that includes a range of actionable items for consideration by the legislature. The plans and budget recommendations must identify proposed action steps to reduce the impact of diabetes, prediabetes, related diabetes complications, and undiagnosed gestational diabetes. The plans and budget recommendations must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing all types of diabetes; and

(e) An estimate of savings, efficiencies, costs, and budgetary savings and resources required to implement the plans and budget recommendations identified in (d) of this subsection (5).

Sec. 212. 2013 2nd sp.s. c 4 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2014) ..(((\$60,470,000))	
.....	\$62,822,000
General Fund--State Appropriation (FY 2015) ..(((\$60,511,000))	
.....	\$65,716,000
General Fund--Federal Appropriation ..(((\$55,264,000))	
.....	\$58,340,000
TOTAL APPROPRIATION ..(((\$176,245,000))	
.....	\$186,878,000

Sec. 213. 2013 2nd sp.s. c 4 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2014) ..(((\$2,131,026,000))	
.....	\$2,144,827,000
General Fund--State Appropriation (FY 2015) ..(((\$2,114,731,000))	
.....	\$2,161,903,000
General Fund--Federal Appropriation ..(((\$7,245,749,000))	
.....	\$7,908,155,000
General Fund--Private/Local Appropriation ..(((\$57,780,000))	
.....	\$56,400,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation	\$15,082,000
Hospital Safety Net Assessment Fund--State	
Appropriation ..(((\$669,381,000))	
.....	\$669,380,000
Health Benefit Exchange Account--State Appropriation ..(((\$17,277,000))	
.....	\$16,580,000
State Health Care Authority Administration Account--	
State Appropriation ..(((\$34,809,000))	
.....	\$35,328,000
Medical Aid Account--State Appropriation	\$528,000

Medicaid Fraud Penalty Account--State Appropriation.....	\$21,206,000
TOTAL APPROPRIATION	(\$12,307,569,000)
	\$13,029,389,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$1,143,994,000)~~) \$1,900,484,000 of the general fund--federal appropriation is provided solely to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII), subject to the conditions and limitations in this subsection. If the federal medical assistance percentage for the medicaid expansion falls below the percentages in section 1905(y) of the social security act as of July 1, 2013, the authority shall ensure that the state does not incur any additional state costs above what would have been incurred had the federal medical assistance percentages remained at the percentages in section 1905(y) as of July 1, 2013. The director is authorized to make any necessary program adjustments to comply with this requirement, including adding or adjusting premiums, modifying benefits, or reducing optional programs. To the extent a waiver is needed to accomplish this, the director shall promptly apply for such waiver. If a necessary waiver is not approved, the medicaid expansion program shall be terminated upon appropriate notification to the legislature and enrollees.

(2) The requirements of this subsection apply to the basic health plan. This subsection is null and void and has no further effect upon implementation of the medicaid expansion under subsection (1) of this section.

(a) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(b) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(c) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(d) Enrollment in the subsidized basic health plan shall be limited to only include persons who qualify as subsidized enrollees as defined in RCW 70.47.020 and who (a) qualify for services under

1115 medicaid demonstration project number 11-W-00254/10; or (b) are foster parents licensed under chapter 74.15 RCW.

(3) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(5) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(6) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(7) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(8) \$4,261,000 of the general fund--state appropriation for fiscal year 2014, \$4,261,000 of the general fund--state appropriation for fiscal year 2015, and \$8,522,000 of the general fund--federal appropriation are provided solely for low-income disproportionate share hospital payments.

(9) \$400,000 of the general fund--state appropriation for fiscal year 2014, (~~(\$400,000)~~) \$200,000 of the general fund--state appropriation for fiscal year 2015, and (~~(\$800,000)~~) \$600,000 of the general fund--federal appropriation are provided solely for disproportionate share hospital payments to rural hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011 that do not participate in the certified public expenditures program. The authority shall discontinue these payments on January 1, 2015.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$100,000)~~) \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for grants to rural hospitals in Clallam county that were certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011. The authority shall discontinue these payments on January 1, 2015.

(11) \$100,000 of the general fund--state appropriation for fiscal year 2015 and \$100,000 of the general fund--federal appropriation are provided solely for disproportionate share hospital payments beginning on January 1, 2015, to rural hospitals in Lewis county that were certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011. The authority shall discontinue these payments after June 30, 2015.

(12) \$150,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for grants to rural public hospitals in Grant county that were certified by the centers for medicare and medicaid services as sole community hospitals as of January 1,

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2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011. The authority shall discontinue these payments after June 30, 2015.

(13) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((12))~~ (14) \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((13))~~ (15) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2013-2015 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2013, and by November 1, 2014, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2014 and fiscal year 2015, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2013-2015 biennial operating appropriations act and in effect on July 1, 2013, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital

payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2013-2015 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~((3,860,000))~~ \$11,928,000 of the general fund--state appropriation for fiscal year 2014 and ~~((1,137,000))~~ \$14,821,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for state grants for the participating hospitals.

~~((14))~~ (16) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((15))~~ (17) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

~~((16))~~ (18) \$170,000 of the general fund--state appropriation for fiscal year 2014, \$121,000 of the general fund--state appropriation for fiscal year 2015, and \$292,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1519 (service coordination organizations) and Second Substitute Senate Bill No. 5732 (behavioral health services). If neither of the bills is enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

~~((17))~~ (19) \$57,000 of the general fund--state appropriation for fiscal year 2014, \$40,000 of the general fund--state appropriation for fiscal year 2015, and \$55,000 of the general fund--federal appropriation are provided solely to develop a report on state efforts to prevent and control diabetes. The authority, the department of social and health services, and the department of health shall submit a coordinated report to the governor and the appropriate committees of the legislature by December 31, 2014, on the following:

(a) The financial impacts and reach that diabetes of all types and undiagnosed gestational diabetes are having on the programs administered by each agency and individuals, including children with mothers with undiagnosed gestational diabetes, enrolled in those programs. Items in this assessment must include: (i) The number of lives with diabetes and undiagnosed gestational diabetes impacted or covered by the programs administered by each agency; (ii) the number of lives with diabetes, or at risk for diabetes, and family members impacted by prevention and diabetes control

programs implemented by each agency; (iii) the financial toll or impact diabetes and its complications, and undiagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs in comparison to other chronic diseases and conditions; and (iv) the financial toll or impact diabetes and its complications, and diagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs;

(b) An assessment of the benefits of implemented and existing programs and activities aimed at controlling all types of diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to each agency for the programs and activities aimed at reaching those with diabetes of all types;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all types of diabetes and its complications;

(d) The development or revision of detailed policy-related action plans and budget recommendations for battling diabetes and undiagnosed gestational diabetes that includes a range of actionable items for consideration by the legislature. The plans and budget recommendations must identify proposed action steps to reduce the impact of diabetes, prediabetes, related diabetes complications, and undiagnosed gestational diabetes. The plans and budget recommendations must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing all types of diabetes; and

(e) An estimate of savings, efficiencies, costs, and budgetary savings and resources required to implement the plans and budget recommendations identified in (d) of this subsection (17).

~~((18))~~ (20) Within the amounts appropriated in this section, the authority shall identify strategies to improve patient adherence to treatment plans for diabetes and implement these strategies as a pilot through one health home program to be identified by the authority. The authority shall report to the governor and the legislature in December 2014 on the progress of strategy implementation. The authority shall report to the governor and legislature in December 2015 on patient outcomes and cost savings derived from new adherence strategies in the health home model and make recommendations for improving the strategies.

~~((19))~~ (21) Effective January 1, 2014, managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

~~((20))~~ (22) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--federal appropriation are provided solely for the development of recommendations for funding integrated school nursing and outreach services. The authority shall collaborate with the office of the superintendent of public instruction to develop recommendations for increasing federal financial participation for providing nursing services in schools with the goals of integrating nursing and outreach services and supporting one nurse for every four hundred fifty students in elementary schools and one nurse for every seven hundred fifty students in secondary schools. In developing these recommendations, the authority shall inquire with the federal centers for medicare and medicaid services about state plan amendment or waiver options for receiving additional federal matching funds for school nursing services provided to children enrolled in apple health for kids. The recommendations shall include proposals for funding training and reimbursement for nurses

that provide outreach services to help eligible students enroll in apple health for kids and other social services programs. The authority and the office of the superintendent of public instruction shall provide these recommendations to the governor and the legislature by December 1, 2013.

~~((21))~~ (23) \$430,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--federal appropriation are provided solely to complete grant requirements for the health information exchange.

~~((22))~~ (24) \$143,000 of the medicaid fraud penalty account--state appropriation and \$423,000 of the general fund--federal appropriation are provided solely for the rebasing of outpatient and inpatient payment methods.

~~((23))~~ (25) \$1,163,000 of the medicaid fraud penalty account--state appropriation and \$9,710,000 of the general fund--federal appropriation are provided solely to implement the conversion to the tenth version of the world health organization's international classification of diseases.

~~((24))~~ (26) \$111,000 of the general fund--state appropriation for fiscal year 2014, \$35,000 of the general fund--state appropriation for fiscal year 2015, and \$359,000 of the general fund--federal appropriation are provided solely to update the medicaid information technology architecture state self-assessment and to develop the five year road map for the medicaid information technology architecture architect.

~~((25))~~ (27) \$62,000 of the general fund--state appropriation for fiscal year 2014, \$62,000 of the general fund--state appropriation for fiscal year 2015, and \$126,000 of the general fund--federal appropriation are provided solely to support the Robert Bree collaborative's efforts to disseminate evidence-based best practices for preventing and treating health problems.

~~((26))~~ (28) Within the amounts appropriated in this section, the authority shall increase reimbursement rates for primary care services provided by independent nurse practitioners to medicare levels for the period from July 1, 2013, to December 31, 2014.

~~((27))~~ (29) The authority shall seek a medicaid state plan amendment to create a professional services supplemental payment managed care program for professional services delivered to managed care recipients by University of Washington medicine and other public professional providers. This program shall be effective as soon as administratively possible and shall operate concurrently with the existing professional services supplemental payment program. The authority shall apply federal rules for identifying the difference between average commercial rates and fee-for-service medicaid payments. This difference will be multiplied by the number of managed care encounters and incorporated into the managed care plan capitation rates by a certified actuary. The managed care plans will pay the providers the difference attributable to the increased capitation rate. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating providers. Participating providers shall retain the full amount of supplemental payments provided under this program, net of any costs related to the program that are disallowed due to audits or litigation against the state.

~~((28))~~ (30) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit beginning January 1, 2014.

~~((29))~~ (31) To the extent allowed under federal law, the authority shall require an adult client to enroll in full medicaid coverage instead of family planning-only coverage unless the client is at risk of domestic violence.

~~((30))~~ (32) The authority shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state

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funded services from the authority and its contractors. Prior to open enrollment, the authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for the medicaid expansion but are enrolled in coverage that will be eliminated in the transition to the medicaid expansion.

~~((31))~~ (33) \$90,000 of the general fund--state appropriation for fiscal year 2014, \$90,000 of the general fund--state appropriation for fiscal year 2015, and \$180,000 of the general fund--federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

~~((32))~~ (34) Within the amounts appropriated in this section, the authority shall reduce premiums for children with family incomes above 200 percent of the federal poverty level in the state-funded children's health program who are not eligible for coverage under the federal children's health insurance program. Premiums in the state and federal children's health insurance program shall be equal.

~~((33))~~ (35) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

~~((34))~~ (36) \$150,000 of the general fund--state appropriation for fiscal year 2014, \$436,000 of the general fund--state appropriation for fiscal year 2015, and \$170,561,000 of the general fund--federal appropriation are provided solely for the provider incentive program and other initiatives related to the health information technology medicaid plan.

(37) ~~(\$1,531,000)~~ \$1,528,000 of the general fund--state appropriation for fiscal year 2014, ~~(\$280,000)~~ \$2,206,000 of the general fund--state appropriation for fiscal year 2015, and ~~(\$10,803,000)~~ \$17,912,000 of the general fund--federal appropriation are provided solely to implement phase two of the project to create a single provider payment system that consolidates medicaid medical and social services payments and replaces the social service payment system. The amounts provided in this subsection are conditioned on the authority satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(38) Within the amounts appropriated in this section, the health care authority and the department of social and health services shall implement the state option to provide health homes for enrollees with chronic conditions under section 2703 of the federal affordable care act. The total state match for enrollees who are dually-eligible for both medicare and medicaid and not enrolled in managed care shall be no more than the net savings to the state from the enhanced match rate for its medicaid-only managed care enrollees under section 2703.

(39) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be

spent on specifically defined projects or matched on a formula basis by state funds.

(40) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(41) Within amounts appropriated, the health care authority shall conduct a review of its management and staffing structure to identify efficiencies and opportunities to reduce full time equivalent employees and other administrative costs. A report summarizing the review and the authority's recommendations to reduce costs and full time equivalent employees must be submitted to the governor and legislature by November 1, 2013.

(42) ~~(\$17,279,000)~~ \$16,580,000 of the health benefit exchange account--state appropriation and ~~(\$2,721,000)~~ \$3,409,000 of the general fund--federal appropriation are provided solely to support the operations of the Washington health benefit exchange from January 1, 2015, to June 30, 2015. The Washington state health insurance pool administrator shall transfer \$20,838,000 of pool contributions to the treasurer for deposit into the health benefit exchange account in calendar year 2014. The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures. Within the amounts provided in this subsection, \$321,000 of the health benefit exchange account--state appropriation and \$688,000 of the general fund--federal appropriation are provided solely for print services and postage for modified adjusted gross income medicaid eligibility correspondence sent from the health benefit exchange.

(43) Within the amounts appropriated in this section, the authority shall continue to provide coverage after December 31, 2013, for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(44) ~~((Upon implementation of the medicaid expansion under subsection (1) of this section, the breast and cervical cancer treatment program is eliminated. To maintain continuity of coverage, the authority shall offer the option to stay in a fee-for-service program to clients that are already enrolled in the breast and cervical cancer treatment program and will be transitioned into the new adult group upon implementation of the medicaid expansion. The authority will continue to provide coverage to clients that are already enrolled in the breast and cervical cancer treatment program at the time of program elimination until their courses of treatment are completed))~~ Sufficient amounts are appropriated in this section to restore medicaid coverage under the breast and cervical cancer treatment program.

(45) \$40,000 of the general fund--state appropriation for fiscal year 2014 and \$40,000 of the general fund--federal appropriation are provided solely for the authority to create a new position to provide adequate oversight and assistance to managed care organizations, rural health clinics, and federally qualified health centers under a new administratively streamlined payment methodology. Effective July 1, 2013, or upon obtaining any necessary federal approval, but in no case during the first quarter of a calendar year, the authority shall implement an administratively streamlined payment methodology for federally qualified health centers and rural health clinics. The authority's payments to managed care organizations shall include the full encounter payment comprised of both the standard and enhancement payments for federally qualified health centers and rural health clinics as defined in the medicaid state plan and in accordance with

section 1902(bb) of the social security act (42 U.S.C. 1396a(bb)). At no time will a managed care organization be at risk for or have any claim to the supplemental payment portion of the rate which will be reconciled to ensure accurate payment and full pass through of the obligated funds. For any services eligible for encounter payments, as defined in the medicaid state plan, managed care organizations shall be required to pay at least the full published encounter rates directly to each clinic or center, and payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority. At the option of any clinic, the enhancement payment can be received from the managed care organization on a per member per month basis for all assigned managed care enrollees in an amount prescribed by the authority. Nothing in this section is intended to disrupt mutually agreeable contractual arrangements between managed care organizations and clinics that impact how the standard payment for services is paid. The authority will require participating managed care organizations to reimburse federally qualified health centers and rural health clinics for clean claims in strict adherence to the timeliness of payment standards established under contract and specified for the medicaid fee-for-service program in section 1902(a)(37) of the social security act (42 U.S.C. 1396a(a)(37)), 42 C.F.R. Sec. 447.46, and specified for health carriers in WAC 284-43-321. The authority shall exercise all necessary options under its existing sanctions policy to enforce timely payment of claims. The authority shall ensure necessary staff and resources are identified to actively monitor and enforce the timeliness and accuracy of payments to federally qualified health centers and rural health clinics. By January 1, 2014, and after collaboration with federally qualified health centers, rural health clinics, managed care plans, and the centers for medicare and medicaid services, the authority will produce a report that provides options for a new payment methodology that rewards innovation and outcomes over volume of services delivered, and which maintains the integrity of the rural health clinic and federally qualified health center programs as outlined under federal law. The report will detail necessary federal authority for implementation and provide the benefits and drawbacks of each option.

(46) \$3,605,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to proportionally reduce the amounts that rural health clinics owe the state under the calendar year 2009 recoupment.

(47) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the current medicaid benefit plan beginning January 1, 2014. ~~((The authority shall monitor the costs of the habilitative benefit as part of the forecasting process but shall not provide this benefit in the current medicaid benefit plan without a direct appropriation in the omnibus appropriations act.))~~

(48) The appropriations in this section reflect savings and efficiencies achieved by modifying dispensing methods of contraceptive drugs. The authority must make arrangements for all medicaid programs offered through managed care plans or fee-for-service programs to require dispensing of contraceptive drugs with a one-year supply provided at one time unless a patient requests a smaller supply or the prescribing physician instructs that the patient must receive a smaller supply. Contracts with managed care plans must allow on-site dispensing of the prescribed contraceptive drugs at family planning clinics. Dispensing practices must follow clinical guidelines for appropriate prescribing and dispensing to ensure the health of the patient while maximizing access to effective contraceptive drugs.

(49)(a) \$75,000 of the general fund--state appropriation for fiscal year 2014 and \$75,000 of the general fund--federal

appropriation are provided solely for preparing options with an expert consultant for possible implementation of a targeted premium assistance program and possible implementation of the federal basic health option. \$75,000 of the amounts appropriated in this subsection is provided solely for the development of options related to the targeted premium assistance program. The authority shall develop options for a waiver request to the federal centers for medicare and medicaid services to implement a targeted premium assistance program for the expansion adults, identified in section 1902(a)(10)(A)(i)(VIII) of the social security act, with incomes above one hundred percent of the federal poverty level, and for children covered in the children's health insurance program with incomes above two hundred percent of the federal poverty level, with a goal of providing seamless coverage through the health benefit exchange and improving opportunities for families to be covered in the same health plans. The options must include the possibility of applying premiums for individuals and cost-sharing that may exceed the five percent of family income cap under federal law, and the options must include recommendations to make the targeted premium assistance program cost neutral. The authority shall submit a report on the options to the legislature and the governor by January 1, 2014. The authority is encouraged to be creative, use subject matter experts, and exhaust all possible options to achieve cost neutrality. The report shall also include a detailed plan and timeline. \$75,000 of the amounts appropriated in this subsection is provided solely for the development of options related to the federal basic health option. The authority shall prepare options for implementing the federal basic health option as federal guidance becomes available. The authority shall submit a report on the options to the legislature and the governor by January 1, 2014, or ninety days following the release of federal guidance. The report must include a comparison of the premiums and cost-sharing under the federal basic health option with the premium assistance options described in this subsection, options for implementing the federal basic health option in combination with a premium assistance program, a detailed fiscal analysis for each coverage approach, including the estimated costs for system design and implementation, and information about impacted populations.

(b) Where possible, the authority shall leverage the same expert consultants to review each proposal and compare and contrast the approaches to ensure seamless coordination with the health benefit exchange.

(c) The authority shall collaborate with the joint select committee on health care oversight in the development of these options.

(50) \$171,000 of the general fund--state appropriation for fiscal year 2015 and \$145,000 of the general fund--federal appropriation are provided solely to implement Second Substitute Senate Bill No. 6312 (mental health, chemical dependency) and Engrossed Second Substitute House Bill No. 2315 (suicide prevention). If Second Substitute Senate Bill No. 6312 (mental health, chemical dependency) is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(51) \$604,000 of the general fund--state appropriation for fiscal year 2014, \$597,000 of the general fund--state appropriation for fiscal year 2015, and \$18,320,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 2572 (health care purchasing, delivery). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(52) \$306,000 of the general fund--state appropriation for fiscal year 2015 and \$306,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 2310 (provider safety equipment). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(53) \$390,000 of the general fund--state appropriation for fiscal

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year 2015 and \$3,510,000 of the general fund--federal appropriation are provided solely for medicaid clients to select the medicaid managed care organization of their choice within the Washington healthplanfinder online marketplace.

(54) \$561,000 of the general fund--state appropriation for fiscal year 2015, \$2,000 of the general fund--local appropriation, and \$693,000 of the general fund--federal appropriation are provided solely for the authority to add autism screenings for children age eighteen months beginning July 1, 2014.

(55) By December 1, 2014, the authority shall report to the legislative fiscal committees with options for reducing payments to hospital owned physician practices or clinics that are higher than the maximum resource based relative value scale fee rates received by nonhospital owned physician practices or clinics for the same procedures. The authority shall include options for exempting certain hospital owned clinics from the reductions and the fiscal impacts of those options. The authority shall not enter into or renew any contracts under RCW 74.60.160 that would restrict the authority's ability to implement any of these options in the 2015-2017 fiscal biennium.

(56) The appropriations to the authority in this act shall be expended for the purposes and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2014, may transfer general fund--state appropriations for fiscal year 2014 that are provided solely for a specified purpose. The authority shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 214. 2013 2nd sp.s. c 4 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION	
General Fund--State Appropriation (FY 2014).....	(\$2,077,000))
.....	\$2,059,000
General Fund--State Appropriation (FY 2015).....	(\$1,996,000))
.....	\$2,027,000
General Fund--Federal Appropriation.....	(\$2,185,000))
.....	\$2,171,000
TOTAL APPROPRIATION	(\$6,258,000))
.....	\$6,257,000

The appropriations in this section are subject to the following conditions and limitations: \$218,000 of the general fund--federal appropriation is provided for additional financial resources from the U.S. department of housing and urban development for the investigation of discrimination cases involving service animals.

Sec. 215. 2013 2nd sp.s. c 4 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State	
Appropriation.....	\$10,000
Accident Account--State Appropriation.....	(\$19,763,000))
.....	\$19,678,000
Medical Aid Account--State Appropriation	(\$19,763,000))
.....	\$19,678,000
TOTAL APPROPRIATION	(\$39,536,000))

.....	\$39,366,000
Sec. 216. 2013 2nd sp.s. c 4 s 216 (uncodified) is amended to read as follows:	
FOR THE CRIMINAL JUSTICE TRAINING COMMISSION	
General Fund--State Appropriation (FY 2014).....	(\$14,257,000))
.....	\$14,535,000
General Fund--State Appropriation (FY 2015).....	(\$14,159,000))
.....	\$14,062,000
General Fund--Private/Local Appropriation	(\$3,059,000))
.....	\$4,380,000
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account--	
State Appropriation.....	\$460,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation.....	\$8,597,000
TOTAL APPROPRIATION	(\$40,680,000))
.....	\$42,182,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund--state appropriation for fiscal year 2014 and \$5,000,000 of the general fund--state appropriation for fiscal year 2015, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) (~~(\$340,000))~~ \$408,000 of the general fund--local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(5) \$96,000 of the general fund--state appropriation for fiscal year 2014 and \$96,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(6) \$123,000 of the general fund--state appropriation for fiscal year 2014 and \$123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the costs of providing statewide advanced driving training with the use of a driving simulator.

(7) \$165,000 of the general fund--state appropriation for fiscal year 2014 and \$165,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for crisis intervention training

for peace officers. The commission shall incorporate eight hours of crisis intervention curriculum into its basic law enforcement academy and shall offer an eight-hour in-service crisis intervention training course.

(8) \$35,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for a study to collect data on the number of reserve officers statewide. By December 31, 2014, the commission shall report to the legislature on the number of reserve peace officers who are employed at each local law enforcement agency in Washington.

(9) \$70,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the commission to design and initiate, in partnership with Seattle university criminal justice department, the first year of a five-year study to research the effectiveness of its crisis intervention training. By November 1, 2014, the commission shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that sets forth the proposed benchmarks and outcomes to be evaluated by the study. The commission shall provide an annual report of its evaluation to date by June 30th of each fiscal year during the study.

Sec. 217. 2013 2nd sp.s. c 4 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2014) ..(((\$17,158,000))	\$17,216,000
General Fund--State Appropriation (FY 2015) ..(((\$17,733,000))	\$17,663,000
General Fund--Federal Appropriation	\$11,876,000
Asbestos Account--State Appropriation.....(((\$366,000))	\$363,000
Electrical License Account--State Appropriation	
.....(((\$37,124,000))	\$40,072,000
Farm Labor Contractor Account--State Appropriation ..	\$28,000
Worker and Community Right-to-Know Account--	
State Appropriation.....(((\$903,000))	\$897,000
Public Works Administration Account--State	
Appropriation.....(((\$6,252,000))	\$7,202,000
Manufactured Home Installation Training Account--	
State Appropriation.....(((\$353,000))	\$350,000
Accident Account--State Appropriation.....(((\$258,440,000))	\$257,709,000
Accident Account--Federal Appropriation.....	\$13,626,000
Medical Aid Account--State Appropriation ....(((\$278,697,000))	\$277,845,000
Medical Aid Account--Federal Appropriation	\$3,186,000
Plumbing Certificate Account--State Appropriation	
.....(((\$1,732,000))	\$1,734,000
Pressure Systems Safety Account--State	
Appropriation.....(((\$4,193,000))	\$4,170,000
TOTAL APPROPRIATION	(((\$651,667,000))
.....	\$653,937,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase elevator fees by up to 13.1 percent during the 2013-2015 fiscal biennium. This increase is necessary to support expenditures authorized in this section, consistent with chapter 70.87 RCW.

(2) \$1,336,000 of the medical aid account--state appropriation is provided solely for implementation of Substitute Senate Bill No.

5362 (workers' compensation/vocational rehabilitation). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(3) \$279,000 of the public works administration account--state appropriation, \$4,000 of the medical aid account--state appropriation, and \$4,000 of the accident account--state appropriation are provided solely for implementation of Substitute House Bill No. 1420 (transportation improvement projects). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(4) (~~(\$104,000 of the general fund)~~) \$94,000 of the accident account--state appropriation (~~(for fiscal year 2014)~~) and (~~(\$104,000 of the general fund)~~) \$17,000 of the medical aid account--state appropriation (~~(for fiscal year 2015)~~) are provided solely to implement Substitute Senate Bill No. 5123 (farm (~~internships~~) internship program). If the bill is not enacted by June 30, (~~2013~~) 2014, the amount provided in this subsection shall lapse.

~~((6))~~ (5) \$210,000 of the medical aid account--state appropriation and \$630,000 of the accident account--state appropriation are provided solely for the contract costs and one staff position at the department for the purpose of implementing the logging safety initiative in an effort to reduce the frequency and severity of injuries in manual, or nonmechanized, logging. The department shall reduce \$840,000 of workers compensation funding used for the safety and health investment project to maintain cost neutrality. Additional costs for the implementation of the logging safety initiative shall be accomplished by the department within existing resources to include the assignment of two full-time auditors specifically for this purpose. The department is directed to include \$420,000 of these costs in its calculation of workers' compensation premiums for the forest products industry for 2014, 2015, and 2016 rates. The department shall report to the legislature by December 31, 2014, an approach for using a third party safety certification vendor, accomplishments of the taskforce, accomplishments on this effort to-date, and future plans. The report must identify options for future funding and make recommendations for permanent funding for this program.

(6) \$132,000 of the accident account--state appropriation and \$130,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 5360 (unpaid wages collection). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

Sec. 218. 2013 2nd sp.s. c 4 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2014) ....(((\$1,996,000))	\$1,995,000
General Fund--State Appropriation (FY 2015) ....(((\$1,900,000))	\$1,878,000
Charitable, Educational, Penal, and Reformatory	
Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	(((\$3,906,000))
.....	\$3,883,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2014) ....(((\$5,340,000))	\$5,348,000
General Fund--State Appropriation (FY 2015) ....(((\$5,316,000))	\$5,305,000
General Fund--Federal Appropriation	(((\$3,455,000))
.....	\$3,442,000
General Fund--Private/Local Appropriation	(((\$4,418,000))
.....	\$4,523,000
Veteran Estate Management Account--Private/Local	
Appropriation.....(((\$1,104,000))	\$1,098,000

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TOTAL APPROPRIATION(((\$19,633,000))
.....\$19,716,000

The appropriations in this subsection are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities through the veterans innovation program.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2014)(((\$102,000))
.....\$239,000
General Fund--State Appropriation (FY 2015)(((\$20,000))
.....\$156,000
General Fund--Federal Appropriation(((\$68,981,000))
.....\$69,188,000
General Fund--Private/Local Appropriation(((\$39,355,000))
.....\$25,447,000
TOTAL APPROPRIATION(((\$108,458,000))
.....\$95,030,000

Sec. 219. 2013 2nd sp.s. c 4 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2014)(((\$60,230,000))
.....\$59,915,000
General Fund--State Appropriation (FY 2015)(((\$59,198,000))
.....\$62,889,000
General Fund--Federal Appropriation(((\$536,074,000))
.....\$534,989,000
General Fund--Private/Local Appropriation(((\$139,455,000))
.....\$139,011,000
Hospital Data Collection Account--State Appropriation
.....(((\$222,000))
.....\$221,000
Health Professions Account--State Appropriation
.....(((\$104,722,000))
.....\$105,228,000
Aquatic Lands Enhancement Account--State Appropriation
.....\$604,000
Emergency Medical Services and Trauma Care Systems
Trust Account--State Appropriation(((\$12,319,000))
.....\$11,194,000
Safe Drinking Water Account--State Appropriation
.....(((\$5,267,000))
.....\$5,233,000
Drinking Water Assistance Account--Federal
Appropriation(((\$14,806,000))
.....\$14,697,000
Waterworks Operator Certification--State
Appropriation(((\$1,560,000))
.....\$1,554,000
Drinking Water Assistance Administrative Account--
State Appropriation(((\$339,000))
.....\$336,000
Site Closure Account--State Appropriation(((\$159,000))
.....\$158,000
Biotoxin Account--State Appropriation\$1,323,000
State Toxics Control Account--State Appropriation
.....(((\$3,949,000))
.....\$3,913,000
Medical Test Site Licensure Account--State
Appropriation(((\$4,737,000))
.....\$4,722,000
Youth Tobacco Prevention Account--State Appropriation
.....\$1,512,000

Public Health Supplemental Account--Private/Local
Appropriation\$3,236,000
Accident Account--State Appropriation(((\$304,000))
.....\$302,000
Medical Aid Account--State Appropriation\$50,000
Medicaid Fraud Penalty Account--State
Appropriation\$987,000
TOTAL APPROPRIATION(((\$951,053,000))
.....\$952,074,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) The joint administrative rules review committee shall review the new or amended rules pertaining to primary and secondary school facilities under (a) of this subsection. The review committee shall determine whether (i) the rules are within the intent of the legislature as expressed by the statute that the rule implements, (ii) the rule has been adopted in accordance with all applicable provisions of law, or (iii) that the agency is using a policy or interpretive statement in place of a rule. The rules review committee shall report to the appropriate policy and fiscal committees of the legislature the results of committee's review and any recommendations that the committee deems advisable.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2014 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees required for newborn screening, and fees associated with the following professions: Agency affiliated counselors; certified counselors; and certified advisors.

(3) \$150,000 of the state toxics control account--state appropriation is provided solely to provide water filtration systems for low-income households with individuals at high public health risk from nitrate-contaminated wells in the lower Yakima basin.

(4)(a) \$64,000 of the medicaid fraud penalty account--state appropriation is provided solely for the department to integrate the prescription monitoring program into the coordinated care electronic tracking program developed in response to section 213, chapter 7, Laws of 2012, 2nd sp. sess., commonly referred to as the seven best practices in emergency medicine.

(b) The integration must provide prescription monitoring program data to emergency department personnel when the patient registers in the emergency department. Such exchange may be a

private or public joint venture, including the use of the state health information exchange.

(c) As part of the integration, the department shall request insurers and third-party administrators that provide coverage to residents of Washington state to provide the following to the coordinated care electronic tracking program:

(i) Any available information regarding the assigned primary care provider, and the primary care provider's telephone and fax numbers. This information is to be used for real-time communication to an emergency department provider when caring for a patient; and

(ii) Information regarding any available care plans or treatment plans for patients with higher utilization of services on a regular basis. This information is to be provided to the treating provider.

(5) (~~(\$270,000)~~) \$180,000 of the general fund--state appropriation for fiscal year 2014 (~~(**)~~) and \$150,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington autism alliance to assist autistic individuals and families with autistic children during the transition to federal health reform.

(6) \$6,000 of the general fund--state appropriation for fiscal year 2014 and \$5,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to convene a work group to study and recommend language for standardized clinical affiliation agreements for clinical placements associated with the education and training of physicians licensed under chapter 18.71 RCW, osteopathic physicians and surgeons licensed under chapter 18.57 RCW, and nurses licensed under chapter 18.79 RCW. The work group shall develop one recommended standardized clinical affiliation agreement for each profession or one recommended standardized clinical affiliation agreement for all three professions.

(a) When choosing members of the work group, the department shall consult with the health care personnel shortage task force and shall attempt to ensure that the membership of the work group is geographically diverse. The work group must, at a minimum, include representatives of the following:

- (i) Two-year institutions of higher education;
- (ii) Four-year institutions of higher education;
- (iii) The University of Washington medical school;
- (iv) The college of osteopathic medicine at the Pacific Northwest University of Health Sciences;
- (v) The health care personnel shortage task force;
- (vi) Statewide organizations representing hospitals and other facilities that accept clinical placements;
- (vii) A statewide organization representing physicians;
- (viii) A statewide organization representing osteopathic physicians and surgeons;
- (ix) A statewide organization representing nurses;
- (x) A labor organization representing nurses; and
- (xi) Any other groups deemed appropriate by the department in consultation with the health care personnel shortage task force.

(b) The work group shall report its findings to the governor and the appropriate standing committees of the legislature no later than November 15, 2014.

(7) \$65,000 of the general fund--state appropriation for fiscal year 2014 and \$65,000 of the general fund--state appropriation for fiscal year 2015 are for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(8) During the 2013-2015 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(9) \$654,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5206 (health sciences library). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(10) \$35,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1003 (health professions licensees). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(11) \$10,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1270 (board of denturists). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(12) \$10,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1271 (denturism). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(13) \$11,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1330 (dental hygienists, assistants). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(14) (~~(\$1,008,000)~~) of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1343 (nurses surcharge). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(15)) \$34,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1376 (suicide assessment training). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(~~(16))~~) (15) \$10,000 of the health professions account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1515 (medical assistants). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(~~(17))~~) (16) \$2,185,000 of the health professions account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1518 (disciplinary authorities). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(~~(18))~~) (17) \$141,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 1525 (birth certificates). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(~~(19))~~) (18) \$220,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1534 (impaired dentist program). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(~~(20))~~) (19) \$51,000 of the health professions account--state appropriation is provided solely for the implementation of House Bill No. 1609 (board of pharmacy). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(~~(21))~~) (20) \$12,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1629 (home care aide continuing education). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(~~(22))~~) (21) \$18,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1737 (physician assistants). If the bill is

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not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((23))~~ (22) \$77,000 of the general fund--state appropriation for fiscal year 2014 and \$38,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to develop a report on state efforts to prevent and control diabetes. The department, the health care authority, and the department of social and health services shall submit a coordinated report to the governor and the appropriate committees of the legislature by December 31, 2014, on the following:

(a) The financial impacts and reach that diabetes of all types and undiagnosed gestational diabetes are having on the programs administered by each agency and individuals, including children with mothers with undiagnosed gestational diabetes, enrolled in those programs. Items in this assessment must include: (i) The number of lives with diabetes and undiagnosed gestational diabetes impacted or covered by the programs administered by each agency; (ii) the number of lives with diabetes, or at risk for diabetes, and family members impacted by prevention and diabetes control programs implemented by each agency; (iii) the financial toll or impact diabetes and its complications, and undiagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs in comparison to other chronic diseases and conditions; and (iv) the financial toll or impact diabetes and its complications, and diagnosed gestational diabetes and the complications experienced during labor to children of mothers with gestational diabetes places on these programs;

(b) An assessment of the benefits of implemented and existing programs and activities aimed at controlling all types of diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to each agency for the programs and activities aimed at reaching those with diabetes of all types;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all types of diabetes and its complications;

(d) The development or revision of detailed policy-related action plans and budget recommendations for battling diabetes and undiagnosed gestational diabetes that includes a range of actionable items for consideration by the legislature. The plans and budget recommendations must identify proposed action steps to reduce the impact of diabetes, prediabetes, related diabetes complications, and undiagnosed gestational diabetes. The plans and budget recommendations must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing all types of diabetes; and

(e) An estimate of savings, efficiencies, costs, and budgetary savings and resources required to implement the plans and budget recommendations identified in (d) of this subsection (23).

~~((24))~~ (23) Within the general fund--state amounts appropriated in this section, the department of health will develop and administer the certified home care aide examination translated into at least seven languages in addition to the languages in which the examination is available on the effective date of this act. The purpose of offering the examination in additional languages is to encourage an adequate supply of certified home care aides to meet diverse long-term care client needs.

(24)(a) \$350,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the department of health to support Washington's healthiest next generation efforts by partnering with the office of the superintendent of public instruction, department of early learning, and other public and private partners

as appropriate to do the following:

(i) Expand programs across Washington that have demonstrated success in increasing physical activity and access to healthy food and drinking water;

(ii) Provide toolkits and mentoring for early learning and school professionals with strategies to encourage children to be active, eat healthy food, and have access to drinking water;

(iii) Enhance performance standards for the early childhood education and assistance program to include best practices on healthy eating and physical activity, nutrition education activities in written curriculum plans, and the incorporation of healthy eating, physical activity, and screen time education into parent education;

(iv) Revise statewide guidelines for schools for quality health and fitness education; and

(v) Establish performance metrics.

(b) The department shall collaborate with the governor or the governor's designee, chairs or designees of the appropriate legislative committees, the state agencies listed in (a) of this subsection, other necessary state or local agencies and private businesses, and community organizations or individuals with expertise in child health, nutrition, and fitness to submit reports to the governor and the appropriate committees of the legislature by December 31, 2014, and June 30, 2015, that include:

(i) An update and a summary of the current and expected impacts of the activities listed in (a) of this subsection;

(ii) An identification and description of other programs designed to prevent childhood obesity, including programs with a focus on reducing child-related health disparities in specific population groups and programs for preventing and stopping tobacco and substance use; and

(iii) An analysis and identification of potential programs, policy, and funding recommendations for consideration by the legislature.

(25) \$68,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2160 (physical therapists). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(26) \$251,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2315 (suicide prevention). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(27)(a) Within the appropriations provided in this section, the department shall update its hepatitis C strategic plan for the state to include recommended actions pertaining to, at a minimum:

(i) Using prevalence data to determine the number of undiagnosed hepatitis C patients in the state;

(ii) How to best reach undiagnosed patients, with special consideration to people born between 1945 and 1965, and new infections;

(iii) The status of the more than sixty thousand state residents who have already been diagnosed with hepatitis C;

(iv) A framework for improving hepatitis C testing and linkage to medical care; and

(v) A framework for the prevention of hepatitis C.

(b) The department of health shall present its updated strategic hepatitis C plan to the appropriate committees of the legislature by September 15, 2014.

(28) Moneys appropriated in this section are sufficient to maintain and operate the marine biotoxin information hotline and the department shall not suspend or reduce its operation.

(29) \$1,500,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for tobacco, marijuana, and e-cigarette prevention activities that serve youth and populations with a high incidence of smoking. For activities that serve youth, the department must partner with the office of the superintendent of public instruction to fund effective tobacco, marijuana, and

e-cigarette prevention programs at middle and high schools. For activities that serve populations with a high incidence of smoking, the department must contract with community based organizations that serve populations that have a high incidence of smoking tobacco, marijuana, or e-cigarettes. The legislature intends to fund tobacco and e-cigarette prevention programs in future biennia based on the Washington state institute for public policy report in section 609 of this act. The department shall work with the institute and shall develop a budget request for the 2015-2017 fiscal biennium based on the institute's report.

(30) \$2,143,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the implementation of Engrossed Third Substitute Senate Bill No. 5887 (medical and recreational marijuana). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 220. 2013 2nd sp.s. c 4 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act must be expended for the programs and in the amounts specified in this section. However, after May 1, 2014, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2014 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES	
General Fund--State Appropriation (FY 2014) ..	(\$56,437,000))
.....	\$56,330,000
General Fund--State Appropriation (FY 2015) ..	(\$54,779,000))
.....	\$54,430,000
Data Processing Revolving Account--State	
Appropriation.....	\$1,249,000
TOTAL APPROPRIATION	(((\$112,465,000))
.....	\$112,009,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$35,000 of the general fund--state appropriation for fiscal year 2014 and \$35,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(b) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$75,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to contract with a consultant who can facilitate and provide project expertise on the implementation of community and prison based offender programming that follows the risk-needs-responsivity model.

(i) By September 1, 2013, the department shall provide to the consultant an inventory of all existing programming both in prisons

and in community operations. The department shall consult with the Washington state institute for public policy (WSIPP) to determine whether programs are evidence-based or research-based using definitions provided by WSIPP and shall include this information on the inventory.

(ii) By ~~((October 1, 2013))~~ March 1, 2014, the consultant shall report to the department, the office of financial management, and legislative fiscal committees on the department's current plans and processes for managing offender programming including processes for phasing-out ineffective programs and implementing evidence-based or research-based programs. All department programs should be considered by the consultant regardless of whether they are included on the most recent list of WSIPP approved identifiable evidence-based practices in (b)(i) of this subsection.

(iii) The WSIPP, in consultation with the department, shall systematically review selected programs to determine the effectiveness of these programs at reducing recidivism or other outcomes. The WSIPP shall conduct a benefit-cost analysis of these programs when feasible and shall report to the legislature by December 1, 2013.

(iv) Based on the report provided by the consultant and the WSIPP review of programs, the department shall work collaboratively with the consultant to develop and complete a written comprehensive implementation plan by ~~((January 15, 2014))~~ June 30, 2014. The implementation plan must clearly identify the types of programs to be included, the recommended locations where the programs will be sited, an implementation timeline, and a phasing of the projected number of participants needed to meet the threshold of available program funds.

(v) Using the written implementation plan as a guide, the department must have programs in place and fully phased-in no later than ~~((June 30, 2015))~~ January 1, 2016.

(vi) The department shall hold the consultant on retainer to assist the department as needed throughout the implementation process. The consultant shall review quarterly the actual implementation compared to the written implementation plan and shall provide a report to the secretary of the department. The department shall provide reports to the office of financial management and legislative fiscal committees as follows:

(A) The written comprehensive implementation plan shall be provided by ~~((January 15, 2014))~~ July 15, 2014; and

(B) Written progress updates shall be provided by ~~((July))~~ December 1, 2014, and by ~~((December 1, 2014))~~ June 1, 2015.

(2) CORRECTIONAL OPERATIONS	
General Fund--State Appropriation (FY 2014)((	(\$605,039,000))
.....	\$594,207,000
General Fund--State Appropriation (FY 2015)((	(\$604,704,000))
.....	\$594,052,000
General Fund--Federal Appropriation.....	(((\$3,322,000))
.....	\$3,356,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation.....	(((\$7,585,000))
.....	\$7,582,000
Environmental Legacy Stewardship Account--State	
Appropriation.....	\$105,000
County Criminal Justice Assistance Account--State	
Appropriation.....	\$390,000
TOTAL APPROPRIATION	(((\$1,221,145,000))
.....	\$1,199,692,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) During the 2013-2015 fiscal biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors:

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(i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(b) \$501,000 of the general fund--state appropriation for fiscal year 2014 and \$501,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. The department may not house incarcerated offenders at the maple lane site until specifically directed to do so by the legislature.

(c) By ~~((December 1, 2013))~~ March 31, 2014, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that evaluates the department's inmate intake processes and expenditures and makes recommendations for improvements. The evaluation must include an analysis of lean management processes that, if adopted, could improve the efficiency and cost effectiveness of inmate intake.

(d) By December 1, 2013, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that evaluates the department's use of partial confinement and work release programs and makes recommendations for improving public safety and decreasing recidivism through increasing participation in partial confinement re-entry and work release programs. In making its recommendations, the department shall identify:

(i) Options for increasing the capacity of work release beds to meet the number of eligible offenders;

(ii) Potential cost savings to the state through contracting for or building new work release capacity;

(iii) Options for expanding eligibility for partial confinement, including creation of a structured re-entry program that includes stable housing, mandatory participation in evidence-based programs, and intensive supervision; and

(iv) Potential cost savings to the state from creation of a structured re-entry program.

(e) By December 1, 2013, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that evaluates the department's community parenting alternative program, and makes recommendations for increasing participation in the program with the goals of increasing public safety and decreasing recidivism. The evaluation shall include recommendations for increasing the placement of eligible offenders into the program and increasing eligibility to other populations. In making its recommendations, the department shall identify the percent of the eligible population currently entering the program, outcomes to-date for program participants, and potential cost savings from increasing placement of offenders into the program.

(f) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increase, provided that medical payments conform to the department's offender health plan, pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(g)(i) The legislature finds that it has taken several steps to mitigate the demand for prison capacity including funding

evidence-based programming for offenders which is proven to reduce recidivism, funding evidence-based treatment alternatives to incarceration for drug-addicted offenders, standardizing inconsistencies in the drug sentencing grid, and authorizing the department to rent local jail beds. These steps will also assist the department's implementation of additional operational efficiencies by reducing costs related to offender intake, processing, and transportation.

(ii) Up to \$1,119,000 of the general fund--state appropriation for fiscal year 2014 and up to \$1,322,000 of the general fund--state appropriation for fiscal year 2015 may be used by the department to rent jail capacity for short-term offenders. In contracting for jail beds for short-term offenders, the department shall rent capacity from local and tribal governments to house offenders with an earned release date of less than one hundred twenty days remaining on his or her sentence at the time the offender would otherwise be transferred to a state correctional facility. The contracted daily costs for these offenders shall not exceed \$70 per offender including medical costs.

(h) The department of corrections shall issue a competitive solicitation by August 1, 2013, to contract with local jurisdictions for the use of inmate bed capacity in lieu of prison beds operated by the state. The department may contract for up to 300 beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The duration of the contracts may be for up to four years. The department shall not pay a rate greater than \$65 per day per offender for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of \$65 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as medium or lower security offenders. Programming provided for inmates held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders will be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail will provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer will be the responsibility of the jail. The department will report to legislative fiscal committees and the office of financial management by November 1, 2013, to provide a status update on implementation.

(i) The department shall convene a work group to develop health care cost containment strategies at local jail facilities. The work group shall identify cost containment strategies in place at the department and at local jail facilities, identify the costs and benefits of implementing strategies in jail health-care facilities, and make recommendations on implementing beneficial strategies. The work group shall submit a report on its findings and recommendations to the fiscal committees of the legislature by October 1, 2013. The work group shall include jail administrators, representatives from health care facilities at the local jail level and the state prisons level, and other representatives as deemed necessary.

(j) ~~(((\$1,026,000))~~ \$526,000 of the general fund--state appropriation for fiscal year 2014 and \$781,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to

expand the piloted risk-needs-responsivity model to include the use of cognitive behavioral therapy with evidence-based programming at two minimum security prison facilities and at the Monroe correctional complex.

(k) (~~(\$23,653,000)~~) \$23,453,000 of the general fund--state appropriation for fiscal year 2014 and \$24,919,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for offender programming. Pursuant to section 220(1) of this act, the department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(l) \$36,000 of the general fund--state appropriation for fiscal year 2014 and \$36,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Senate Bill No. 5484 (assault in the third-degree). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(m) \$48,000 of the general fund--state appropriation for fiscal year 2014 and \$48,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Substitute House Bill No. 1383 (stalking protection orders). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(n) \$36,000 of the general fund--state appropriation for fiscal year 2014 and \$36,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Senate Bill No. 5149 (crimes against pharmacies). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(o) \$24,000 of the general fund--state appropriation for fiscal year 2014 and \$24,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5669 (trafficking). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(p) \$24,000 of the general fund--state appropriation for fiscal year 2014 and \$24,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of Engrossed Senate Bill No. 5053 (vehicle prowling). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(q) \$96,000 of the county criminal justice assistance--state appropriation is provided solely for implementation of Engrossed Senate Bill No. 5105 (rental vouchers for offenders). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(r) \$94,000 of the general fund--state appropriation for fiscal year 2014, and \$1,494,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to contract with Yakima county for the use of female inmate bed capacity in lieu of prison beds operated by the state. The department shall rent jail beds through contracts established under (h) of this subsection to house female offenders beginning no later than May 1, 2014.

(s) The department shall assess possible uses for the Yakima county jail facility, including but not limited to, housing for short-term offenders; housing for community supervision violators or absconders; housing for offenders with special program needs such as offenders with mental health issues; and housing for older or infirm offenders. The department shall report to the appropriate policy and fiscal committees of the legislature by December 1, 2014, with findings, cost estimates, and recommendations for the use of the facility.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2014) ((\$130,568,000))	
.....	\$148,788,000
General Fund--State Appropriation (FY 2015) ((\$131,973,000))	
.....	\$151,715,000
County Criminal Justice Assistance Account--State	\$2,249,000
Ignition Interlock Device Revolving Account--State	\$2,200,000
TOTAL APPROPRIATION	(\$266,990,000)
.....	\$304,952,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,906,000 of the county criminal justice assistance account--state appropriation and \$2,200,000 of the ignition interlock device revolving account--state appropriation are provided solely for the department to contract for additional residential drug offender sentencing alternative treatment slots. By December 1, 2013, the department shall provide a report to the appropriate fiscal committees of the house of representatives and the senate on the use of the additional treatment slots.

(b) \$4,186,000 of the general fund--state appropriation for fiscal year 2014 and \$6,362,000 of the general fund--state appropriation for fiscal year 2015 must be expended on evidence-based programs that follow the risk-needs-responsivity model. The department is authorized to use up to ten percent of these funds as necessary to secure physical space as needed to maximize program delivery of evidence-based treatment to all high-risk, high-need offenders in community supervision. Funding may be prioritized by the department to any program recognized as evidence-based for adult offenders by the Washington state institute for public policy.

(c) (~~(\$16,513,000)~~) \$15,363,000 of the general fund--state appropriation for fiscal year 2014 and \$16,527,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for offender programming. Pursuant to section 220 (1) of this act, the department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(d) \$107,000 of the county criminal justice--state appropriation is provided solely for implementation of Engrossed Senate Bill No. 5105 (rental vouchers for offenders). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(e) Within the amounts provided in this section, funding is sufficient to implement Senate Bill No. 6327 (expanding the categories of offenses eligible for the community parenting alternative program within the department of corrections).

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2014) ....((\$6,780,000))	
.....	\$6,830,000
General Fund--State Appropriation (FY 2015) ....((\$7,182,000))	
.....	\$7,174,000
TOTAL APPROPRIATION	(\$13,962,000)
.....	\$14,004,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$3,293,000 of the general fund--state appropriation for fiscal year 2014 and \$3,707,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the stewardship of McNeil island. The department shall assume responsibility of all island maintenance excluding site specific maintenance operations for the special commitment center and the Pierce county secure transitional facility. The department shall as part of its industries program provide job skills to offenders while providing the minimum maintenance and preservation necessary for the state to remain in compliance with the federal deed for McNeil island. The

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department shall report on efficiencies and potential cost reductions to the office of financial management and legislative fiscal committees by December 15, 2013.

(b)(i) The department of social and health services shall transfer the stewardship of McNeil Island to the department of corrections industries program, effective September 1, 2013. The transferred responsibilities shall include marine operations, waste water treatment, water treatment, road maintenance, and any other general island maintenance that is not site specific to the operations of the special commitment center or the Pierce county secure community transition facility. Facility maintenance within the perimeter of the special commitment center shall remain the responsibility of the department of social and health services. Capital repairs and maintenance necessary to maintain the special commitment center on McNeil Island shall be managed by the department of social and health services. The legislature directs both departments to enter into an interagency agreement by August 1, 2013. The office of financial management shall oversee the negotiations of the interagency agreement. The interagency agreement must describe equipment that will transfer between the departments, warehouse space that will be shared by the departments, and occupancy requirements for any shops outside the perimeter of the special commitment center. The office of financial management will make the final determination on any disagreements between the departments on the details of the interagency agreement.

(ii) All employees of the department of social and health services engaged in performing the powers, functions, and duties transferred to the department of corrections industries program under this subsection, are transferred to the department of corrections.

(iii) All classified employees of department of social and health services assigned to the department of corrections under this subsection whose positions are within an existing bargaining unit description at the department of corrections shall become a part of the existing bargaining unit at the department of corrections and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2014).....	(\$35,345,000)
.....	\$41,667,000
General Fund--State Appropriation (FY 2015).....	(\$32,115,000)
.....	\$38,200,000
TOTAL APPROPRIATION.....	(\$67,460,000)
.....	\$79,867,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

Sec. 221. 2013 2nd sp.s. c 4 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND	
General Fund--State Appropriation (FY 2014).....	(\$2,242,000)
.....	\$2,225,000
General Fund--State Appropriation (FY 2015).....	(\$2,197,000)
.....	\$2,182,000
General Fund--Federal Appropriation.....	(\$21,060,000)
.....	\$20,937,000
General Fund--Private/Local Appropriation.....	\$60,000
TOTAL APPROPRIATION.....	(\$25,559,000)
.....	\$25,404,000

Sec. 222. 2013 2nd sp.s. c 4 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT	
General Fund--Federal Appropriation.....	(\$269,977,000)

.....	\$269,546,000
General Fund--Private/Local Appropriation.....	(\$34,206,000)
.....	\$34,095,000
Unemployment Compensation Administration Account--	
Federal Appropriation.....	(\$320,006,000)
.....	\$330,594,000
Administrative Contingency Account--State	
Appropriation.....	(\$22,728,000)
.....	\$17,872,000
Employment Service Administrative Account--State	
Appropriation.....	(\$35,567,000)
.....	\$41,451,000
TOTAL APPROPRIATION.....	(\$682,484,000)
.....	\$693,558,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$5,000,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for continuing current unemployment insurance functions and department services to employers and job seekers.

(2) (~~(\$12,386,000)~~) \$23,585,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance tax information system for the employment security department. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) \$3,735,000 of the unemployment compensation account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of call center technology to improve the integration of the telephone and computing systems to increase efficiency and improve customer service.

(4) \$182,000 of the employment services administrative account--state appropriation is provided for costs associated with the second stage of the review and evaluation of the training benefits program as directed in section 15(2), chapter 4, Laws of 2011 (unemployment insurance program). This second stage shall be developed and conducted by the joint legislative audit and review committee and shall consist of further work on the process study and net-impact/cost-benefit analysis components of the evaluation.

(5) \$240,000 of the administrative contingency account--state appropriation is provided solely for the employment security department to contract with a center for workers in King county. The amount appropriated in this subsection shall be used by the contracted center for workers to support initiatives that generate high-skill, high-wage jobs; improve workforce and training systems; improve service delivery for dislocated workers; and build alliances with community and environmental organizations.

(6) The department is prohibited from expending amounts appropriated in this section for implementation of chapter 49.86 RCW.

(7) The employment security department shall collaborate with the workforce training and education coordinating board, the state board for community and technical colleges, the economic service administration, and the local workforce development councils to coordinate a consolidated report on short-term and long-term employment and training related outcomes and funding of WorkFirst and workforce investment act Title IB workforce training

programs, including but not limited to the information described in this subsection. The employment security department shall prepare a single report and submit it to the governor and appropriate committees of the legislature by December 1, 2014. Specifically:

(a) The state board for community and technical colleges and the economic services administration shall report jointly on training outcomes for WorkFirst funded programs by activity (basic education, vocational education iBest, life skills, and any other related activities that are provided for WorkFirst clients), including but not limited to:

(i) The number and percent of individuals that complete educational activities;

(ii) The number and percent of individuals employed within one quarter after program completion and their median quarterly hours and wage and median annualized earnings;

(iii) The number and percent of individuals employed within three quarters after program completion and their median quarterly hours and wage and median annualized earnings;

(iv) The number of students enrolled in certificate programs by certificate type;

(v) The number of students who accumulate at least forty-five credits and a college award; and

(vi) The amount of WorkFirst funds spent.

The report shall also include recommendations for improving student retention and completion rates and any other system improvement recommendations.

(b) The employment security department shall work with the workforce training and education coordinating board, the state board for community and technical colleges, and the local workforce development councils to map the flow of federal workforce investment act funds from initial receipt by the employment security department to final expenditure. The report must include:

(i) The total amount spent on direct training provided by the community and technical colleges from workforce investment act funds;

(ii) The total amount spent by the employment security department on direct service provision;

(iii) The number of students who enroll in certificate programs;

(iv) The number and percent of students who earn certificates; and

(v) The number and percent of students who accumulate at least forty-five credits and an industry recognized credential.

(8) \$3,809,000 of the unemployment compensation administration account--federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance benefit system for the employment security department. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(9) \$50,000 of the administrative contingency account--state appropriation is provided solely for the employment security department to convene and provide support to a work group on agricultural and agricultural labor-related issues.

(a) The goals of the work group are the following:

(i) To educate participants on relevant areas of regulation, business practices, and other labor issues of interest to the stakeholders in Washington agriculture;

(ii) To identify labor-related issues of importance to participants, including but not limited to, housing, workplace standards, and agricultural labor supply; and

(iii) To foster substantive, respectful, problem-solving oriented communication among stakeholders in and affected by the agricultural industry on the identified issues.

(b) The work group is charged with finding mutual points of

interest and concern and with collaborating to find, where possible, administrative solutions to issues affecting agriculture.

(c) The work group must consist of ten members appointed by the governor with balanced and diverse representation that must include representatives from growers, agricultural industries, farmworker advocates, and labor.

(d) State agencies including the department of agriculture, the employment security department, the department of labor and industries, the department of health, and the commission on Hispanic affairs must each identify a representative to participate on the work group as an ex officio member. The work group may invite other agencies to participate as needed.

(e) The employment security department must coordinate no more than six meetings in 2014, with the final number of meetings to be determined by the work group.

(f) The work group may use a facilitator to assist the group in achieving the goals in (a) of this subsection.

(g) The employment security department must submit a report by December 1, 2014, to the office of financial management and to the appropriate fiscal and policy committees of the legislature. The report must include the following:

(i) The list of work group members;

(ii) The list of issues identified by the work group; and

(iii) Any work plan, recommendations, or actions taken that have been agreed upon by the work group.

(h) Work group members are entitled to be reimbursed for travel expenses under RCW 43.03.050, 43.03.060, and 43.03.049.

(End of part)

**PART III
NATURAL RESOURCES**

Sec. 301. 2013 2nd sp.s. c 4 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION	
General Fund--State Appropriation (FY 2014)	(\$445,000))
.....	\$442,000
General Fund--State Appropriation (FY 2015)	(\$446,000))
.....	\$450,000
General Fund--Federal Appropriation	\$31,000
General Fund--Private/Local Appropriation	(\$874,000))
.....	\$875,000
TOTAL APPROPRIATION	(\$1,796,000))
.....	\$1,798,000

Sec. 302. 2013 2nd sp.s. c 4 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY	
General Fund--State Appropriation (FY 2014) ..	(\$25,929,000))
.....	\$25,942,000
General Fund--State Appropriation (FY 2015) ..	(\$25,506,000))
.....	\$25,065,000
General Fund--Federal Appropriation	(\$105,230,000))
.....	\$102,926,000
General Fund--Private/Local Appropriation	(\$16,912,000))
.....	\$16,857,000
Reclamation Account--State Appropriation	(\$3,735,000))
.....	\$3,982,000
Flood Control Assistance Account--State Appropriation.....	(\$1,985,000))
.....	\$1,976,000
State Emergency Water Projects Revolving Account--State Appropriation	\$40,000
Waste Reduction/Recycling/Litter Control--State Appropriation.....	(\$9,722,000))
.....	\$9,689,000

State Drought Preparedness Account--State Appropriation.....	\$456,861,000
.....	\$204,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation.....(((\$426,000))	
.....	\$423,000
Environmental Legacy Stewardship Account--State Appropriation.....(((\$43,748,000))	
.....	\$44,852,000
Aquatic Algae Control Account--State Appropriation.....	\$513,000
Water Rights Tracking System Account--State Appropriation.....	\$46,000
Site Closure Account--State Appropriation.....(((\$556,000))	
.....	\$553,000
Wood Stove Education and Enforcement Account--State Appropriation.....(((\$612,000))	
.....	\$608,000
Worker and Community Right-to-Know Account--State Appropriation.....(((\$1,701,000))	
.....	\$1,690,000
Water Rights Processing Account--State Appropriation.....	
.....	\$135,000
State Toxics Control Account--State Appropriation	
.....(((\$124,238,000))	
.....	\$125,248,000
State Toxics Control Account--Private/Local Appropriation.....(((\$979,000))	
.....	\$976,000
Local Toxics Control Account--State Appropriation .....(((\$3,774,000))	
.....	\$3,745,000
Water Quality Permit Account--State Appropriation	
.....(((\$40,982,000))	
.....	\$41,661,000
Underground Storage Tank Account--State Appropriation.....(((\$3,347,000))	
.....	\$3,331,000
Biosolids Permit Account--State Appropriation..(((\$1,848,000))	
.....	\$2,136,000
Hazardous Waste Assistance Account--State Appropriation.....(((\$6,037,000))	
.....	\$6,009,000
Air Pollution Control Account--State Appropriation .....(((\$3,128,000))	
.....	\$3,124,000
Oil Spill Prevention Account--State Appropriation(((\$5,684,000))	
.....	\$6,312,000
Air Operating Permit Account--State Appropriation .....(((\$3,132,000))	
.....	\$3,137,000
Freshwater Aquatic Weeds Account--State Appropriation.....(((\$1,409,000))	
.....	\$1,405,000
Oil Spill Response Account--State Appropriation	\$7,076,000
Water Pollution Control Revolving Account--State Appropriation.....(((\$356,000))	
.....	\$352,000
Water Pollution Control Revolving Account--Federal Appropriation.....(((\$1,505,000))	
.....	\$1,491,000
Water Pollution Control Revolving Administration Account--State Appropriation	\$1,021,000
Radioactive Mixed Waste Account--State Appropriation.....(((\$13,800,000))	
.....	\$14,336,000
TOTAL APPROPRIATION.....(((\$455,316,000))	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 4.55 percent in fiscal year 2014 and 4.63 percent in fiscal year 2015; mixed waste management service charge authorized in RCW 70.105.280, not more than 1.82 percent in fiscal year 2014 and 0.62 percent in fiscal year 2015; and reasonably available control technology fee.

(3) \$1,981,000 of the state toxics control account--state appropriation is for the department to provide training regarding the benefits of low-impact development including, but not limited to, when the use of low-impact development is appropriate and feasible, and the design, installation, maintenance, and best practices of low-impact development. The department will consult with Washington State University extension low-impact development technical center and others in the development of the low-impact technical training. As appropriate, the department may contract with the Washington State University extension low-impact development technical center, private sector vendors, associations, and others to deliver the technical training. The training must be provided free of cost to phase I and phase II permittees and the private development community including builders, engineers, and other industry professionals. The training must be sequenced geographically and provided in time for local jurisdictions to comply with RCW 90.48.260 and 36.70A.130(5). By August 1, 2013, the department of ecology shall provide the governor and appropriate legislative committees a plan for how low-impact development training funds will be spent during fiscal years 2014 through 2017.

(4) \$440,000 of the state toxics control account--state appropriation is provided solely for administering the water pollution control facilities financial assistance program authorized in chapter 90.50A RCW.

(5) \$350,000 of the state toxics control account--state appropriation is provided solely for the Spokane river regional toxics task force to support their efforts to address elevated levels of polychlorinated biphenyls in the Spokane river. Funding will be used to determine the extent of the cleanup required, implement cleanup actions to meet applicable water quality standards, and prevent recontamination.

(6) \$516,000 of the state toxics control account--state appropriation is provided solely for the department to support an ultrafine particulate study to determine how, if at all, the biomass cogeneration facilities in Port Townsend and Port Angeles may impact air quality and the health of citizens in the region.

(7) \$65,000 of the water quality permit account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1245 (derelict and abandoned vessels). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

((9) The department shall collaborate with the middle snake river watershed, WRIA 35 planning unit in implementing its watershed plan.)) (8) \$40,000 of the environmental legacy stewardship account--state appropriation is provided solely for the middle snake river watershed, WRIA 35 planning unit in implementing its watershed plan in collaboration with the department.

~~((40))~~ (9)(a) \$14,000,000 of the general fund--state appropriation for fiscal year 2014 and \$14,000,000 of the general fund--state appropriation for fiscal year 2015 are for activities within the water resources program.

(b) Of the amounts provided in (a) of this subsection, \$500,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for processing water right permit applications only if the department of ecology issues at least five hundred water right decisions in fiscal year 2014, and if the department of ecology does not issue at least five hundred water right decisions in fiscal year 2014 the amount provided in this subsection shall lapse and remain unexpended. Permit decisions for the Columbia river basin count toward the five hundred water rights decisions under this subsection. The department of ecology shall submit a report to the office of financial management and the state treasurer by June 30, 2014, that documents whether five hundred water right decisions were issued in fiscal year 2014. For the purposes of this subsection, applications that are voluntarily withdrawn by an applicant do not count towards the five hundred water right decision requirement. For the purposes of water budget-neutral requests under chapter 173-539A WAC, multiple domestic connections authorized within a single water budget-neutral decision are considered one decision for the purposes of this subsection.

~~((11))~~ (10) The department of ecology, in consultation with the office of financial management, shall prepare a facilities plan to reduce the agency's facilities obligation and the agency's cost per FTE for its facilities by 2017 to align with comparable state agencies. The plan must be submitted to the office of financial management and the appropriate legislative fiscal committees by November 1, 2013. The plan must include: (a) An inventory of all currently owned and leased buildings, consistent with the data provided through the state's facilities inventory process prescribed by the office of financial management annually by September 1st; (b) a list of facilities solutions that will reduce costs with an emphasis on consolidation, collocation, and alternative space solutions such as shared workspace and mobile work; and (c) a department-wide coordinated process and plan for regularly evaluating facility needs.

(11) \$25,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the protection of groundwater aquifers that are the sole drinking water source as prescribed in RCW 90.54.140 specifically for the protection of artesian groundwater aquifers in a county with a population greater than one million five hundred thousand that are being detrimentally impacted by development. If the amount provided in this subsection is not sufficient for this purpose, the department must use existing funds to implement this subsection.

(12) \$50,000 of the environmental legacy stewardship account--state appropriation is provided solely to fund the Bertrand watershed improvement district's development of a conceptual groundwater model for water right permitting and mitigation efforts in the Lynden, Everson, Nooksack, and Sumas (LENS) aquifer study area. The conceptual groundwater model shall be developed in cooperation with the WRIA 1 watershed planning joint board.

(13) Within the environmental legacy stewardship account--state appropriation in this section, the department must use a portion of the funds to:

(a) Review tetrabromobisphenol A, chemical abstracts service number 79-94-7 and antimony, chemical abstracts service number 7440-36-0 and their use in children's products and furniture as flame retardants. The department must consider available information on the hazards, uses, exposures, potential health and environmental concerns, safer alternatives, existing regulatory programs, and information from other governments or authoritative bodies. By December 31, 2014, the department must provide to the appropriate committees of the legislature a summary of the data reviewed and

recommendations on whether to ban or restrict antimony and tetrabromobisphenol A flame retardants in children's products and furniture; and

(b) Test for the presence of flame retardants in children's products and furniture. By December 31, 2014, the department must report to the appropriate legislative committees on test results, available information on hazards, uses, exposures, safer alternatives, existing regulatory programs, potential health and environmental concerns, information from other governmental or authoritative bodies, and recommendations on whether to restrict or ban the flame retardants in children's products and furniture.

(14) \$300,000 of the state toxics control account--state appropriation is provided solely for the department to conduct a study of oil shipment through the state. The purpose of the study is to assess public health and safety as well as environmental impacts associated with oil transport. The study must provide data and analysis of statewide risks, gaps, and options for increasing public safety and improving spill prevention and response readiness. The department shall conduct the study in consultation with the department of transportation, the emergency management division of the military department, the utilities and transportation commission, tribes, appropriate local, state, and federal agencies, impacted industry groups, and stakeholders. The department must provide an update to the governor and the legislature by December 1, 2014, and a final report by March 1, 2015.

Sec. 303. 2013 2nd sp.s. c 4 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2014).....	(\$4,254,000)
.....	\$4,271,000
General Fund--State Appropriation (FY 2015).....	(\$4,254,000)
.....	\$4,415,000
General Fund--Federal Appropriation.....	(\$6,014,000)
.....	\$6,001,000
Winter Recreation Program Account--State	
Appropriation.....	(\$2,065,000)
.....	\$2,463,000
ORV and Nonhighway Vehicle Account--State	
Appropriation.....	(\$215,000)
.....	\$214,000
Snowmobile Account--State Appropriation.....	(\$4,859,000)
.....	\$4,856,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$363,000
Parks Renewal and Stewardship Account--State	
Appropriation.....	(\$103,065,000)
.....	\$105,159,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation.....	\$300,000
Waste Reduction/Recycling/Litter Control Account--State	
Appropriation.....	\$1,700,000
TOTAL APPROPRIATION.....	(\$127,089,000)
.....	\$129,742,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,000 of the general fund--state appropriation for fiscal year 2014 and \$79,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) Prior to closing any state park, the commission must notify all affected local governments and relevant nonprofit organizations of the intended closure and provide an opportunity for the notified local governments and nonprofit organizations to elect to acquire, or enter into, a maintenance and operating contract with the commission that would allow the park to remain open.

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(3) The commission shall prepare a report on its efforts to increase revenue from all sources, including the discover pass. The report shall also include a status update on the fiscal health of the state parks system, and shall be submitted to the office of financial management and the appropriate committees of the legislature by October 28, 2013.

(4) \$25,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2192 (state agency permitting). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 304. 2013 2nd sp.s. c 4 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Table with 2 columns: Description and Amount. Includes items like General Fund--State Appropriation (FY 2014), General Fund--State Appropriation (FY 2015), General Fund--Federal Appropriation, etc.

The appropriations in this section are subject to the following conditions and limitations: \$34,000 of the park land trust revolving fund--state appropriation, \$33,000 of the state parks renewal and stewardship account--state appropriation, and \$33,000 of the state wildlife account--state appropriation are provided solely for the recreation and conservation office to contract with a consultant to provide a study that quantifies the economic contribution to the state economy from the state's public lands and that quantifies the economic contribution from statewide outdoor recreation to the state's economy. A report is due to the appropriate committees of the legislature by January 1, 2015.

Sec. 305. 2013 2nd sp.s. c 4 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2014), General Fund--State Appropriation (FY 2015), and TOTAL APPROPRIATION.

Sec. 306. 2013 2nd sp.s. c 4 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

Table with 2 columns: Description and Amount. Includes General Fund--State Appropriation (FY 2014) and General Fund--State Appropriation (FY 2015).

Table with 2 columns: Description and Amount. Includes General Fund--Federal Appropriation, State Toxics Control Account--State Appropriation, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the conservation commission, in consultation with conservation districts, must submit to the office of financial management and legislative fiscal committees by December 10, 2013, a report outlining opportunities to minimize districts' overhead costs, including consolidation of conservation districts within counties in which there is more than one district. The report must include details on the anticipated future savings that could be expected from implementing these efficiencies starting on July 1, 2014.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$246,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement the voluntary stewardship program in Thurston and Chelan counties. These amounts may not be used to fund agency indirect and administrative expenses.

(3) \$1,000,000 of the general fund--federal appropriation is provided solely to implement the voluntary stewardship program statewide. The commission shall place the appropriation in this subsection in unallotted status, and may not allot any of these funds until the federal government has provided funding to the commission for the purpose of implementing the voluntary stewardship program.

(4) The conservation commission must evaluate the current system for the election of conservation district board supervisors and recommend improvements to ensure the highest degree of public involvement in these elections. The commission must engage with stakeholder groups and conservation districts to gather a set of options for improvement to district elections, which must include an option aligning district elections with state and local general elections. The commission must submit a report detailing the options to the office of financial management and appropriate committees of the legislature by December 10, 2013.

(5) \$50,000 of the state toxics control account--state appropriation is provided solely for the Whatcom agricultural district coalition to educate and inform agricultural landowners on regulatory compliance issues relating to groundwater quality issues including nitrates, fecal coliform, and pesticide contamination within WRIA 1 and to organize watershed improvement districts to implement environmental regulatory compliance strategies.

(6) The state conservation commission may provide additional funding to a conservation district if the conservation district conducts elections at such times as and consistent with the general election law, chapter 29A.04 RCW.

Sec. 307. 2013 2nd sp.s. c 4 s 307 (uncodified) is amended to read as follows:

Table with 2 columns: Description and Amount. Includes FOR THE DEPARTMENT OF FISH AND WILDLIFE, General Fund--State Appropriation (FY 2014), General Fund--State Appropriation (FY 2015), General Fund--Federal Appropriation, General Fund--Private/Local Appropriation, and ORV and Nonhighway Vehicle Account--State Appropriation.

.....	\$390,000
Aquatic Lands Enhancement Account--State	
Appropriation.....	..(((\$15,919,000))
.....	.....\$15,873,000
Recreational Fisheries Enhancement--State	
Appropriation.....	..(((\$2,590,000))
.....	.....\$2,603,000
Environmental Legacy Stewardship Account--State	
Appropriation.....	.....\$1,224,000
Warm Water Game Fish Account--State Appropriation.....	
.....	.....(((\$2,507,000))
.....	.....\$2,490,000
Eastern Washington Pheasant Enhancement Account--State	
Appropriation.....	.....\$849,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation.....	.....(((\$209,000))
.....	.....\$228,000
Aquatic Invasive Species Prevention Account--State	
Appropriation.....	.....(((\$737,000))
.....	.....\$761,000
State Wildlife Account--State Appropriation ...	.....(((\$103,460,000))
.....	.....\$103,229,000
Special Wildlife Account--State Appropriation ...	.....(((\$2,405,000))
.....	.....\$2,399,000
Special Wildlife Account--Federal Appropriation	\$500,000
Special Wildlife Account--Private/Local	
Appropriation.....	.....(((\$3,446,000))
.....	.....\$3,440,000
Wildlife Rehabilitation Account--State Appropriation	\$259,000
Hydraulic Project Approval Account--State	
Appropriation.....	.....(((\$674,000))
.....	.....\$966,000
Regional Fisheries Enhancement Salmonid Recovery	
Account--Federal Appropriation	\$5,001,000
Oil Spill Prevention Account--State Appropriation	(((\$917,000))
.....	.....\$912,000
Oyster Reserve Land Account--State Appropriation	
.....	.....(((\$773,000))
.....	.....\$771,000
TOTAL APPROPRIATION	(((\$367,556,000))
.....	.....\$368,293,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~(((\$130,000))~~ \$675,000 of the general fund--state appropriation for fiscal year 2014 and \$130,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.
- (2) Prior to submitting its 2015-2017 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.
- (3) \$400,000 of the general fund--state appropriation for fiscal year 2014 and \$400,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(4) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(5) During the 2013-2015 fiscal biennium, the department must retain ownership and continue to occupy the downtown Olympia office building at 600 Capitol Way.

(6) \$1,000,000 of the state wildlife account--state appropriation is provided solely to the department for resources that serve to promote and engage nonlethal deterrence methods relating to wolf and livestock interaction with a priority given to funding cooperative agreements with livestock producers, and of this amount, \$250,000 in fiscal year 2014 is provided solely for compensation for injury or loss of livestock caused by wolves as prescribed in chapter 77.36 RCW.

(7) \$100,000 of the state wildlife account--state appropriation is provided solely for the transfer of trout from the Clarks creek hatchery to the Lakewood hatchery.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the production of steelhead, coho, and Chinook salmon at the Clarks creek hatchery.

(9) \$200,000 of the state wildlife account--state appropriation, \$50,000 of the general fund--state appropriation for fiscal year 2014, and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the department to increase production of juvenile fall Chinook on the Cowlitz river. The funds provided may be used to match or leverage funds from private or public sources for the same purpose.

(10) \$596,000 of the general fund--state appropriation for fiscal year 2014 and \$596,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for weed assessments and for payments in lieu of real property taxes to counties that elect to receive the payments for department owned game lands within the county.

(11) \$10,000 of the aquatic lands enhancement account--state appropriation is provided solely for development of an aquatic invasive species passport program to improve the efficiency and effectiveness of watercraft inspections by expediting aquatic invasive species watercraft inspections for watercraft at low risk of transmitting invasive species and prioritizing the use of available resources for the inspection of high risk vessels.

(12) Within the amounts appropriated in this section, the department must deploy additional wildlife conflict specialists to provide landowner assistance and address wildlife conflicts, with at least one additional specialist primarily assigned to each of the following areas: Administrative region six of the department; Okanogan and Chelan counties in administrative region two of the department; and Whatcom and Skagit counties in administrative region four of the department.

(13) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of House Bill No. 1112 (science and public policy). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(14) Within the amounts appropriated in this section the department shall work with the regional fisheries enhancement groups to identify a revenue source or sources capable of providing long-term funding to support the community-based salmon restoration work of regional fisheries enhancement groups. The department shall work with the regional fisheries enhancement group coalition to submit a report to the office of financial management and the appropriate legislative committees by December 1, 2013, with the outcomes and recommendations.

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(15) \$150,000 of the general fund--state appropriation for fiscal year 2015 is provided solely to conduct a study of the Lake Washington basin sockeye salmon to evaluate the impact of predation on juvenile sockeye by several species of fish that inhabit the lake, and develop management actions by the state to increase the returns of adult sockeye to the lake.

(16) \$30,000 of the aquatic invasive species prevention account--state appropriation and \$20,000 of the aquatic invasive species enforcement account--state appropriation are provided solely to the department for a contract, that includes performance measures and requires reporting on outcomes, with the Pacific northwest economic region nonprofit organization to support regional coordination of invasive species prevention activities in the Pacific northwest.

Sec. 308. 2013 2nd sp.s. c 4 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2014) ..(((\$42,515,000))	
.....	\$48,655,000
General Fund--State Appropriation (FY 2015) ..(((\$45,092,000))	
.....	\$44,694,000
General Fund--Federal Appropriation ..(((\$26,963,000))	
.....	\$26,937,000
General Fund--Private/Local Appropriation	\$2,372,000
Forest Development Account--State Appropriation.....	
.....(((\$49,054,000))	
.....	\$50,418,000
ORV and Nonhighway Vehicle Account--State	
Appropriation.....(((\$4,494,000))	
.....	\$4,468,000
Surveys and Maps Account--State Appropriation(((\$2,170,000))	
.....	\$1,667,000
Aquatic Lands Enhancement Account--State	
Appropriation.....(((\$3,634,000))	
.....	\$3,578,000
Snowmobile Account--State Appropriation	\$100,000
Environmental Legacy Stewardship Account--State	
Appropriation.....	\$3,948,000
Resources Management Cost Account--State	
Appropriation.....(((\$111,073,000))	
.....	\$116,006,000
Surface Mining Reclamation Account--State	
Appropriation.....(((\$3,972,000))	
.....	\$3,951,000
Disaster Response Account--State Appropriation.....	\$5,000,000
Forest and Fish Support Account--State	
Appropriation.....(((\$11,759,000))	
.....	\$11,755,000
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation	(((\$843,000))
.....	\$462,000
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation	\$34,000
Marine Resources Stewardship Trust Account--State	
Appropriation.....(((\$3,700,000))	
.....	\$4,122,000
State Toxics Control Account--State Appropriation	\$80,000
Forest Practices Application Account--State	
Appropriation.....	\$1,697,000
Air Pollution Control Account--State Appropriation	
.....(((\$785,000))	
.....	\$782,000
NOVA Program Account--State Appropriation.....(((\$950,000))	
.....	\$946,000
Derelict Vessel Removal Account--State	

Appropriation.....(((\$1,770,000))	
.....	\$1,767,000
Agricultural College Trust Management Account--State	
Appropriation.....(((\$2,712,000))	
.....	\$2,699,000
TOTAL APPROPRIATION	(((\$324,717,000))
.....	\$336,138,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,389,000 of the general fund--state appropriation for fiscal year 2014 and \$1,323,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) ~~(((\$19,099,000))~~ \$25,271,000 of the general fund--state appropriation for fiscal year 2014, \$19,099,000 of the general fund--state appropriation for fiscal year 2015, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for outcome-based, performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$518,000 of the forest and fish support account--state appropriation is provided solely for outcome-based performance contracts with nongovernmental organizations to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect cost set at or below a rate of eighteen percent.

(5) \$717,000 of the forest and fish support account--state appropriation is provided solely to fund interagency agreements with the department of ecology and the department of fish and wildlife as part of the adaptive management process.

(6) \$440,000 of the state general fund--state appropriation for fiscal year 2014 and \$440,000 of the state general fund--state appropriation for fiscal year 2015 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp.

(7) \$2,382,000 of the resource management cost account--state appropriation is for addressing the growing backlog of expired aquatic leases and new aquatic lease applications. The department shall implement a Lean process to improve the lease review process and further reduce the backlog, and submit a report on its progress in addressing the backlog and implementation of the Lean process to the governor and the appropriate committees of the legislature by October 1, 2013.

(8) \$1,948,000 of the environmental legacy stewardship account--state appropriation is provided solely for the department to pay a portion of the costs to complete remedial investigation work at Whitmarsh landfill and Mill site A and perform final-year

maintenance of the Olympic view triangle site in Commencement Bay.

(9) \$265,000 of the resources management cost account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 1764 (geoduck diver licenses). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(10) \$425,000 of the derelict vessel removal account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1245 (derelict and abandoned vessels). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(11) \$3,700,000 of the marine resources stewardship trust account--state appropriation is provided solely for implementation of priority marine management planning efforts including mapping activities, ecological assessment, data tools, stakeholder engagement, and all other work identified in Engrossed Senate Bill No. 5603 (marine advisory councils) during the 2013-2015 fiscal biennium.

(12) Within the amounts appropriated in this section, the department may purchase an extraordinary sensing device for the express purpose of firefighting and fire prevention.

Sec. 309. 2013 2nd sp.s. c 4 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2014) ..(((\$15,300,000))	
.....	\$15,270,000
General Fund--State Appropriation (FY 2015) ..(((\$15,294,000))	
.....	\$15,950,000
General Fund--Federal Appropriation ..(((\$23,098,000))	
.....	\$22,979,000
General Fund--Private/Local Appropriation	\$192,000
Aquatic Lands Enhancement Account--State	
Appropriation.....(((\$2,837,000))	
.....	\$2,827,000
State Toxics Control Account--State Appropriation	
.....(((\$5,203,000))	
.....	\$5,188,000
Water Quality Permit Account--State Appropriation(((\$70,000))	
.....	\$73,000
TOTAL APPROPRIATION	(((\$61,994,000))
.....	\$62,479,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,308,445 of the general fund--state appropriation for fiscal year 2014 and (~~(\$5,302,905))~~ \$6,102,905 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Pursuant to RCW 43.135.055 and 16.57.220, the department is authorized to institute livestock inspection fees in the 2013-2015 fiscal biennium for calves less than thirty days old.

(3) Pursuant to RCW 43.135.055 and 16.36.150, the department is authorized to establish a fee for the sole purpose of purchasing and operating a database and any other technology or software needed to administer animal disease traceability activities for cattle sold or slaughtered in the state or transported out of the state.

(4) Within the amounts appropriated in this section, the department of agriculture must convene and facilitate a work group with appropriate stakeholders to review fees supporting programs within the department that are also supported with state general fund. In developing strategies to make the program work more self-supporting, the workgroup will consider, at minimum, the length of time since the last fee increase, similar fees that exist in neighboring states, and fee increases that will ensure reasonable competitiveness in the respective industries. The workgroup must

submit a report containing recommendations that will make each of the fee supported programs within the department less reliant on state general fund to the office of financial management and legislative fiscal committees by December 1, 2013.

Sec. 310. 2013 2nd sp.s. c 4 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Program Trust	
Account--State Appropriation	(((\$987,000))
.....	\$994,000

Sec. 311. 2013 2nd sp.s. c 4 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2014) ..(((\$2,416,000))	
.....	\$2,398,000
General Fund--State Appropriation (FY 2015) ..(((\$2,318,000))	
.....	\$2,427,000
General Fund--Federal Appropriation	(((\$11,570,000))
.....	\$11,582,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$1,920,000
State Toxics Control Account--State Appropriation(((\$676,000))	
.....	\$675,000
TOTAL APPROPRIATION	(((\$18,900,000))
.....	\$19,002,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$788,000 of the aquatic lands enhancement account--state appropriation is provided solely for coordinating a study of Puget Sound juvenile steelhead marine survival conducted by the department of fish and wildlife and based on a study plan developed in cooperation with federal, tribal, and nongovernmental entities.

(2) By October 1, 2014, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2015-2017 capital and operating budget requests related to Puget Sound restoration.

(3) \$71,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the Puget Sound partnership to collaborate with interested parties to review the roles of local watershed and salmon recovery organizations implementing the action agenda and provide legislative, budgetary, and administrative recommendations to streamline and strengthen Puget Sound recovery efforts. In conducting this work, the partnership must coordinate with the following interested parties: The Hood Canal coordinating council, marine resources committees, including the Northwest straits initiative, regional fisheries enhancement groups, local integrating organizations, lead entities, and other county watershed councils, as well as representatives of federal, state, tribal, and local government agencies. Recommendations must be provided to the appropriate legislative committees by December 1, 2014.

(End of part)

PART IV TRANSPORTATION

Sec. 401. 2013 2nd sp.s. c 4 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2014) ..(((\$1,103,000))	
.....	\$1,097,000
General Fund--State Appropriation (FY 2015) ..(((\$1,341,000))	
.....	\$1,354,000
Architects' License Account--State Appropriation..(((\$902,000))	

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.....	\$898,000
Professional Engineers' Account--State	
Appropriation.....	..(((\$3,558,000))
.....\$3,529,000
Real Estate Commission Account--State Appropriation.....	
.....	.....(((\$9,929,000))
.....	.....\$9,885,000
Uniform Commercial Code Account--State	
Appropriation.....	.....(((\$3,154,000))
.....	.....\$3,132,000
Real Estate Education Program Account--State	
Appropriation.....	.....\$276,000
Real Estate Appraiser Commission Account--State	
Appropriation.....	.....(((\$1,703,000))
.....	.....\$1,700,000
Business and Professions Account--State	
Appropriation.....	.....(((\$17,454,000))
.....	.....\$17,390,000
Funeral and Cemetery Account--State Appropriation.....	\$5,000
Landscape Architects' License Account--State Appropriation....	
.....	.....\$4,000
Appraisal Management Company Account--State	
Appropriation.....	.....\$4,000
Real Estate Research Account--State Appropriation....	\$415,000
Wildlife Account--State Appropriation.....	\$32,000
Geologists' Account--State Appropriation.....	\$52,000
Derelict Vessel Removal Account--State Appropriation	\$31,000
TOTAL APPROPRIATION.....	.....(((\$39,963,000))
.....	.....\$39,804,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$566,000 of the business and professions account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1552 (scrap metal theft reduction). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(2) \$166,000 of the business and professions account--state appropriation in fiscal year 2014 only is provided solely for the implementation of Substitute House Bill No. 1779 (esthetics). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(3) \$592,000 of the business and professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1822 (debt collection practices). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(4) \$32,000 of the state wildlife account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5193 (wolf conflict management). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(5) \$19,000 of the general fund--state appropriation for fiscal year 2014 and \$48,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a pilot identicard program to assist and prepare offenders for release from prison and reentry into the community. The goal of the pilot identicard program is to provide proper state identification to offenders to facilitate access to services, employment, housing, and various other opportunities upon release to the community. By September 1, 2014, the department of licensing, working in conjunction with the department of corrections, must implement the pilot identicard program in accordance with the following:

(a) The pilot program must provide an original, renewal, or replacement identicard to offenders that: (i) Prove their identity as required by RCW 46.20.035; (ii) are under the custody of the

department of corrections; (iii) have been sentenced to an incarceration period exceeding one year and one day; and (iv) are incarcerated within the Monroe correctional complex and within two months of release.

(b) For purposes of verifying an offender's identity and eligibility for the program, a valid identification card issued by the department of corrections serves as sufficient proof of identity and residency for an offender to apply for and obtain a Washington state identicard.

(c) For the purposes of the pilot program, the department of licensing must (i) set an expiration date for an identicard issued under the pilot program for the first anniversary of the offender's birthdate after issuance; and (ii) not charge any fee to an applicant for an identicard issued as part of the pilot program.

(d) The department of licensing, in consultation with the department of corrections, must report to the governor and the appropriate committees of the legislature on the results of the pilot identicard program and any recommendations for improvement by June 30, 2015.

Sec. 402. 2013 2nd sp.s. c 4 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2014).....	..(((\$34,653,000))
.....	.....\$35,561,000
General Fund--State Appropriation (FY 2015).....	..(((\$32,485,000))
.....	.....\$31,337,000
General Fund--Federal Appropriation.....	.....(((\$16,189,000))
.....	.....\$15,860,000
General Fund--Private/Local Appropriation.....	.....(((\$3,020,000))
.....	.....\$3,019,000
Death Investigations Account--State Appropriation.....	
.....	.....(((\$9,956,000))
.....	.....\$9,925,000
Enhanced 911 Account--State Appropriation.....	\$3,480,000
County Criminal Justice Assistance Account--State	
Appropriation.....	.....(((\$3,332,000))
.....	.....\$3,310,000
Municipal Criminal Justice Assistance Account--State	
Appropriation.....	.....(((\$1,351,000))
.....	.....\$1,340,000
Fire Service Trust Account--State Appropriation.....	\$131,000
Disaster Response Account--State Appropriation.....	\$8,000,000
Fire Service Training Account--State	
Appropriation.....	.....(((\$9,797,000))
.....	.....\$9,774,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation.....	.....\$54,000
State Toxics Control Account--State Appropriation.....	..(((\$516,000))
.....	.....\$513,000
Fingerprint Identification Account--State	
Appropriation.....	.....(((\$10,747,000))
.....	.....\$12,184,000
Vehicle License Fraud Account--State Appropriation	
.....	.....(((\$447,000))
.....	.....\$334,000
TOTAL APPROPRIATION.....	.....(((\$134,158,000))
.....	.....\$134,822,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to

provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$700,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.

(4) \$3,480,000 of the enhanced 911 account--state appropriation is provided solely for upgrades to the Washington state identification system and the Washington crime information center. Amounts provided in this subsection may not be expended until the office of the chief information officer approves a plan to move the Washington state patrol's servers and data center equipment into the state data center in the 1500 Jefferson building, and the office of the chief information officer certifies that the Washington state patrol has begun the move. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(5) \$154,000 of the fingerprint identification account--state appropriation is provided solely for implementation of Substitute House Bill No. 1612 (firearms offenders). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(End of part)

**PART V
EDUCATION**

Sec. 501. 2013 2nd sp.s. c 4 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation (FY 2014).. (\$27,264,000)	\$27,273,000
General Fund--State Appropriation (FY 2015).. (\$26,041,000)	\$26,966,000
General Fund--Federal Appropriation..... (\$63,826,000)	\$70,931,000
General Fund--Private/Local Appropriation	(\$4,005,000)
	\$4,003,000
Performance Audits of Government Account--State Appropriation.....	\$200,000
TOTAL APPROPRIATION	(\$121,336,000)
	\$129,373,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of ~~(\$16,881,000)~~ \$16,996,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$16,602,000)~~ \$17,401,000 of the general fund--state appropriation for fiscal year 2015 is for state agency operations.

(a) ~~(\$8,846,000)~~ \$8,961,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$8,910,000)~~ \$8,639,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection (1)(a), the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of

the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By September of each year, the office of the superintendent of public instruction shall produce an annual status report of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of staff, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, and proviso outcomes and achievements.

(iv) The superintendent of public instruction shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

((vi) Appropriations in this section are sufficient for the office of the superintendent of public instruction to conduct ongoing consolidated program reviews of alternative learning experience programs and dropout reengagement programs established under chapter 20, Laws of 2010. The office of the superintendent of public instruction shall include alternative learning education and dropout reengagement programs in their ongoing consolidated program reviews, as well as provide outreach and training to school districts regarding implementation of the programs. Findings from the program reviews will be used to support and prioritize office of the superintendent outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.)

(b) \$1,017,000 of the general fund--state appropriation for fiscal year 2014 and \$1,017,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for activities associated with the implementation of new school finance systems required by chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(c)(i) \$1,012,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$1,012,000)~~ \$1,034,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of these amounts, \$161,000 of the general fund--state appropriation for fiscal year 2014 and \$161,000 of the general fund--state appropriation for fiscal year 2015 are provided for implementation of Initiative Measure No. 1240 (charter schools).

(ii) \$22,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the purpose of implementing provisions of Engrossed Second Substitute Senate Bill No. 6552 (student hour and graduation requirements) related to career and college ready graduation requirements. If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(d) \$1,325,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$1,325,000)~~ \$1,477,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to the professional educator standards board for the following:

(i) \$1,050,000 in fiscal year 2014 and \$1,050,000 in fiscal year 2015 are for the operation and expenses of the Washington professional educator standards board;

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(ii) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are for mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board, including the pipeline for paraeducators program and the retooling to teach conditional loan programs. Funding within this subsection (1)(d)(ii) is also provided for the recruiting Washington teachers program; (~~and~~)

(iii) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use;

(iv) \$24,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the professional educator standards board to: (A) Disseminate information about principles of language acquisition as a critical knowledge and skill for educators in support of instruction for English language learners; and (B) in conjunction with the office of the superintendent of public instruction, revise the model framework and curriculum for high school career and technical education courses related to careers in education to incorporate standards of cultural competence, new research on educator preparation, and curriculum and activities from the recruiting Washington teacher program; and

(v) \$128,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Substitute Senate Bill No. 6129 (paraeducator development). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(e) \$133,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$133,000)~~) \$266,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(f) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(g) \$45,000 of the general fund--state appropriation for fiscal year 2014 and \$45,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(h) \$131,000 of the general fund--state appropriation for fiscal year 2014 and \$131,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Initiative Measure No. 1240 (charter schools).

(i) \$1,826,000 of the general fund--state appropriation for fiscal year 2014 and \$1,802,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(j) \$25,000 of the general fund--state appropriation for fiscal year 2014 and \$25,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for project citizen, a program

sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(k) \$1,500,000 of the general fund--state appropriation for fiscal year 2014 and \$1,500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award \$500,000 per year in funding for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(l) \$123,000 of the general fund--state appropriation for fiscal year 2014 and \$123,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(m) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(n) \$93,000 of the general fund--state appropriation for fiscal year 2014 and \$93,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for chapter 185, Laws of 2011 (bullying prevention, which requires the office of the superintendent of public instruction to convene an ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, \$140,000 is for youth suicide prevention activities.

(o) \$138,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of House Bill No. 1336 (troubled youth in school). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(p) \$68,000 of the general fund--state appropriation for fiscal year 2014 and \$14,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of House Bill No. 1134 (state-tribal education compacts). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(q) \$62,000 of the general fund--state appropriation for fiscal year 2014 and \$62,000 of the general fund--state appropriation for fiscal year 2015 are for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(r) \$27,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of House Bill No. 1556 (cardiac arrest education).

(s) \$50,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the development of recommendations for funding integrated school nursing and outreach services. The office of the superintendent of public instruction shall collaborate with the health care authority to develop

recommendations for increasing federal financial participation for providing nursing services in schools with the goals of integrating nursing and outreach services and supporting one nurse for every four-hundred fifty students in elementary schools and one nurse for every seven-hundred fifty students in secondary schools. The recommendations shall include proposals for funding training and reimbursement for nurses that provide outreach services to help eligible students enroll in apple health for kids and other social services programs. The authority and the office of the superintendent of public instruction shall provide these recommendations to the governor and the legislature by December 1, 2013.

(t) \$50,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the office of the superintendent of public instruction to contract with an organization to develop a model plan for evaluating the outcomes of state funded pilot education programs, including guidelines for standard data that must be gathered throughout any education pilot program, as well as guidance for data and evaluation methods depending on the design of the program and the target population. The contract must also include a provision to provide guidance for the evaluation of existing pilot programs.

(u) \$10,000 of the general fund--state appropriation for fiscal year 2014 and \$10,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools--recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(v) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(w) \$28,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the office of the superintendent of public instruction to create a clearinghouse of research-based best practices for school districts to provide academic and nonacademic support for students while they are subject to disciplinary action and after their reengagement in school.

(x) \$49,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the office of the superintendent of public instruction, in collaboration with the educational opportunity gap oversight and accountability committee, the professional educator standards board, colleges of education, and representatives from diverse communities and community-based organizations, to develop a content outline for professional development and training in cultural competence for school staff, which educational service districts and school districts are encouraged to use.

(y) \$117,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the office of the superintendent of public instruction to convene a task force to design a performance-based assistance and accountability system for the transitional bilingual instruction program. The office must submit a report with recommendations from the task force to the education and fiscal committees of the legislature by January 15, 2016.

(z) \$134,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs and dropout reengagement programs. The amounts provided in this subsection are sufficient for the office of the superintendent of public instruction to conduct

ongoing consolidated program reviews of alternative learning experience programs and dropout reengagement programs established under chapter 20, Laws of 2010. The office of the superintendent of public instruction shall include alternative learning education and dropout reengagement programs in its ongoing consolidated program reviews, as well as provide outreach and training to school districts regarding implementation of the programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(aa) \$287,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the purpose of implementing provisions of Engrossed Second Substitute Senate Bill No. 6552 (student hour and graduation requirements) related to career and technical education equivalencies. If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(bb) \$148,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for implementation of Substitute Senate Bill No. 6431 (youth suicide prevention). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(2) \$200,000 of the performance audits of government account--state appropriation is provided solely for a one-time workload increase to address additional audit resolutions and appeals in the alternative learning experience programs.

(3) \$10,277,000 of the general fund--state appropriation for fiscal year 2014 and \$9,565,000 of the general fund--state appropriation for fiscal year 2015 are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2014 and \$2,541,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$135,000 of the general fund--state appropriation for fiscal year 2014 and \$135,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

\$1,221,000 of the general fund--state appropriation for fiscal year 2014 and \$1,221,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$1,875,000 of the general fund--state appropriation for fiscal year 2014 and \$1,875,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and \$1,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington

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college bound scholarship consistent with chapter 405, Laws of 2007.

(iii) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and \$1,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program and the building bridges statewide program. Starting in school year 2014-15, students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention.

(iv) \$2,112,000 of the general fund--state appropriation for fiscal year 2014 and \$1,400,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of chapter 340, Laws of 2011 and chapter 51, Laws of 2012. This includes the development and implementation of the Washington kindergarten inventory of developing skills (WaKIDS).

(v) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to subsidize advanced placement exam fees and international baccalaureate class fees and exam fees for low-income students. To be eligible for the subsidy, a student must be either enrolled or eligible to participate in the federal free or reduced price lunch program, and the student must have maximized the allowable federal contribution. The office of the superintendent of public instruction shall set the subsidy in an amount so that the advanced placement exam fee does not exceed \$15.00 and the combined class and exam fee for the international baccalaureate does not exceed \$14.50.

(vi) \$293,000 of the general fund--state appropriation for fiscal year 2014 and \$293,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the superintendent of public instruction to support ~~((the dissemination of the navigation 101 curriculum to all districts))~~ district implementation of comprehensive guidance and planning programs consistent with RCW 28A.600.045.

Sec. 502. 2013 2nd sp.s. c 4 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT	
General Fund--State Appropriation (FY 2014)(((\$5,395,289,000))	.....\$5,386,820,000
General Fund--State Appropriation (FY 2015).....	.....(((\$5,581,336,000))
.....	.....\$5,599,423,000
Education Legacy Trust Account--State	
Appropriation.....	.....(((\$328,563,000))
.....	.....\$381,563,000

General education class size:

Grade	RCW 28A.150.260	2013-14 School Year	2014-15 School Year
Grades K-3	25.23	25.23
Grade 4	27.00	27.00
Grades 5-6	27.00	27.00
Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

TOTAL APPROPRIATION.....(((\$11,305,188,000))
.....\$11,367,806,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2013-14 and 2014-15 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2013, to August 31, 2013, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 50, Laws of 2011 1st sp. sess., as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2013-14 and 2014-15 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260, except that the allocation for guidance counselors in a middle school shall be 1.216 for the 2013-14 and 2014-15 school years and the allocation for guidance counselors in a high school shall be 2.009 for the 2013-14 school year, which enhancements are within the program of basic education. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

The superintendent shall base allocations for laboratory science, career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

(A) General education class size in high poverty schools:

Grade	RCW 28A.150.260
Grade 2	24.10
Grade 3	24.10
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(B) For grades K-1, class size of 20.85 is provided for high poverty schools for the 2013-14 school year;

(C) For grades K through 1, the superintendent shall, at a minimum, allocate funding to high-poverty schools for the 2014-15 school year based on an average class size of 24.10 full-time equivalent students per teacher. The superintendent shall provide enhanced funding for class size reduction in grades K through 1 to the extent of, and proportionate to, the school's demonstrated actual average class size up to a class size of 20.30 full-time equivalent students per teacher. The office of the superintendent of public instruction shall develop rules to implement the enhanced funding authorized under (ii)(C) of this subsection and shall distribute draft rules for review no later than December 1, 2013. The office of the superintendent of public instruction shall report the draft rules and proposed methodology to the governor and the appropriate policy and fiscal committees of the legislature by December 1, 2013.

(D) The enhancement in this subsection (2)(c)(ii) is within the program of basic education.

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) (~~Laboratory science~~) Advanced placement(s) and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and (a) of this subsection and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student(s) full-time equivalent enrollment:

((Career and Technical Education students 2.02 per 1000 student FTE's
Skill Center students 2.36 per 1000 student FTE's))

	<u>2013-14 School</u>	<u>2014-15 School</u>
	<u>Year</u>	<u>Year</u>
<u>Career and</u>	<u>2.02</u>	<u>2.72</u>
<u>Technical</u>		
<u>Education</u>		
<u>Skill Center</u>	<u>2.36</u>	<u>3.06</u>

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2013-14 and 2014-15 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistance principals, and other certificated building level administrators:

Prototypical School Building:

Elementary School	1.253
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Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students 1.025
Skill Center students 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2013-14 and 2014-15 school years are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade, except that the allocation for parent involvement coordinators in an elementary school shall be 0.0825, which enhancement is within the program of basic education.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2013-14 and 2014-15 school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 1.71 percent in the 2013-14 school year and ~~((2.00))~~ 0.90 percent in the 2014-15 school year for career and technical education students, and ~~((21.60))~~ 21.57 percent in the 2013-14 school year and ~~((15.98))~~ 17.29 percent in the 2014-15 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 18.68 percent in the 2013-14 school year and 18.68 percent in the 2014-15 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 20.95 percent in the 2013-14 school year and 20.95 percent in the 2014-15 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2013-14 SCHOOL YEAR	2014-15 SCHOOL YEAR
Technology	\$77.46	(\$82.16) <u>\$89.13</u>
Utilities and Insurance	\$210.46	(\$223.23) <u>\$242.17</u>
Curriculum and Textbooks	\$83.17	(\$88.21) <u>\$95.69</u>
Other Supplies and Library Materials	\$176.56	(\$187.27) <u>\$203.16</u>
Instructional Professional Development for Certificated and Classified Staff	\$12.86	(\$13.64) <u>\$14.80</u>
Facilities Maintenance	\$104.27	(\$110.59) <u>\$119.97</u>
Security and Central Office	\$72.24	(\$76.62) <u>\$83.12</u>
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$737.02	(\$781.72) <u>\$848.04</u>

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,244.25 for the 2013-14 school year and ~~(\$1,262.92)~~ \$1,260.41 for the 2014-15 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate a per student MSOC allocation of \$1,399.30 for the 2013-14 school year and ~~(\$1,420.29)~~ \$1,417.48 for the 2014-15 school year.

(d) Students in ~~((laboratory science courses generate per student FTE MSOC allocations which equal the per student FTE rate for general education students established in (a) of this subsection.))~~ grades 9-12 generate per student FTE MSOC allocations in addition to the allocation provided in (a) of this subsection at the following

rate:

2014-15

School Year	
Technology	\$36.35
Curriculum and Textbooks	\$39.02
Other Supplies and Library Materials.....	\$82.84
Instructional Professional Development for Certificated and Classified Staff	\$6.04
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$164.25

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2013-14 and 2014-15 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2013, to August 31, 2013, are adjusted to reflect provisions of chapter 34, Laws of 2011 1st sp. sess. (allocation of funding for funding for students enrolled in alternative learning experiences).

(b) Amounts provided in this section beginning September 1, 2013, are adjusted to reflect modifications to alternative learning experience courses in Engrossed Substitute Senate Bill No. 5946 (student educational outcomes).

(c) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact, starting with the 2014-15 school year. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) VOLUNTARY FULL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund voluntary full day kindergarten programs in qualifying high poverty schools, pursuant to RCW 28A.150.220 and 28A.150.315. Each kindergarten student who enrolls for the voluntary full-day program in a qualifying school shall count as one-half of one full-time equivalent student for purpose of making allocations under this section. Funding in this section provides full-day kindergarten programs for 43.75 percent of kindergarten enrollment in the 2013-14 school year and 43.75 percent in the 2014-15 school year, which enhancement is within the program of basic education.

((12) INCREASED INSTRUCTIONAL HOURS FOR GRADES SEVEN THROUGH TWELVE

(a) School districts shall implement the increased instructional hours for the instructional program of basic education required under the provisions of RCW 28A.150.220(2)(a) beginning with the 2014-15 school year, which enhancement is within the program of basic education.

(b) Amounts provided in this section are sufficient to fund increased instructional hours in grades seven through twelve. For the 2014-15 school year, the superintendent shall allocate funding to school districts for increased instructional hours. In calculating the allocations, the superintendent shall assume the following averages: (a) Additional instruction of 2.2222 hours per week per full-time equivalent student in grades seven through twelve in school year 2014-15; (b) the general education average class sizes specified in section 502(2)(c); (c) 36 instructional weeks per year; (d) 900 instructional hours per teacher; and (e) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.)

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of

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0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (12) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2014 and 2015 as follows:

(a) \$605,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$614,000)~~ \$613,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund--state appropriation for fiscal year 2014 and \$436,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) \$214,000 of the general fund--state appropriation for fiscal year 2014 and ~~(\$217,000)~~ \$216,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for school district emergencies as certified by the superintendent of public instruction. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management

and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(17) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment. In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (12) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed 15 percent of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) \$1,991,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the purpose of Engrossed Second Substitute House Bill No. 2207 (federal forest revenue). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 503. 2013 2nd sp.s. c 4 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION	
General Fund--State Appropriation (FY 2014) (\$365,120,000)	
.....	\$365,048,000
General Fund--State Appropriation (FY 2015) (\$427,408,000)	
.....	\$429,312,000
TOTAL APPROPRIATION .....	.....(\$792,528,000)
.....	.....\$794,360,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section for school year 2014-15 constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) For the 2014-15 school year, the superintendent shall allocate funding for approved and operating charter schools as provided in RCW 28A.710.220(3). Per-student allocations for pupil transportation must be calculated using the allocation for the previous school year to the school district in which the charter school is located and the number of eligible students in the district, and must be distributed to the charter school based on the number of eligible students.

~~((b))~~ (c) From July 1, 2013 to August 31, 2013, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 50, Laws of 2011 1st sp. sess., as amended.

(3) \$558,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for pupil transportation expected cost funding formula adjustments as provided under this subsection. School districts whose efficiency rating is at least ninety-five percent and whose actual prior year costs exceed the expected cost allocations provided through the pupil transportation funding formula due to exceptional circumstances may apply to the superintendent of public instruction to receive a supplemental funding adjustments for a one-year period to offset the excess costs in whole or in part. The superintendent shall adopt criteria for review of applications, which may include exceptional issues related to geography, student demographics, or other one-time circumstances that are not otherwise addressed in the expected cost model. Differences in costs related to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for transportation adjustments. School districts that receive adjustments under this subsection are not guaranteed adjustments in future years and must reapply. Adjustments may not exceed the total appropriation provided in this subsection for fiscal year 2015. Adjustments also may not exceed the difference between the district's school year 2013-14 allocation and the district's expected cost allocation.

~~((3))~~ (4) A maximum of \$892,000 of this fiscal year 2014 appropriation and a maximum of \$892,000 of the fiscal year 2015 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

~~((4))~~ (5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

~~((5))~~ (6) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

~~((6))~~ (7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

~~((7))~~ (8) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

Sec. 504. 2013 2nd sp.s. c 4 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS	
General Fund--State Appropriation (FY 2014).....	\$7,111,000
General Fund--State Appropriation (FY 2015).....	\$7,111,000
General Fund--Federal Appropriation.....	((473,326,000))
.....	\$501,326,000
TOTAL APPROPRIATION.....	((487,548,000))
.....	\$515,548,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,111,000 of the general fund--state appropriation for fiscal year 2014 and \$7,111,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced price lunch;

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in (a), (b), and (c) of this subsection.

Sec. 505. 2013 2nd sp.s. c 4 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS	
General Fund--State Appropriation (FY 2014).....	((702,149,000))
.....	\$693,894,000
General Fund--State Appropriation (FY 2015).....	((738,043,000))
.....	\$742,343,000
General Fund--Federal Appropriation.....	((462,022,000))
.....	\$476,122,000
Education Legacy Trust Account--State Appropriation.....	
.....	\$46,151,000
TOTAL APPROPRIATION.....	((1,948,365,000))
.....	\$1,958,510,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:
(i) Special education students are basic education students first;

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(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations ~~((for increased instructional hours for grades seven through twelve as))~~ provided under section 502~~((12)(b), which enhancement is))~~ for parent involvement coordinators in prototypical elementary schools as provided under section 502(4); and guidance counselors in prototypical middle and high schools as provided under section 502(2)(a), which enhancements are within the program of basic education.

(b) From July 1, 2013 to August 31, 2013, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 50, Laws of 2011 1st sp. sess., as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) ~~((\$22,263,000))~~ \$17,578,000 of the general fund--state appropriation for fiscal year 2014, ~~((\$34,392,000))~~ \$29,948,000 of the general fund--state appropriation for fiscal year 2015, and \$29,574,000 of the general fund--federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2013-14 and 2014-15 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital

and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$252,000 of the general fund--state appropriation for fiscal year 2014 and \$252,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2014~~((, \$50,000 of the general fund--state appropriation for fiscal year 2015,))~~ and ~~((\$100,000))~~ \$50,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

(13) Beginning in fiscal year 2015, the superintendent of public instruction must enter into an interagency agreement with the office of the education ombuds to provide special education ombuds services. Up to \$50,000 of the general fund--federal appropriation may be used for this purpose.

Sec. 506. 2013 2nd sp.s. c 4 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS	
General Fund--State Appropriation (FY 2014)....	(((\$8,143,000))
.....	\$8,121,000
General Fund--State Appropriation (FY 2015)....	(((\$8,151,000))
.....	\$8,124,000
TOTAL APPROPRIATION.....	(((\$16,294,000))
.....	\$16,245,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 507. 2013 2nd sp.s. c 4 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2014)(((\$311,174,000))	
.....	\$311,882,000
General Fund--State Appropriation (FY 2015)(((\$335,533,000))	
.....	\$340,444,000
TOTAL APPROPRIATION.....(((\$646,707,000))	
.....	\$652,326,000

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 4.914 percent from the 2012-13 school year to the 2013-14 school year and 4.914 percent from the 2013-14 school year to the 2014-15 school year.

Sec. 508. 2013 2nd sp.s. c 4 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2014)..(((\$15,291,000))	
.....	\$13,968,000
General Fund--State Appropriation (FY 2015)..(((\$15,493,000))	
.....	\$13,964,000
TOTAL APPROPRIATION.....(((\$30,784,000))	
.....	\$27,932,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) ~~(((\$1,070,000))~~ \$569,000 of the general fund--state appropriation for fiscal year 2014 and ~~(((\$1,070,000))~~ \$569,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 509. 2013 2nd sp.s. c 4 s 511 (uncodified) is amended to read as follows:

FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2014)....(((\$9,555,000))	
.....	\$9,539,000
General Fund--State Appropriation (FY 2015)....(((\$9,677,000))	
.....	\$9,685,000
TOTAL APPROPRIATION.....(((\$19,232,000))	

.....\$19,224,000
The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 50, Laws of 2011 1st sp. sess., as amended.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2014 and \$85,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the centrum program at Fort Worden state park.

Sec. 510. 2013 2nd sp.s. c 4 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS--NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation.....(((\$4,052,000))	
.....	\$4,302,000

Sec. 511. 2013 2nd sp.s. c 4 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2014)(((\$121,840,000))	
.....	\$114,340,000
General Fund--State Appropriation (FY 2015)(((\$104,524,000))	
.....	\$101,537,000
General Fund--Federal Appropriation.....(((\$206,234,000))	
.....	\$217,806,000
General Fund--Private/Local Appropriation.....	\$4,002,000
Education Legacy Trust Account--State Appropriation.....	
.....	(\$1,599,000)
.....	\$1,597,000
TOTAL APPROPRIATION.....(((\$438,199,000))	
.....	\$439,282,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) ~~(((\$44,575,000))~~ \$38,031,000 of the general fund--state appropriation for fiscal year 2014, ~~(((\$27,134,000))~~ \$22,806,000 of the general fund--state appropriation for fiscal year 2015, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington state assessment system, including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year. State

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funding to districts shall be limited to one collection of evidence payment per student, per content-area assessment.

(b) The superintendent of public instruction shall modify the statewide student assessment system and implement assessments developed with a multistate consortium beginning in the 2014-15 school year to assess student proficiency on the standards adopted under RCW 28A.655.071 and including the provisions of House Bill No. 1450.

(c) Within the amounts provided in this section, the superintendent of public instruction shall develop and administer the biology collection of evidence.

(d) Within the amounts provided in this section, the superintendent of public instruction shall create an alternative assessment for students with the most significant cognitive challenges that is aligned to the common core state standards.

(2) \$356,000 of the general fund--state appropriation for fiscal year 2014 and \$356,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$5,851,000 of the general fund--state appropriation for fiscal year 2014 and \$3,935,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(4)(a) (~~(\$45,263,000)~~) \$44,879,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$49,673,000)~~) \$48,746,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,090 per teacher in the 2013-14 and 2014-15 school years;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner. All bonuses in (a)(i) and (ii) of this subsection will be paid in July of each school year. Bonuses in (a)(i) and (ii) of this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2013-14 and 2014-15 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual

bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(5) \$477,000 of the general fund--state appropriation for fiscal year 2014 and \$477,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(6) \$950,000 of the general fund--state appropriation for fiscal year 2014 and \$950,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(7) \$810,000 of the general fund--state appropriation for fiscal year 2014 and \$810,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(8) \$2,000,000 of the general fund--state appropriation for fiscal year 2014 and \$2,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(9) \$1,277,000 of the general fund--state appropriation for fiscal year 2014 and \$1,277,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, \$300,000 of the 2014 appropriation and \$300,000 of the 2015 appropriation shall be used to support FIRST robotics programs. Of the amounts in this subsection, \$100,000 of the fiscal year 2014 appropriation and \$100,000 of the fiscal year 2015 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(10) \$125,000 of the general fund--state appropriation for fiscal year 2014 and \$125,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for

implementing integrated math, science, technology, and engineering programs in their schools.

(11) \$135,000 of the general fund--state appropriation for fiscal year 2014 and \$135,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(12) \$1,000,000 of the general fund--state appropriation for fiscal year 2014 and (~~\$1,000,000~~) \$3,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. \$250,000 may be used to provide statewide professional development opportunities for mentors and beginning educators.

(13) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2014, a high school must have offered a foundational project lead the way course during the 2012-13 school year. The 2014 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2013-14 school year. To be eligible for funding in 2015, a high school must have offered a foundational project lead the way course during the 2013-14 school year. The 2015 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2014-15 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(14) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for annual start-up grants for aerospace and manufacturing technical programs housed at four skill centers. The grants are provided for start-up equipment and curriculum purchases. To be eligible for funding, the skill center must agree to provide regional high schools with access to a technology laboratory, expand manufacturing certificate and course offerings at the skill center, and provide a laboratory space for local high school teachers to engage in professional development in the instruction of courses leading to student employment certification in the aerospace and manufacturing industries. Once a skill center receives a start-up grant, it is ineligible for additional start-up funding in the following school year. The office of the superintendent of public instruction shall administer the grants in consultation with the center for excellence for aerospace and advanced materials manufacturing.

(15) \$150,000 of the general fund--state appropriation for fiscal year 2014 and \$150,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for annual start-up grants to six high schools to implement the aerospace assembler program. Participating high schools must agree to offer the aerospace assembler training program to students by spring semester of school year 2013-14. Once a high school receives a start-up grant, it is ineligible for additional start-up funding in the following school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(16) \$10,000,000 of the general fund--state appropriation for fiscal year 2014 and (~~\$5,000,000~~) \$5,027,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the provision of training for teachers in the performance-based teacher principal evaluation program. Of the amounts appropriated in this subsection, \$5,000,000 for fiscal year 2014 is a one-time appropriation, and \$27,000 for fiscal year 2015 is a one-time appropriation provided solely for the office of the superintendent of public instruction to include foundational elements of cultural competence that are aligned with standards developed by the professional educator standards board within the content of the training.

(17) \$3,600,000 of the general fund--state appropriation for fiscal year 2014 and \$6,681,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5329 (persistently failing schools). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(18) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(19) \$109,000 of the general fund--state appropriation for fiscal year 2014 and \$99,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the office of the superintendent of public instruction to implement a youth dropout prevention program that incorporates partnerships between community-based organizations, schools, food banks and farms or gardens. The office of the superintendent of public instruction shall select one school district that must partner with an organization that is operating an existing similar program and that also has the ability to serve at least 40 students. Of the amount appropriated in this subsection, up to \$10,000 may be used by the office of the superintendent of public instruction for administration of the program.

(20) (~~(\$2,399,000)~~) \$1,827,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$2,035,000)~~) \$2,194,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to implement Engrossed Substitute Senate Bill No. 5946 (strengthening student educational outcomes). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(21) \$1,110,000 of the general fund--state appropriation for fiscal year 2014 and \$1,061,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for chapter 184, Laws of 2013 (Second Substitute House Bill No. 1642) (academic acceleration). Of the amount appropriated in this section, forty-nine thousand is provided as one-time funding.

(22) \$44,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for Substitute Senate Bill No. 6074 (homeless student educational outcomes). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(23) \$83,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for Second Substitute Senate Bill No. 6163 (expanded learning). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

(24) \$21,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for Senate Bill No. 6424 (biliteracy seal). If the bill is not enacted by June 30, 2014, the amount provided in this subsection shall lapse.

Sec. 512. 2013 2nd sp.s. c 4 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

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General Fund--State Appropriation (FY 2014) ..(((\$95,500,000))	
.....	\$97,796,000
General Fund--State Appropriation (FY 2015)(((\$106,120,000))	
.....	\$110,084,000
General Fund--Federal Appropriation.....(((\$71,016,000))	
.....	\$72,116,000
TOTAL APPROPRIATION.....(((\$272,636,000))	
.....	\$279,996,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through twelve in school years 2013-14 and 2014-15; (ii) additional instruction of 3.0000 hours per week in school year 2013-14 for the head count number of students who have exited the transitional bilingual instruction program within the previous school year based on their performance on the English proficiency assessment; (iii) additional instruction of 3.0000 hours per week in school year 2014-15 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iv) fifteen transitional bilingual program students per teacher; (v) 36 instructional weeks per year; (vi) 900 instructional hours per teacher; and (vii) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 50, Laws of 2011 1st sp. sess., as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: (~~(+76)~~) 1.70 percent for school year 2013-14 and (~~(+59)~~) 1.53 percent for school year 2014-15.

(4) The general fund--federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund--state appropriation for fiscal year 2014 and \$35,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to track current and former transitional bilingual program students.

Sec. 513. 2013 2nd sp.s. c 4 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2014)(((\$196,356,000))	
.....	\$194,728,000
General Fund--State Appropriation (FY 2015)(((\$218,335,000))	
.....	\$214,877,000
General Fund--Federal Appropriation.....(((\$448,434,000))	
.....	\$450,534,000
TOTAL APPROPRIATION.....(((\$863,125,000))	
.....	\$860,139,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2013-14 and 2014-15 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2013-14 school year and the 2014-15 school year; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2013, to August 31, 2013, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 50, Laws of 2011 1st sp. sess., as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year. Starting with the allocation for the 2014-15 school year, the prior school year's October headcount enrollment for free and reduced price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 514. 2013 2nd sp.s. c 4 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2014, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2014 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

NEW SECTION. Sec. 515. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

General Fund--State Appropriation (FY 2014).....	\$466,000
General Fund--State Appropriation (FY 2015).....	\$556,000
Charter School Oversight Account--State Appropriation	
.....	\$17,000
TOTAL APPROPRIATION.....	\$1,039,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the office of the attorney general costs related to *League of Women Voters v. State of Washington*.

(2) \$137,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for charter school evaluation and oversight.

(End of part)

**PART VI
HIGHER EDUCATION**

Sec. 601. 2013 2nd sp.s. c 4 s 602 (uncodified) is amended to read as follows:

(1) Within the amounts appropriated in this act and chapter 1, Laws of 2013 3rd sp. sess. (aerospace industry appropriations), each institution of higher education is expected to enroll and educate at least the following numbers of full-time equivalent state-supported students per academic year:

	2013-14 Annual Average	2014-15 Annual Average
University of Washington	37,162	37,162
Washington State University	22,228	((22,228)) <u>22,538</u>
Central Washington University	9,105	9,105
Eastern Washington University	8,734	8,734

The Evergreen State College	((4,335)) <u>4,213</u>	((4,335)) <u>4,213</u>
Western Washington University	((12,740)) <u>11,762</u>	((12,740)) <u>11,762</u>
State Board for Community & Technical Colleges		
Adult Students	139,237	((139,237))
Running Start Students	11,558	<u>139,927</u> 11,558

(2) In achieving or exceeding these enrollment targets, each institution shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at branch campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(3) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments budgeted for each of their campuses.

Sec. 602. 2013 2nd sp.s. c 4 s 603 (uncodified) is amended to read as follows:

PUBLIC BACCALAUREATE INSTITUTIONS

(1) In order to operate within the state funds appropriated in this act, the governing boards of the state research universities, the state regional universities, and The Evergreen State College are authorized to adopt and adjust tuition and fees for the 2013-14 and 2014-15 academic years as provided in this section.

(2) For the purposes of chapter 28B.15 RCW, the omnibus appropriations act assumes no increase of tuition levels for resident undergraduate students over the amounts charged to resident undergraduate students for the prior year.

(3) Appropriations in sections 606 through 611 of this act are sufficient to maintain resident undergraduate tuition levels at the levels charged to resident undergraduate students during the 2012-13 academic year. As a result, for the 2013-14 and 2014-15 academic years, the institutions of higher education shall not adopt resident undergraduate tuition levels that are greater than the tuition levels assumed in subsection (2) of this section. ~~((For the 2014-15 academic year, the institutions of higher education are authorized to adopt tuition levels for resident undergraduate students that are less than, equal to, or greater than tuition levels assumed in the omnibus appropriations act in subsection (2) of this section. However, to the extent that tuition levels exceed the tuition levels assumed in subsection (2) of this section the institution of higher education shall be subject to the conditions and limitations provided in RCW 28B.15.102.))~~

(4) Each governing board is authorized to increase tuition charges to graduate and professional students, and to nonresident undergraduate students, by amounts judged reasonable and necessary by the governing board.

(5) Each governing board is authorized to increase summer quarter or semester tuition fees for resident and nonresident undergraduate, graduate, and professional students pursuant to RCW 28B.15.067.

(6) Each governing board is authorized to adopt or increase charges for fee-based, self-sustaining degree programs, credit

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courses, noncredit workshops and courses, and special contract courses by amounts judged reasonable and necessary by the governing board.

(7) Each governing board is authorized to adopt or increase services and activities fees for all categories of students as provided in RCW 28B.15.069.

(8) Each governing board is authorized to adopt or increase technology fees as provided in RCW 28B.15.069.

(9) Each governing board is authorized to adopt or increase special course and lab fees, and health and counseling fees, to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(10) Each governing board is authorized to adopt or increase administrative fees such as, but not limited to, those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the governing board.

(11) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by running start students if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(12) Appropriations in sections 606 through 611 of this act are sufficient to implement 2013-2015 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW. The institutions may also use these funds for any other purpose including restoring prior compensation reductions, increasing compensation, and implementing other collective bargaining agreements.

Sec. 603. 2013 2nd sp.s. c 4 s 604 (uncodified) is amended to read as follows:

STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

(1) In order to operate within the state funds appropriated in this act, the state board is authorized to adopt and adjust tuition and fees for the 2013-14 and 2014-15 academic years as provided in this section.

(2) For the purposes of chapter 28B.15 RCW, appropriations in the omnibus appropriations act assumes no increase in tuition levels for resident undergraduate students over the amounts charged to resident undergraduate students for the prior year. ~~((For the 2014-15 academic year, the state board is authorized to adopt tuition levels for resident undergraduate students that are less than, equal to, or greater than tuition levels assumed in the omnibus appropriations act in this subsection. However, to the extent that tuition levels exceed the tuition levels assumed in this subsection, the state board shall retain an additional one percent of operating fees above what is already retained pursuant to RCW 28B.15.031 for the purposes of RCW 28B.15.820. For the 2013-2015 fiscal biennium, when expending this additional retained amount, the community and technical colleges are subject to the conditions and limitations in RCW 28B.15.102.))~~ Appropriations in section 604 of this act are sufficient to maintain resident undergraduate tuition levels at the levels charged to resident undergraduate students during the 2012-13 academic year.

(3) For the 2013-14 and 2014-15 academic years, the state board may increase tuition fees charged to resident undergraduates enrolled in upper division applied baccalaureate programs as specified in subsection (2) of this section.

(4) Appropriations in section 605 include the restoration of the three percent reduction in compensation costs taken in the 2011-2013 fiscal biennium. This funding is sufficient to implement 2013-2015 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80

RCW. The colleges may also use the restored funds for any other purpose including restoring prior compensation reductions, increasing compensation, and implementing other collective bargaining agreements.

(5) The state board may increase the tuition fees charged to nonresident students by amounts judged reasonable and necessary by the board.

(6) The trustees of the technical colleges are authorized to either (a) increase operating fees by no more than the percentage increases authorized for community colleges by the state board; or (b) fully adopt the tuition fee charge schedule adopted by the state board for community colleges.

(7) For academic years 2013-14 and 2014-15, the trustees of the technical colleges are authorized to increase building fees by an amount judged reasonable in order to progress toward parity with the building fees charged students attending the community colleges.

(8) The state board is authorized to increase the maximum allowable services and activities fees as provided in RCW 28B.15.069. The trustees of the community and technical colleges are authorized to increase services and activities fees up to the maximum level authorized by the state board.

(9) The trustees of the community and technical colleges are authorized to adopt or increase charges for fee-based, self-sustaining programs such as summer session, international student contracts, and special contract courses by amounts judged reasonable and necessary by the trustees.

(10) The trustees of the community and technical colleges are authorized to adopt or increase special course and lab fees to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(11) The trustees of the community and technical colleges are authorized to adopt or increase administrative fees such as but not limited to those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the trustees.

Sec. 604. 2013 2nd sp.s. c 4 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2014)(((\$70,262,000))	.....	\$569,679,000
General Fund--State Appropriation (FY 2015)(((\$568,999,000))	.....	\$554,963,000
Community/Technical College Capital Projects		
Account--State Appropriation		\$17,548,000
Education Legacy Trust Account--State		
Appropriation.....(((\$95,373,000))	.....	\$95,197,000
TOTAL APPROPRIATION.....(((\$1,252,182,000))	.....	\$1,237,387,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund--state appropriation for fiscal year 2014 and \$33,261,000 of the general fund--state appropriation for fiscal year 2015 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2014 and at least 7,170 full-time equivalent students in fiscal year 2015.

(2) \$5,450,000 of the education legacy trust account--state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the

governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$100,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(4) \$181,000 of the general fund--state appropriation for fiscal year 2014 and \$181,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the opportunity center for employment and education internet technology integration project at north Seattle community college.

(5) \$255,000 of the general fund--state appropriation for fiscal year 2014 and \$255,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of a maritime industries training program at south Seattle community college.

(6) \$5,250,000 of the general fund--state appropriation for fiscal year 2014 and \$5,250,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the student achievement initiative.

(7) \$500,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Second Substitute Senate Bill No. 5624 (STEM or career and tech ed). If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

(8) \$350,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for a pilot project to embed the year up model within community college campuses.

(9) \$13,000 of the general fund--state appropriation for fiscal year 2014 and \$168,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the implementation of Substitute Senate Bill No. 6129 (paraeducator development). If the bill is not enacted by June 30, 2014, the amounts provided in this subsection shall lapse.

(10) \$410,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the mathematics engineering science achievement community college programs.

~~((8))~~ (11) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

~~((9))~~ (12) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

Sec. 605. 2013 2nd sp.s. c 4 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON	
General Fund--State Appropriation (FY 2014)(((\$246,897,000))	
.....	\$247,063,000
General Fund--State Appropriation (FY 2015)(((\$245,200,000))	
.....	\$239,472,000
Geoduck Aquaculture Research Account--State	
Appropriation.....	\$300,000

Education Legacy Trust Account--State Appropriation.....	
.....	\$13,998,000
Economic Development Strategic Reserve Account--	
State Appropriation.....	\$3,000,000
Biotoxin Account--State Appropriation	\$390,000
Accident Account--State Appropriation.....(((\$6,741,000))	
.....	\$6,702,000
Medical Aid Account--State Appropriation	(((\$6,546,000))
.....	\$6,528,000
Aquatic Land Enhancement Account--State Appropriation.....	
.....	\$700,000
State Toxics Control Account--State Appropriation	\$1,120,000
TOTAL APPROPRIATION	(((\$524,892,000))
.....	\$519,273,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the geoduck aquaculture research account--state appropriation is provided solely for the University of Washington sea grant program to commission scientific research studies that examine possible negative and positive effects, including the cumulative effects and the economic contribution, of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems. The research conducted for the studies is not intended to be a basis for an increase in the number of shellfish harvesting permits available and should be coordinated with any research efforts related to ocean acidification. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the appropriate legislative committees by December 1st of each year.

(2) \$52,000 of the general fund--state appropriation for fiscal year 2014 and \$52,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the center for international trade in forest products in the college of forest resources.

(3) \$4,459,000 of the general fund--state appropriation for fiscal year 2014 and \$4,459,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science and engineering programs above the 2012-2013 academic year baseline.

(4) \$3,000,000 of the general fund--state appropriation for fiscal year 2014 and \$3,000,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for creation of a clean energy institute. The institute shall integrate physical sciences and engineering with a research focus on energy storage and solar energy.

(5) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(6) Within existing resources the University of Washington may: (a) Form and implement an integrated innovation institute and research, planning, and outreach initiatives at the Olympic national resources center; and (b) accredit a four-year undergraduate forestry program from the society of American foresters. Accreditation may occur in conjunction with reaccreditation of the master of forest resources program.

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(7) \$700,000 of the aquatic lands enhancement account--state appropriation and \$1,120,000 of the state toxics control account--state appropriation are provided solely for the center on ocean acidification and related work necessary to implement the recommendations of the governor's blue ribbon task force on ocean acidification. The university shall provide staffing for this purpose.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the institute of protein design to support the commercialization of translational projects.

(9) \$400,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the University of Washington-Tacoma to develop a law school.

~~((8))~~ (10) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

Sec. 606. 2013 2nd sp.s. c 4 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2014)(((\$156,616,000))	
.....	\$156,867,000
General Fund--State Appropriation (FY 2015)(((\$157,701,000))	
.....	\$154,106,000
Education Legacy Trust Account--State Appropriation.....	
.....	\$33,995,000
TOTAL APPROPRIATION.....(((\$348,312,000))	
.....	\$344,968,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within existing resources, Washington State University shall establish an accredited forestry program.

(2) \$2,856,000 of the general fund--state appropriation for fiscal year 2014 and \$2,857,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science and engineering programs above the 2012-2013 academic year baseline.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the Ruckelshaus center to collaborate with local governments, the media, and representatives of the public regarding public record requests made to local government. The center shall facilitate meetings and discussions and report to the appropriate committees of the legislature. The report shall include information on:

- (a) Recommendations related to balancing open public records with concerns of local governments related to interfering with the work of the local government;
- (b) Resources necessary to accommodate requests;
- (c) Potential harassment of government employees;
- (d) Potential safety concerns of people named in the record;
- (e) Potentially assisting criminal activity; and
- (f) Other issues brought forward by the participants.

The center shall report to the appropriate committees of the legislature by December 15, 2013.

(4) \$300,000 of the general fund--state appropriation for fiscal year 2014 and \$300,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington State

University agricultural research center to conduct public outreach and education related to nonlethal methods of mitigating conflicts between livestock and large wild carnivores. Of the amounts provided in this subsection, \$200,000 of the general fund--state appropriation for fiscal year 2014 and \$200,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to the center to conduct a detailed analysis of such methods. The amounts appropriated in this subsection may not be subject to an administrative fee or charge, and must be used for costs directly associated with the research and analysis.

(5) \$2,400,000 of the general fund--state appropriation for fiscal year 2014 and \$3,600,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expansion of medical education and biomedical research in Spokane.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2014 and \$500,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for state match requirements related to the federal aviation administration grant.

~~((6))~~ (7) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

Sec. 607. 2013 2nd sp.s. c 4 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014)..(((\$31,674,000))	
.....	\$31,386,000
General Fund--State Appropriation (FY 2015)..(((\$31,619,000))	
.....	\$31,808,000
Education Legacy Trust Account--State	
Appropriation.....(((\$15,470,000))	
.....	\$14,941,000
TOTAL APPROPRIATION.....(((\$78,763,000))	
.....	\$78,135,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund--state appropriation for fiscal year 2014 and at least \$200,000 of the general fund--state appropriation for fiscal year 2015 shall be expended on the Northwest autism center.

(2) \$1,000,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the expansion of engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2015, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science and engineering programs above the 2013-2014 academic year baseline.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

Sec. 608. 2013 2nd sp.s. c 4 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2014)..(((\$29,719,000))	
.....	\$29,733,000
General Fund--State Appropriation (FY 2015)..(((\$29,533,000))	
.....	\$29,487,000
Education Legacy Trust Account--State Appropriation.....	
.....	\$19,076,000
TOTAL APPROPRIATION.....(((\$78,328,000))	

.....\$78,296,000
The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the college of education to conduct a study identifying the duties encompassed in a state-funded teacher's typical work day. The study must include an estimate of the percent of a teacher's typical day that is spent on teaching related duties and the percentage of the teacher's day that is spent on duties that are not directly related to teaching. The university shall submit a report to the appropriate committees of the legislature by December 1, 2013.

(2) Amounts appropriated in this section are sufficient for the university to develop a plan to create an online degree granting entity that awards degrees based on an alternative credit model. The university shall submit a final plan by December 1, 2013, to the higher education committees of the legislature.

(3) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2015, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science and engineering programs above the 2013-2014 academic year baseline.

Sec. 609. 2013 2nd sp.s. c 4 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE	
General Fund--State Appropriation (FY 2014) ..	(\$18,563,000)
.....	\$18,351,000
General Fund--State Appropriation (FY 2015) ..	(\$17,911,000)
.....	\$17,371,000
Education Legacy Trust Account--State Appropriation.....	
.....	\$5,450,000
TOTAL APPROPRIATION	(\$41,924,000)
.....	\$41,172,000

The appropriations in this section are subject to the following conditions and limitations:

~~((3))~~ (1) \$100,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to conduct a comprehensive retrospective outcome evaluation and return on investment analysis of the early learning childhood program pursuant to Senate Bill No. 5904 (high quality early learning). This evaluation is due December 15, 2014. If the bill is not enacted by June 30, 2013, the amount provided in this subsection shall lapse.

~~((4))~~ (2) \$50,000 of the general fund--state appropriation for fiscal year 2014 and \$50,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to develop a risk assessment instrument for patients committed for involuntary treatment in Washington state.

~~((5))~~ (3) \$58,000 of the general fund--state appropriation for fiscal year 2014 and \$27,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the Washington state institute for public policy to prepare an inventory of evidence-based and research-based effective practices, activities,

and programs for use by school districts in the learning assistance program pursuant to Engrossed Second Substitute Senate Bill No. 5946 (student educational outcomes), including partnerships with community-based organizations that deliver academic and nonacademic supports to students who are significantly at-risk of not being successful in school, such as one-to-one services to overcome barriers of success at school and school-wide afterschool academic support. The initial inventory is due by August 1, 2014, and shall be updated every two years thereafter. If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

~~((6))~~ (4) \$50,000 of the general fund--state appropriation for fiscal year 2014 are provided solely for the Washington state institute for public policy to provide expertise to the department of corrections on the implementation of programming that follows the risk needs responsivity model. In consultation with the department of corrections, the institute will systematically review selected programs for outcome measures.

(5) The Washington state institute for public policy shall examine the drug offender sentencing alternative for offenders sentenced to residential treatment in the community. The institute shall examine its effectiveness on recidivism and conduct a benefit-cost analysis. The institute shall report its findings by December 1, 2014.

(6) \$75,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for Washington state institute for public policy to complete a comprehensive assessment of the utilization and capacity needs of crisis mental health services provided by the department of social and health services. The study shall include, but not be limited to:

(a) An update to statewide utilization and capacity figures for evaluation and treatment facilities, inpatient psychiatric beds, and regional support network-funded crisis facilities, including an estimate of the effect of the implementation of chapter 280, Laws of 2010 and chapter 335, Laws of 2013 on the capacity of the involuntary commitment system. The department shall work with the institute as needed on data collection procedures necessary to identify commitments associated with newly implemented standards;

(b) A longitudinal study of outcomes and public costs for adults receiving regional support network-funded crisis response services compared to adults evaluated for involuntary commitment who are not subsequently committed, and adults who receive a seventy-two hour involuntary commitment. Outcomes may include subsequent jail bookings or convictions, use of publicly funded medical care, and deaths; and

(c) A review of practices in other states regarding third-party initiation of a civil commitment petition, and an assessment of the comparative effectiveness of this change compared to other alternative practices for which comprehensive studies are available.

A preliminary report must be provided by December 1, 2015, and a final report by December 1, 2016.

(7) \$50,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for Washington state institute for public policy to conduct a comprehensive study of tobacco and e-cigarette prevention programs that will yield the highest public health benefit and reduce tobacco use. In conducting this study, the institute shall identify: (a) The most effective population-based approaches and what targeted populations will yield the greatest return on investment; and (b) other state models, including the "Friday night light" program in California, that yield the greatest likelihood of reducing state health care costs. The institute shall work with the department of health to determine which programs can be brought to scale most efficiently. The institute shall report its findings to the appropriate committees of the legislature by December 31, 2014.

(8) Funding provided in this section is sufficient for The

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Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(9) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2013-2015 work plan as necessary to efficiently manage workload.

(10) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

Sec. 610. 2013 2nd sp.s. c 4 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY	
General Fund--State Appropriation (FY 2014) ..(((\$44,542,000))	
.....	\$44,521,000
General Fund--State Appropriation (FY 2015) ..(((\$44,377,000))	
.....	\$43,341,000
Education Legacy Trust Account--State	
Appropriation.....(((\$13,050,000))	
.....	\$12,895,000
TOTAL APPROPRIATION	(((\$101,969,000))
.....	\$100,757,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,497,000 of the general fund--state appropriation for fiscal year 2014 and \$1,498,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the expansion of computer science and engineering enrollments. The university will work with the education research and data center to establish program baselines and demonstrate enrollment increases. By September 1, 2014, and each September 1st thereafter, the university shall provide a report that provides the specific detail on how these amounts were spent in the preceding fiscal year, including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the college, and how many students are enrolled in computer science and engineering programs above the 2012-2013 academic year baseline.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

Sec. 611. 2013 2nd sp.s. c 4 s 612 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT	
COUNCIL--POLICY COORDINATION AND	
ADMINISTRATION	
General Fund--State Appropriation (FY 2014)....(((\$5,307,000))	
.....	\$5,320,000
General Fund--State Appropriation (FY 2015)....(((\$5,318,000))	
.....	\$5,287,000
General Fund--Federal Appropriation.....(((\$4,817,000))	
.....	\$4,811,000
TOTAL APPROPRIATION	(((\$15,442,000))
.....	\$15,418,000

The appropriations in this section are subject to the following conditions and limitations: The student achievement council is authorized to increase or establish fees for initial degree authorization, degree authorization renewal, degree authorization reapplication, new program applications, and new site applications pursuant to RCW 28B.85.060.

Sec. 612. 2013 2nd sp.s. c 4 s 613 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL--OFFICE	
OF STUDENT FINANCIAL ASSISTANCE	
General Fund--State Appropriation (FY 2014)(((\$245,122,000))	

.....	\$245,124,000
General Fund--State Appropriation (FY 2015)(((\$244,674,000))	
.....	\$244,666,000
General Fund--Federal Appropriation.....(((\$11,648,000))	
.....	\$11,639,000
General Fund--Private/Local Appropriation	(((\$34,000))
.....	\$334,000
Education Legacy Trust Account--State Appropriation.....	
.....(((\$36,036,000))	
.....	\$79,651,000
Washington Opportunity Pathways Account--State	
Appropriation.....(((\$147,000,000))	
.....	\$141,000,000
TOTAL APPROPRIATION	(((\$684,514,000))
.....	\$722,414,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$237,454,000 of the general fund--state appropriation for fiscal year 2014, \$237,455,000 of the general fund--state appropriation for fiscal year 2015, \$6,000,000 of the education legacy trust account--state appropriation, and (((\$147,000,000)) \$141,000,000 of the Washington opportunity pathways account--state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs including up to four percent administrative allowance for the state work study program. Of the amounts provided in this subsection, \$100,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the council to develop an alternative financial aid application system to implement Senate Bill No. 6523 (higher education opportunities).

(2) Changes made to the state need grant program in the 2011-2013 fiscal biennium are continued in the 2013-2015 fiscal biennium including aligning increases in awards given to private institutions with the annual tuition increases for public research institutions or the private institution's average annual tuition increase experience of 3.5 percent per year, whichever is less(~~and reducing the awards for students who first enrolled as a new student in for-profit institutions as of the 2011-2012 academic year or thereafter by fifty percent, except that one half of the fifty percent reduction shall be restored on July 1, 2013, for students attending regionally accredited for-profit institutions).~~ For the 2015-2017 fiscal biennium, it is the intent of the legislature to reconsider grant awards for students at private four-year institutions.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2013-2015 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and

65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5)(a) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program if the students have applied by the institution's priority financial aid deadline and have completed their financial aid file in a timely manner. These eligible college bound students whose family incomes are in the 0-65 median family income ranges shall be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students.

(b) In calculating the college bound award, public institutions of higher education shall be subject to the conditions and limitations in RCW 28B.15.102 and shall not utilize college bound funds to offset tuition costs from rate increases in excess of levels authorized in section 603, chapter 50, Laws of 2011 and those assumed in section 602 or 603 of this act.

(6) (~~(\$36,036,000)~~) \$48,297,000 of the education legacy trust account--state appropriation is provided solely for the college bound scholarship program and may support scholarships for summer session. This amount assumes that college bound scholarship recipients will receive priority for state need grant awards in fiscal year 2014 and fiscal year 2015. If this policy of prioritization is not fully achieved, it is the intent of this legislation to provide supplemental appropriations in the 2014 supplemental operating budget.

(7) \$2,236,000 of the general fund--state appropriation for fiscal year 2014 and \$2,236,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for the passport to college program. The maximum scholarship award shall be \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2014 and 2015 for this purpose.

(8) \$25,354,000 of the education legacy trust account--state appropriation is provided solely to meet state match requirements associated with the opportunity scholarship program.

(9) In developing the skilled and educated workforce report pursuant to RCW 28B.77.080(3), the council shall use the bureau of labor statistics analysis of the education and training requirements of occupations, in addition to any other method the council may choose to use, to assess the number and type of higher education and training credentials required to match employer demand for a skilled and educated workforce.

Sec. 613. 2013 2nd sp.s. c 4 s 614 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2014)....	(\$1,582,000))
.....	\$1,556,000
General Fund--State Appropriation (FY 2015)....	(\$1,478,000))
.....	\$1,424,000
General Fund--Federal Appropriation.....	(\$54,260,000))
.....	\$54,797,000
General Fund--Private/Local.....	\$44,000
TOTAL APPROPRIATION.....	(\$57,320,000))
.....	\$57,821,000

The appropriations in this section are subject to the following conditions and limitations: For the 2013-2015 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

Sec. 614. 2013 2nd sp.s. c 4 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2014)....	(\$34,253,000))
.....	\$30,605,000
General Fund--State Appropriation (FY 2015)....	(\$48,689,000))
.....	\$52,336,000
General Fund--Federal Appropriation.....	(\$293,652,000))
.....	\$295,177,000
General Fund--Private/Local.....	\$50,000
Opportunity Pathways Account--State Appropriation.....	
.....	\$80,000,000
Home Visiting Services Account--State Appropriation.....	
.....	\$2,868,000
Home Visiting Services Account--Federal Appropriation.....	
.....	(\$22,756,000))
.....	\$22,753,000
Children's Trust Account--State Appropriation.....	\$180,000
TOTAL APPROPRIATION.....	(\$482,398,000))
.....	\$483,969,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$20,229,000 of the general fund--state appropriation for fiscal year 2014, \$36,474,000 of the general fund--state appropriation for fiscal year 2015, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education assistance program services. Of these amounts, \$10,284,000 is a portion of the biennial amount of state maintenance of effort dollars required to receive federal child care and development fund grant dollars.

(2) \$638,000 of the general fund--state appropriation for fiscal year 2014, and \$638,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for child care resource and referral network services.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2014 and \$200,000 of the general fund--state appropriation for fiscal year 2015 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(4) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(5) \$1,434,000 of the general fund--state appropriation for fiscal year 2014, \$1,434,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for expenditure into the home visiting services account. This funding is intended to meet federal maintenance of effort requirements and to secure private matching funds.

(6)(a) \$153,717,000 of the general fund--federal appropriation is provided solely for the working connections child care program under RCW 43.215.135.

(b) In addition to groups that were given prioritized access to the working connections child care program effective March 1, 2011, the department shall also give prioritized access into the program to families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center.

(c) Within the amounts provided in (a) of this subsection, the department is authorized to serve up to 20 percent of the working connections households through contracted slots. The department may achieve this by contracting with the working connections child care providers and with early childhood education assistance program providers to braid funding between working connection child care program and the education assistance program to support a full-day preschool experience for eligible children.

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(7) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(8) (~~(\$1,025,000)~~) \$1,194,000 of the general fund--state appropriation for fiscal year 2014, (~~(\$1,025,000)~~) \$1,738,000 of the general fund--state appropriation for fiscal year 2015, and \$13,424,000 of the general fund--federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(9) (~~(\$3,572,000)~~) \$4,438,000 of the general fund--state appropriation for fiscal year 2014, (~~(\$2,522,000)~~) \$4,674,000 of the general fund--state appropriation for fiscal year 2015, and (~~(\$4,304,000)~~) \$236,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration. In addition to referrals made by children's administration, the department shall authorize services for children referred to the MTCC program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program.

(a) Of the amounts appropriated in this subsection, \$60,000 per fiscal year may be used by the department for administering the MTCC program, if needed.

(b) Of the amounts provided in this subsection, (~~(\$1,050,000)~~) \$1,916,000 of the general fund--state appropriation for fiscal year 2014 is provided solely to continue providing services in the event of losing federal funding for the MTCC program. To the extent that the moneys provided in this subsection (9)(b) are not necessary for this purpose, the amounts provided shall lapse.

(10) \$150,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$150,000)~~) \$200,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(11) \$721,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for the department to complete development work of the electronic benefits transfer system.

(12) (~~(\$793,000)~~) \$221,000 of the general fund--state appropriation for fiscal year 2014 and (~~(\$796,000)~~) \$1,234,000 of the general fund--state appropriation for fiscal year 2015 are provided solely for implementation of an electronic benefits transfer system. To the maximum extent possible, the department shall work to integrate this system with the department of social and health services payment system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(13) \$32,000 of the general fund--state appropriation for fiscal year 2014 is provided solely for implementation of Second Substitute Senate Bill No. 5595 (child care reform). If the bill is not enacted by June 30, 2013, the amounts provided in this subsection shall lapse.

(14)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) The ECEAP early learning professionals must enter qualifications into the department's professional development registry during the 2013-14 school year. By October 2015, the department must provide ECEAP early learning professional data to the education research data center.

(iii) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(iv) The education research and data center must provide a report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by November 2013 for the school year ending in 2012 and again in March 2014 for the school year ending in 2013.

(b) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(15) \$2,369,000 of the general fund--state appropriation for fiscal year 2015 is provided solely for the department to implement early achievers tiered reimbursement for child care center providers. The department shall establish tiered reimbursement pilot projects for providers in levels III, IV, and V of early achievers. The tiered reimbursement rates shall be implemented equitably across provider types. The department shall base the rates for tiered reimbursement on the child care cost model study completed in 2013 and factor in any increases in the base subsidy rate in establishing the tier reimbursement rates.

Sec. 615. 2013 2nd sp.s. c 4 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND	
General Fund--State Appropriation (FY 2014)....	(\$6,032,000))
.....	\$5,975,000
General Fund--State Appropriation (FY 2015)....	(\$5,805,000))
.....	\$5,752,000
General Fund--Private/Local Appropriation	(\$15,000))
.....	\$5,000
TOTAL APPROPRIATION	(\$11,852,000))
.....	\$11,732,000

Sec. 616. 2013 2nd sp.s. c 4 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS	
General Fund--State Appropriation (FY 2014)....	(\$8,615,000))
.....	\$8,758,000
General Fund--State Appropriation (FY 2015)....	(\$8,591,000))
.....	\$8,528,000
TOTAL APPROPRIATION	(\$17,206,000))
.....	\$17,286,000

Sec. 617. 2013 2nd sp.s. c 4 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2014).....	(\$1,125,000))
.....	\$1,093,000
General Fund--State Appropriation (FY 2015).....	(\$1,101,000))
.....	\$1,093,000
General Fund--Federal Appropriation.....	(\$2,074,000))
.....	\$2,071,000
General Fund--Private/Local Appropriation.....	(\$12,000))
.....	\$29,000
TOTAL APPROPRIATION.....	(\$4,312,000))
.....	\$4,286,000

Sec. 618. 2013 2nd sp.s. c 4 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY	
General Fund--State Appropriation (FY 2014).....	(\$2,123,000))
.....	\$2,134,000
General Fund--State Appropriation (FY 2015).....	(\$2,150,000))
.....	\$2,129,000
TOTAL APPROPRIATION.....	(\$4,273,000))
.....	\$4,263,000

Sec. 619. 2013 2nd sp.s. c 4 s 620 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY	
General Fund--State Appropriation (FY 2014).....	(\$1,600,000))
.....	\$1,624,000
General Fund--State Appropriation (FY 2015).....	(\$1,530,000))
.....	\$1,558,000
TOTAL APPROPRIATION.....	(\$3,130,000))
.....	\$3,182,000

(End of part)

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 2013 2nd sp.s. c 4 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2014).....	(\$741,362,000))
.....	\$830,140,000
General Fund--State Appropriation (FY 2015).....	(\$1,060,322,000))
.....	\$973,235,000
State Building Construction Account--State Appropriation.....	(\$4,297,000))
.....	\$8,164,000
Columbia River Basin Water Supply Development Account--State Appropriation.....	(\$269,000))
.....	\$473,000
State Taxable Building Construction Account--State Appropriation.....	(\$211,000))
.....	\$2,621,000
Debt-Limit Reimbursable Bond Retire Account--State Appropriation.....	\$2,320,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation.....	\$1,000
Columbia River Basin Taxable Bond Water Supply Development Account--State Appropriation.....	\$182,000
TOTAL APPROPRIATION.....	(\$1,808,781,000))
.....	\$1,817,136,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement

account. The entire general fund--state appropriation for fiscal year 2014 shall be expended into the debt-limit general fund bond retirement account by June 30, 2014.

Sec. 702. 2013 2nd sp.s. c 4 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

Accident Account--State Appropriation.....	(\$4,138,000))
.....	\$4,139,000
Medical Aid Account--State Appropriation.....	(\$4,138,000))
.....	\$4,139,000
TOTAL APPROPRIATION.....	(\$8,276,000))
.....	\$8,278,000

Sec. 703. 2013 2nd sp.s. c 4 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2014).....	\$25,636,000
General Fund--State Appropriation (FY 2015).....	(\$16,102,000))
.....	\$16,103,000
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation.....	(\$140,215,000))
.....	\$139,953,000
TOTAL APPROPRIATION.....	(\$181,953,000))
.....	\$181,692,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2014 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2014.

Sec. 704. 2013 2nd sp.s. c 4 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2014).....	(\$1,726,000))
.....	\$1,401,000
General Fund--State Appropriation (FY 2015).....	(\$1,726,000))
.....	\$1,401,000
State Building Construction Account--State Appropriation.....	(\$867,000))
.....	\$2,156,000
Columbia River Basin Water Supply Development Account--State Appropriation.....	(\$57,000))
.....	\$66,000
State Taxable Building Construction Account--State Appropriation.....	(\$45,000))
.....	\$324,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation.....	\$1,000
Columbia River Basin Taxable Bond Water Supply Development Account--State Appropriation.....	\$18,000
TOTAL APPROPRIATION.....	(\$4,421,000))
.....	\$5,367,000

Sec. 705. 2013 2nd sp.s. c 4 s 706 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT

General Fund--State Appropriation (FY 2014).....	(\$5,100,000))
.....	\$3,600,000
General Fund--State Appropriation (FY 2015).....	(\$2,500,000))

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.....\$1,000,000
 TOTAL APPROPRIATION.....(((\$7,600,000))
\$4,600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account for emergency fire suppression by the department of natural resources and to complete projects necessary to recover from previously declared disasters.

Sec. 706. 2013 2nd sp.s. c 4 s 710 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--COUNTY PUBLIC HEALTH ASSISTANCE

General Fund--State Appropriation (FY 2014).....\$36,386,000
 General Fund--State Appropriation (FY 2015).....\$36,386,000
 TOTAL APPROPRIATION.....\$72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2014	FY 2015	2013-15 Biennium
Adams County Health District	\$121,213	\$121,213	\$242,426
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674
Chelan-Douglas Health District	\$399,634	\$399,634	\$799,268
Clallam County Health and Human Services Department	\$291,401	\$291,401	\$582,802
Clark County Health District	\$1,767,341	\$1,767,341	\$3,534,682
Skamania County Health Department	\$111,327	\$111,327	\$222,654
Columbia County Health District	\$119,991	\$119,991	\$239,982
Cowlitz County Health Department	\$477,981	\$477,981	\$955,962
Garfield County Health District	\$93,154	\$93,154	\$186,308
Grant County Health District	\$297,761	\$297,762	\$595,523
Grays Harbor Health Department	\$335,666	\$335,666	\$671,332
Island County Health Department	\$255,224	\$225,224	\$510,448
Jefferson County Health and Human Services	\$184,080	\$184,080	\$368,160
Seattle-King County Department of Public Health	\$10,558,598	(\$10,558,598)	(\$21,117,196)
		<u>\$12,685,521</u>	<u>\$23,244,119</u>
Bremerton-Kitsap County Health District	\$997,476	\$997,476	\$1,994,952
Kittitas County Health Department	\$198,979	\$198,979	\$397,958
Klickitat County Health Department	\$153,784	\$153,784	\$307,568
Lewis County Health Department	\$263,134	\$263,134	\$526,268
Lincoln County Health Department	\$113,917	\$113,917	\$227,834
Mason County Department of Health Services	\$227,448	\$227,448	\$454,896
Okanogan County Health District	\$169,882	\$169,882	\$339,764
Pacific County Health Department	\$169,075	\$169,075	\$338,150
Tacoma-Pierce County Health Department	\$4,143,169	\$4,143,169	\$8,286,338
San Juan County Health and Community Services	\$2,253,493	(\$2,253,493)	(\$4,506,986)
		<u>\$126,569</u>	<u>\$2,380,062</u>
Skagit County Health Department	\$449,745	\$449,745	\$899,490

Snohomish Health District	\$3,433,291	\$3,433,291	\$6,866,582
Spokane County Health District	\$2,877,318	\$2,877,318	\$5,574,636
Northeast Tri-County Health District	\$249,303	\$249,303	\$498,606
Thurston County Health Department	\$1,046,897	\$1,046,897	\$2,093,794
Wahkiakum County Health Department	\$93,181	(\$9,180)	(\$186,361)
		<u>\$93,181</u>	<u>\$186,362</u>
Walla Walla County-City Health Department	\$302,173	\$302,173	\$604,346
Whatcom County Health Department	\$1,214,301	\$1,214,301	\$2,428,602
Whitman County Health Department	\$189,355	\$189,355	\$378,710
Yakima Health District	\$1,052,482	\$1,052,482	\$2,104,964
TOTAL APPROPRIATIONS	\$36,386,001	\$36,386,001	\$72,772,002

Sec. 707. 2013 2nd sp.s. c 4 s 714 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--LEAN MANAGEMENT STRATEGIES EFFICIENCY SAVINGS

General Fund--State Appropriation (FY 2015)~~(\$30,000,000))~~
 ~~(\$40,000,000)~~

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature is committed to promoting a state government culture that makes sustained improvement a habitual behavior from front-line staff to agency leadership.

(2) The office of financial management must develop a strategic lean management action plan to drive efficiencies in state spending and to increase productivity of state employees while improving and increasing state services for taxpayers. The action plan must determine the specific agencies and programs that would benefit most from application of the action plan, and the plan must target resources accordingly.

(3) The office of financial management must integrate lean principles into all performance management efforts.

(4) The office of financial management and the office of the chief information officer must integrate lean principles into all major information technology initiatives.

(5) The office of financial management must develop and implement a lean practitioner fellowship program to train state agency staff. Agency staff participating in the fellowship will be assigned to work on statewide efforts that streamline and improve processes across agencies.

(6) Agencies must report to the office of financial management at least twice per fiscal year process improvements and efficiencies gained through tools such as the lean strategy. The office of financial management must compile and transmit these reports to the appropriate fiscal committees of the legislature at least every six months, beginning January 1, 2014.

(7) The office of financial management must report to the legislature by December 2014 on the viability of the lean/performance management program becoming a self-funding program.

(8) The office of financial management must reduce allotments for affected state agencies by ~~(\$30,000,000)~~ \$40,000,000 from the state general fund for fiscal year 2015 in this act to reflect fiscal year 2015 savings resulting from application of the lean management and performance management strategies required by this section.

NEW SECTION. Sec. 708. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2014).....\$590,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute \$500,000 to Clallam county, \$72,000 to Mason county, and \$18,000 to Klickitat county for extraordinary criminal justice costs pursuant to RCW 43.330.190.

NEW SECTION. Sec. 709. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2014, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) Tony M. Noble, claim number 99970075\$5,670
- (2) Patrick Earl, claim number 99970076\$2,799
- (3) Stephen J. Felice, claim number 99970076\$17,275
- (4) Michael Felice, claim number 99970076\$93,809
- (5) Noe Angel Aranda Hernandez, claim number 99970077\$12,500
- (6) Anderson Durham, claim number 99970071.....\$11,000
- (7) Chase Balzer, claim number 99970078\$5,953
- (8) Kent Wescott, claim number 99970079\$13,447
- (9) Tommy Villanueva, claim number 99970080.....\$70,099

NEW SECTION. Sec. 710. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMMON SCHOOL CONSTRUCTION ACCOUNT

General Fund--State Appropriation (FY 2015).....\$444,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the common school construction account--state on July 1, 2015, for an interest payment pursuant to RCW 90.38.130.

NEW SECTION. Sec. 711. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--NATURAL RESOURCES REAL PROPERTY REPLACEMENT ACCOUNT

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General Fund--State Appropriation (FY 2015).....\$222,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the natural resources real property replacement account--state on July 1, 2015, for an interest payment pursuant to RCW 90.38.130.

NEW SECTION. Sec. 712. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PARKLAND TRUST REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2014).....\$639,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Parkland trust revolving account--state.

NEW SECTION. Sec. 713. 2013 INFORMATION TECHNOLOGY REDUCTION

2013 2nd sp.s. c 4 s 715 (uncodified) is repealed.

NEW SECTION. Sec. 714. 2013 HEALTH CARE REDUCTION

2013 2nd sp.s. c 4 s 720 (uncodified) is repealed.

(End of part)

PART VIII OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2013 2nd sp.s. c 4 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Table listing various appropriations for fire insurance, public utility, prosecuting attorney, boating safety, tax distributions, habitat conservation, death investigations, aquatic lands, timber tax, and county criminal justice assistance.

Table listing various appropriations for municipal criminal justice assistance, city-county assistance, liquor excise tax, streamlined sales and use tax, and Columbia River water delivery.

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2013 2nd sp.s. c 4 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Table listing Impaired Driver Safety Account Appropriation...(\$2,469,000)

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2013-2015 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 803. 2013 2nd sp.s. c 4 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Table listing Impaired Driver Safety Account Appropriation...(\$1,646,000)

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2013-2015 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice

legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 804. 2013 2nd sp.s. c 4 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal flood control funds distribution.....	\$66,000
General Fund Appropriation for federal grazing fees distribution.....	\$1,706,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution.....	(\$5,636,000)
.....	\$24,446,000
TOTAL APPROPRIATION.....	(\$7,408,000)
.....	\$26,218,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 805. 2013 2nd sp.s. c 4 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

State Treasurer's Service Account: For transfer to the state general fund, \$10,100,000 for fiscal year 2014 and \$10,100,000 for fiscal year 2015	\$20,200,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account....	\$32,000,000
General Fund: For transfer to the streamlined sales and use tax account, ((\$25,284,000))	\$24,436,000
for fiscal year 2014 and ((\$25,204,000))	\$24,984,000
for fiscal year 2015	(\$50,488,000)
.....	\$49,420,000
Public Works Assistance Account: For transfer to the education legacy trust account,	\$138,622,000
for fiscal year 2014 and \$138,622,000 for fiscal year 2015	\$277,244,000
Local Toxics Control Account: For transfer to the state general fund, \$9,000,000 for fiscal year 2014 and \$9,000,000 for fiscal year 2015	\$18,000,000
State Taxable Building Construction Account: For transfer to the Columbia River basin taxable bond water supply development account, an amount not to exceed	\$32,000,000
Employment Training Finance Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2014 and \$1,000,000 for fiscal year 2015	\$2,000,000
Tuition Recovery Trust Account: For transfer to the state general fund, \$1,250,000 for fiscal year 2014 and \$1,250,000 for fiscal year 2015	\$2,500,000
General Fund: For transfer to the child and family reinvestment account, ((\$3,800,000))	\$1,656,000
for fiscal year 2014 and ((\$2,691,000))	\$992,000
for fiscal year 2015	(\$6,491,000)
.....	\$2,648,000
Flood Control Assistance Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2014 and \$1,000,000 for fiscal year 2015	\$2,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco	

settlement account	(\$157,221,000)
.....	\$170,832,000
Tobacco Settlement Account: For transfer to the state general fund from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2014.....	\$17,000,000
Tobacco Settlement Account: For transfer to the state general fund from the amounts deposited in the account that are attributable to the annual strategic contribution payment received in fiscal year 2015	\$17,000,000
Tobacco Settlement Account: For transfer to the education legacy trust account from amounts deposited in the account that are attributed to the annual strategic contribution payment received in fiscal year 2014	\$600,000
Tobacco Settlement Account: For transfer to the education legacy trust account from amounts deposited in the account that are attributed to the annual strategic contribution payment received in fiscal year 2015	\$9,615,000

It is the intent of the legislature to transfer the full amounts received as strategic contribution payments in the tobacco settlement account to the education legacy trust account in the 2015-2017 fiscal biennium.

Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2014

(\$9,515,000)

((Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual remaining amount of the annual strategic contribution payment to the tobacco settlement account for fiscal year 2015

\$9,515,000))

The transfer to the life sciences discovery fund is subject to the following conditions:

(1) The life sciences discovery fund authority board of trustees shall begin preparing to become a self-sustaining entity capable of operating without direct state subsidy by the time the tobacco strategic contribution supplemental payments end in fiscal year 2017.

(2) \$250,000 of the appropriation in fiscal year 2014 (~~and \$250,000 of the appropriation in fiscal year 2015 are~~) is provided solely to promote the development and delivery of global health technologies and products.

(a) The life sciences discovery fund authority must either administer a grant application, review, and reward process, or contract with a qualified nonprofit organization for these services. State moneys must be provided for grants to entities for the development, production, promotion, and delivery of global health technologies and products. Grant award criteria must include:

(i) The quality of the proposed research or the proposed technical assistance in product development or production process design. Any grant funds awarded for research activities must be awarded for nonbasic research that will assist in the commercialization or manufacture of global health technologies;

(ii) The potential for the grant recipient to improve global health outcomes;

(iii) The potential for the grant to leverage additional funding for the development of global health technologies and products;

(iv) The potential for the grant to stimulate, or promote technical skills training for, employment in the development of global health technologies in the state; and

(v) The willingness of the grant recipient, when appropriate, to enter into royalty or licensing income agreements with the authority.

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(b) The authority, or the contractor of the authority, must report information including the types of products and research funded, the funding leveraged by the grants, and the number and types of jobs created as a result of the grants, to the economic development committees of the legislature by December 1, 2014.

Life Sciences Discovery Fund: For transfer to the education legacy trust account,..... \$9,800,000 for fiscal year 2015\$9,800,000

Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account, \$150,000 for fiscal year 2014 and \$150,000 for fiscal year 2015.....\$300,000

Health Benefit Exchange Account: For transfer to the state general fund for fiscal year 2015.....\$21,514,000

Criminal Justice Treatment Account: For transfer to the state general fund, \$437,000 for fiscal year 2014 and \$2,746,000 for fiscal year 2015 \$3,183,000

Resources Management Cost Account--Aquatics: For transfer to the marine resources stewardship trust account, \$1,850,000 for fiscal year 2014 and \$1,850,000 for fiscal year 2015.....\$3,700,000

Legal Services Revolving Account: For transfer to the state general fund, \$976,000 for fiscal year 2014 and \$1,477,000 for fiscal year 2015\$2,453,000

Personnel Service Account: For transfer to the state general fund, \$733,000 for fiscal year 2014 and \$733,000 for fiscal year 2015\$1,466,000

Data Processing Revolving Account: For transfer to the state general fund, \$4,069,000 for fiscal year 2014 and \$4,070,000 for fiscal year 2015\$8,139,000

Home Security Fund Account: For transfer to the transitional housing operating and rent account\$7,500,000

Professional Engineers' Account: For transfer to the state general fund, \$956,000 for fiscal year 2014 and \$957,000 for fiscal year 2015\$1,913,000

Electrical License Account: For transfer to the state general fund, \$1,700,000 for fiscal year 2014 and \$1,700,000 for fiscal year 2015\$3,400,000

Business and Professions Account: For transfer to the state general fund, ((\$1,838,000)) \$2,838,000 for fiscal year 2014 and ((\$1,800,000)) \$2,800,000 for fiscal year 2015((\$3,638,000))\$5,638,000

Energy Freedom Account: For transfer to the state general fund, ((\$1,000,000)) \$1,500,000 for fiscal year 2014 and ((\$1,000,000)) \$1,500,000 for fiscal year 2015((\$2,000,000))\$3,000,000

Pollution Liability Insurance Program Trust Account: For transfer to the state general fund, \$2,500,000 for fiscal year 2014 and \$2,500,000 for fiscal year 2015\$5,000,000

Real Estate Commission Account: For transfer to the state general fund, \$1,700,000 for fiscal year 2014 and \$1,700,000 for fiscal year 2015\$3,400,000

State Lottery Account: For transfer to the education legacy trust account, ((\$6,050,000)) \$10,050,000 for fiscal year 2014 and \$6,050,000 for fiscal year 2015((\$12,100,000))\$16,100,000

State Toxics Control Account: For transfer to the radioactive mixed waste account, \$2,000,000 for fiscal year 2014\$2,000,000

General Fund: For transfer to the education savings account, \$387.04 for fiscal year 2014.....\$387.04

**PART IX
MISCELLANEOUS**

Sec. 901. 2013 2nd sp.s. c 4 s 903 (uncodified) is amended to read as follows:

STATUTORY APPROPRIATIONS

In addition to the amounts appropriated in this act for revenues for distribution, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 (~~and~~), 39.96, and 39.98 RCW or any proper bond covenant made under law.

Sec. 902. 2013 2nd sp.s. c 4 s 932 (uncodified) is amended to read as follows:

**COMPENSATION--REPRESENTED
EMPLOYEES--SUPER COALITION--INSURANCE BENEFITS**

No agreement was reached between the governor and the health care super coalition under the provisions of chapter 41.80 RCW for the 2013-2015 fiscal biennium. Appropriations in this act for fiscal year 2014 for state agencies, including institutions of higher education are sufficient to continue the provisions of the 2011-2013 collective bargaining agreement. An agreement was reached between the governor and the health care super coalition under the provisions of chapter 41.80 RCW for fiscal year 2015. The agreement includes employer contributions to premiums at 85 percent of the total weighted average of the projected health care premiums. Appropriations in this act for fiscal year 2015 for state agencies, including institutions of higher education are sufficient to fund the provisions of the fiscal year 2015 collective bargaining agreement, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, wellness programs, and similar benefits or services for members of public employee benefits board health plans, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$782 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed (~~(\$763))~~ \$662 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with the collective bargaining agreement and RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products and a surcharge of not less than \$50 per month to the premiums due from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in other employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment.

(c) All savings resulting from reduced claim costs or other factors identified after December 31, 2013, must be reserved for funding employee health benefits in the 2015-2017 fiscal biennium.

(d) To the extent that the agreement between the governor and the super coalition contains terms that are effective after June 30, 2015, those terms exceed the fiscal biennium and are outside the bounds permitted by RCW 41.80.001. Nothing in this section obligates the legislature for funding after June 30, 2015.

(e) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. The subsidy provided for calendar years 2014 and 2015 shall be up to \$150 per month.

Sec. 903. 2013 2nd sp.s. c 4 s 933 (uncodified) is amended to read as follows:

**COMPENSATION--REPRESENTED EMPLOYEES
OUTSIDE SUPER COALITION--INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, wellness programs, and similar benefits or services for members of public employee benefits board health plans, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$782 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed (~~(\$763)~~) \$662 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products and a surcharge of not less than \$50 per month to the premiums due from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in other employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment.

(c) All savings resulting from reduced claim costs or other factors identified after December 31, 2013, must be reserved for funding employee health benefits in the 2015-2017 fiscal biennium.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. The subsidy provided for calendar years 2014 and 2015 shall be up to \$150 per month.

Sec. 904. 2013 2nd sp.s. c 4 s 937 (uncodified) is amended to read as follows:

**COLLECTIVE BARGAINING AGREEMENT FOR
NONSTATE EMPLOYEES--SEIU LOCAL 925 CHILDCARE
WORKERS**

(1) An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2013-2015 fiscal

biennium. Funding is provided for increases to health care, scholarship funding and non-standard hours bonus.

(2) An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for fiscal year 2015. Funding is provided to increase the child care subsidy rates for licensed and exempt family child care providers by four percent on July 1, 2014, and another four percent on January 1, 2015. Two million dollars is also provided to fund an early achievers tiered reimbursement pilot project for licensed family child care providers.

Sec. 905. 2013 2nd sp.s. c 4 s 939 (uncodified) is amended to read as follows:

**COMPENSATION--NONREPRESENTED
EMPLOYEES--INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, wellness programs, and similar benefits or services for members of public employee benefits board health plans, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$782 per eligible employee for fiscal year 2014. For fiscal year 2015 the monthly employer funding rate shall not exceed (~~(\$763)~~) \$662 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. Beginning July 1, 2014, the board shall add a \$25 per month surcharge to the premiums due from members who use tobacco products and a surcharge of not less than \$50 per month to the premiums due from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in other employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment.

(c) All savings resulting from reduced claim costs or other factors identified after December 31, 2013, must be reserved for funding employee health benefits in the 2015-2017 fiscal biennium.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. The subsidy provided for calendar years 2014 and 2015 shall be up to \$150 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$64.40 per month beginning September 1, 2013, and (~~(\$70.39)~~) \$66.64 beginning September 1, 2014; and

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$64.40 each month beginning

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September 1, 2013, and ~~((§70.39))~~ \$66.64 beginning September 1, 2014, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection (3) shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

Sec. 906. 2013 2nd sp.s. c 4 s 943 (uncodified) is amended to read as follows:

ACQUISITION OF INFORMATION TECHNOLOGY PROJECTS THROUGH FINANCIAL CONTRACTS

(1) Financial contracts for the acquisition of the information technology projects authorized in this section must be approved jointly by the office of the financial management and the office of the chief information officer. Information technology projects funded under this section shall meet the following requirements:

(a) The project reduces costs and achieves economies of scale by leveraging statewide investments in systems and data and other common or enterprise-wide solutions within and across state agencies;

(b) The project begins or continues replacement of legacy information technology systems and replacing these systems with modern and more efficient information technology systems;

(c) The project improves the ability of an agency to recover from major disaster;

(d) The project provides future savings and efficiencies for an agency through reduced operating costs, improved customer service, or increased revenue collections; and

(e) Preference for project approval must be given to an agency that has prior approval from the office of the chief information officer, an approved business plan, and where the primary hurdle to project funding is the lack of funding capacity.

(2) The following state agencies may enter into financial contracts to finance expenditures for the acquisition and implementation of the following information technology projects for up to the respective amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

(a) Subject to subsection (4) of this section, ~~((§10,000,000))~~ \$13,500,000 for the department of enterprise services time, leave, and attendance pilot project;

(b) \$3,867,000 for the Washington state patrol for continuation of the mobile office platform;

(c) ~~((§8,500,000 for the department of social and health services conversion to the tenth version of the world health organization's international classification of diseases;~~

~~((§5,558,000))~~ \$3,315,000 for the department of early learning system implementation of electronic benefit transfers;

~~((§))~~ (d) \$4,323,000 for the department of corrections for radio infrastructure upgrades.

(3) The office of financial management with assistance from the office of the chief information officer will report to the governor and fiscal committees of the legislature by November 1st of each year on the status of distributions and expenditures on information technology projects and improved statewide or agency performance results achieved by project funding.

(4) If the Washington state department of transportation enters into financial contracts pursuant to chapter 39.94 RCW for the acquisition and implementation of a time, leave, and labor distribution system, the authorization provided to the department of enterprise services in subsection (2)(a) of this section expires.

Sec. 907. 2013 2nd sp.s. c 35 s 39 (uncodified) is amended to read as follows:

The sum of one hundred seventy-six thousand dollars of the state general fund for the fiscal year ending June 30, 2014, and one hundred seventy-six thousand dollars of the state general fund for

the fiscal year ending June 30, 2015, or as much thereof as may be necessary, are appropriated to the ~~((Washington traffic safety))~~ criminal justice training commission solely for the purposes of ~~((section 25 of this act))~~ RCW 36.28A.320.

NEW SECTION. Sec. 908. 2013 APPROPRIATION TO TRAFFIC SAFETY COMMISSION. 2013 2nd sp.s. c 35 s 40 (uncodified) is repealed.

NEW SECTION. Sec. 909. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

The sum of one hundred seventy thousand dollars from the state general fund for the fiscal year ending June 30, 2014, and two hundred twenty-seven thousand dollars of the state general fund for the fiscal year ending June 30, 2015, or as much thereof as may be necessary, are appropriated for expenditure into the county criminal justice assistance account. The treasurer shall make quarterly distributions from the county criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.310 for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The first distribution for fiscal year 2014 shall include amounts from previous quarters for which distributions were not made. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

NEW SECTION. Sec. 910. A new section is added to 2013 2nd sp.s. c 4 (uncodified) to read as follows:

The sum of one hundred thousand dollars from the state general fund for the fiscal year ending June 30, 2014, and one hundred thirty-three thousand dollars from the state general fund for the fiscal year ending June 30, 2015, or as much thereof as may be necessary, are appropriated for expenditure into the municipal criminal justice assistance account. The treasurer shall make quarterly distributions from the municipal criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.320, for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The first distribution for fiscal year 2014 shall include amounts from previous quarters for which distributions were not made. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

NEW SECTION. Sec. 911. A new section is added to chapter 28A.710 RCW to read as follows:

CHARTER SCHOOLS OVERSIGHT ACCOUNT. The charter schools oversight account is hereby created in the state treasury. All moneys received by the commission under RCW 28A.710.110 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter.

Sec. 912. RCW 36.28A.300 and 2013 2nd sp.s. c 35 s 23 are each amended to read as follows:

There is created a 24/7 sobriety program to be administered by the ~~((Washington traffic safety))~~ criminal justice training commission in conjunction with the Washington association of sheriffs and police chiefs. The program shall coordinate efforts among various local government entities for the purpose of implementing alternatives to incarceration for offenders convicted under RCW 46.61.502 or 46.61.504 with one or more prior convictions under RCW 46.61.502 or 46.61.504.

Sec. 913. RCW 36.28A.320 and 2013 2nd sp.s. c 35 s 25 are each amended to read as follows:

There is hereby established in the state treasury the 24/7 sobriety account. The account shall be maintained and administered by the (~~Washington traffic safety~~) criminal justice training commission to reimburse the state for costs associated with establishing the program and the Washington association of sheriffs and police chiefs for ongoing program administration costs. (~~The Washington traffic safety~~) criminal justice training commission may accept for deposit in the account money from donations, gifts, grants, participation fees, and user fees or payments. Expenditures from the account shall be budgeted through the normal budget process.

Sec. 914. RCW 41.05.130 and 1988 c 107 s 11 are each amended to read as follows:

The state health care authority administrative account is hereby created in the state treasury. Moneys in the account, including unanticipated revenues under RCW 43.79.270, may be spent only after appropriation by statute, and may be used only for operating expenses of the authority, and during the 2013-2015 fiscal biennium, for health care related analysis provided to the legislature by the office of the state actuary.

Sec. 915. RCW 43.19.025 and 2013 c 251 s 2 are each amended to read as follows:

The enterprise services account is created in the custody of the state treasurer and shall be used for all activities conducted by the department, except information technology services. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW. During the 2013-2015 fiscal biennium, the director of the office of financial management may authorize expenditures from the account for the provision of small agency client services.

Sec. 916. RCW 43.43.839 and 2010 1st sp.s. c 37 s 922 are each amended to read as follows:

The fingerprint identification account is created in the custody of the state treasurer. All receipts from incremental charges of fingerprint checks requested for noncriminal justice purposes and electronic background requests shall be deposited in the account. Receipts for fingerprint checks by the federal bureau of investigation may also be deposited in the account. Expenditures from the account may be used only for the cost of record checks. Only the chief of the state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. No appropriation is required for expenditures prior to July 1, 1997. After June 30, 1997, the account shall be subject to appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the fingerprint identification account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2013-2015 fiscal biennium, funds in the account may be used for expenditures that support the criminal records management division of the state patrol.

Sec. 917. RCW 43.79.480 and 2013 2nd sp.s. c 4 s 980 are each amended to read as follows:

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section except as these moneys are sold or assigned under chapter 43.340 RCW.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the state general fund, and to the tobacco prevention and control account for purposes set forth in this section. The legislature shall transfer amounts received as strategic contribution payments as defined in RCW 43.350.010 to the life sciences discovery fund created in RCW 43.350.070. During the 2009-2011

and 2011-2013 fiscal biennia, the legislature may transfer less than the entire strategic contribution payments, and may transfer amounts attributable to strategic contribution payments into the basic health plan stabilization account. During the 2013-2015 fiscal biennium, the legislature may transfer less than the entire strategic contribution payments, and may transfer amounts attributable to strategic contribution payments into the state general fund and the education legacy trust account.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the tobacco prevention and control account to the state general fund such amounts as represent the excess fund balance of the account.

Sec. 918. RCW 43.101.220 and 2009 c 146 s 2 are each amended to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees, except during the 2013-2015 fiscal biennium, when the employing county, municipal corporation, or state agency shall reimburse the commission for twenty-five percent of the cost of training its personnel.

(3)(a) Subsections (1) and (2) of this section do not apply to the Washington state department of corrections prisons division. The Washington state department of corrections is responsible for identifying training standards, designing curricula and programs, and providing the training for those corrections personnel employed by it. In doing so, the secretary of the department of corrections shall consult with staff development experts and correctional professionals both inside and outside of the agency, to include soliciting input from labor organizations.

(b) The commission and the department of corrections share the responsibility of developing and defining training standards and providing training for community corrections officers employed within the community corrections division of the department of corrections.

Sec. 919. RCW 43.350.070 and 2011 c 5 s 916 are each amended to read as follows:

The life sciences discovery fund is created in the custody of the state treasurer. Only the board or the board's designee may authorize expenditures from the fund. Expenditures from the fund may be made only for purposes of this chapter. Administrative expenses of the authority, including staff support, may be paid only from the fund. Revenues to the fund consist of transfers made by the legislature from strategic contribution payments deposited in the tobacco settlement account under RCW 43.79.480, moneys received pursuant to contribution agreements entered into pursuant to RCW 43.350.030, moneys received from gifts, grants, and bequests, and interest earned on the fund. During the (~~2009-2011~~) 2013-2015 fiscal biennium, the legislature may transfer to other state funds or accounts such amounts as represent the excess balance of the life sciences discovery fund.

Sec. 920. RCW 50.16.010 and 2013 c 189 s 1 are each amended to read as follows:

SIXTIETH DAY, MARCH 13, 2014

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(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund and an administrative contingency fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304);

(viii) The portion of the additional penalties as provided in RCW 50.20.070(2) that is fifteen percent of the amount of benefits overpaid or deemed overpaid; and

(ix) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title, except the portion of the additional penalties as provided in RCW 50.20.070(2) that is fifteen percent of the amount of benefits overpaid or deemed overpaid;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) Except as provided in (d) of this subsection, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second

priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d)(i) During the 2007-2009 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for: (A) The cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges; and (B) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of commerce. The remaining appropriation may be expended as specified in (c) of this subsection.

(ii) During the ~~((2009-2011))~~ 2013-2015 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended ~~((by))~~ as appropriated by the legislature for: (A) The department of social and health services ((as appropriated by the legislature)) for employment and training services and programs in the WorkFirst program ((, and for)); (B) the administrative costs of state agencies participating in the WorkFirst program; and (C) by the commissioner for the work group on agricultural and agricultural-related issues as provided in the 2013-2015 omnibus operating appropriations act. The remaining appropriation may be expended as specified in (c) of this subsection.

(4) Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 921. RCW 67.70.260 and 2011 1st sp.s. c 50 s 962 are each amended to read as follows:

There is hereby created the lottery administrative account in the state treasury. The account shall be managed, controlled, and maintained by the director. The legislature may appropriate from the account for the payment of costs incurred in the operation and administration of the lottery. During the 2001-2003 fiscal biennium, the legislature may transfer from the lottery administrative account to the state general fund such amounts as reflect the appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings. During the ~~((2011-2013))~~ 2013-2015 fiscal biennium, the lottery administrative account may also be used to fund an independent forecast of the lottery revenues conducted by the economic and revenue forecast council.

Sec. 922. RCW 77.36.170 and 2013 c 329 s 2 are each amended to read as follows:

(1) The department may pay no more than fifty thousand dollars per fiscal year from the state wildlife account created in RCW 77.12.170 for claims and assessment costs for injury or loss of livestock caused by wolves submitted under RCW 77.36.100.

(2) Notwithstanding other provisions of this chapter, the department may also accept and expend money from other sources to address injury or loss of livestock or other property caused by wolves consistent with the requirements on that source of funding.

(3) If any wildlife account expenditures authorized under subsections (1) and (4) of this section are unspent as of June 30th of a fiscal year, the state treasurer shall transfer the unspent amount to the wolf-livestock conflict account created in RCW 77.36.180.

(4) During the 2014 fiscal year, the department may pay no more than two hundred and fifty thousand dollars from the state wildlife account created in RCW 77.12.170 for claims and assessment costs for injury or loss of livestock caused by wolves submitted under RCW 77.36.100.

Sec. 923. RCW 82.08.160 and 2013 2nd sp.s. c 4 s 1003 are each amended to read as follows:

(1) On or before the twenty-fifth day of each month, all taxes collected under RCW 82.08.150 during the preceding month must be remitted to the state department of revenue, to be deposited with the state treasurer. Except as provided in subsections (2), (3), and (4) of this section, upon receipt of such moneys the state treasurer must credit sixty-five percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) and one hundred percent of the sums collected and remitted under RCW 82.08.150 (3) and (4) to the state general fund and thirty-five percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) to a fund which is hereby created to be known as the "liquor excise tax fund."

(2) During the 2012 fiscal year, 66.19 percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the state general fund and the remainder collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the liquor excise tax fund.

(3) During fiscal year 2013, all funds collected under RCW 82.08.150 (1), (2), (3), and (4) must be deposited into the state general fund.

(4) During the 2013-2015 fiscal biennium, ~~((eighty-two))~~ seventy-seven and one-half percent of the sums collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the state general fund, and the remainder collected and remitted under RCW 82.08.150 (1) and (2) must be deposited in the liquor excise tax fund. The amendments in this section are curative, clarifying, and remedial and apply retroactively to July 1, 2013.

Sec. 924. 2007 c 465 s 3 (uncodified) is amended to read as follows:

CHILD WELFARE DISPROPORTIONALITY ADVISORY COMMITTEE EXPIRATION

This act expires June 30, ~~((2014))~~ 2015.

Sec. 925. 2009 c 520 s 96 (uncodified) is amended to read as follows:

CHILD WELFARE DISPROPORTIONALITY ADVISORY COMMITTEE EXPIRATION

Section 63 of this act expires June 30, ~~((2014))~~ 2015.

NEW SECTION. Sec. 926. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 927. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of Bill)

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On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 36.28A.300, 36.28A.320, 41.05.130, 43.19.025, 43.43.839, 43.79.480, 43.101.220, 43.350.070, 50.16.010, 67.70.260, 77.36.170, and 82.08.160; amending 2013 2nd sp.s. c 4 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 702, 703, 704, 706, 710, 714, 801, 802, 803, 804, 805, 903, 932, 933, 937, 939, and 943 (uncodified); amending 2013 2nd sp.s. c 35 s 39 (uncodified); amending 2007 c 465 s 3 (uncodified); amending 2009 c 520 s 96 (uncodified); adding new sections to 2013 2nd sp.s. c 4 (uncodified); adding a new section to chapter 28A.710 RCW; repealing 2013 2nd sp.s. c 4 ss 715 and 720 (uncodified); repealing 2013 2nd sp.s. c 35 s 40 (uncodified); making appropriations; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Braun, Hargrove and Hill; Representatives Chandler, Hunter and Sullivan.

MOTION

Senator Hill moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6002 be adopted.

Senators Hill, Hargrove, Ranker, Baumgartner, Nelson, Holmquist Newbry, McAuliffe, Hobbs, Hasegawa, Bailey, Rolfes, Kline, Benton and Chase spoke in favor of passage of the motion.

Senator Liias spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Hill that the Report of the Conference

Committee on Engrossed Substitute Senate Bill No. 6002 be adopted.

The motion by Senator Hill carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6002, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6002, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Liias

ENGROSSED SUBSTITUTE SENATE BILL NO. 6002, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

The Senate resumed consideration of Engrossed Substitute House Bill No. 2304 which had been deferred earlier in the day.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2304.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2304 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pedersen, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Benton, Brown, Danel, Ericksen, Padden, Pearson and Roach

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:50 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:02 p.m. by President Owen.

MOTION

Senator Fain, having voted on the prevailing side, moved the rules be suspended and that the vote by which Substitute Senate Bill No. 6283 passed the Senate be immediately reconsidered.

The President declared the question before the Senate to be the motion by Senator Fain that the rules be suspended and the senate immediately reconsider the vote by which Substitute Senate Bill No. 6283 passed the Senate.

The motion by Senator Fain carried and the vote by which Substitute Senate Bill No. 6283 passed the Senate was immediately reconsidered by voice vote.

MOTION

Senator Fain, having voted on the prevailing side, moved the rules be suspended and that the vote by which the motion by Senator Becker that the Senate concur in the House amendments to Substitute Senate Bill No. 6283 carried be immediately reconsidered.

The President declared the question before the Senate to be the motion by Senator Fain that the rules be suspended and the Senate immediately reconsider the vote by which the motion by Senator Becker that the Senate concur in the House amendments to Substitute Senate Bill No. 6281 carried.

The motion by Senator Fain carried and the vote by which the motion by Senator Becker that the Senate concur in the House amendments to Substitute Senate Bill No. 6283 carried was immediately reconsidered by voice vote.

MOTION

Senator Fain moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6283 and ask the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Fain that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6283 and ask the House to recede therefrom.

The motion by Senator Fain carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6283 and asked the House to recede therefrom by voice vote.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5045,
SUBSTITUTE SENATE BILL NO. 5173,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5972,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6001,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6040,
SUBSTITUTE SENATE BILL NO. 6086,
SUBSTITUTE SENATE BILL NO. 6129,
SENATE BILL NO. 6141,

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SENATE BILL NO. 6180,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6265,
 SECOND SUBSTITUTE SENATE BILL NO. 6312,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6388,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6440,
 ENGROSSED SENATE BILL NO. 6458,
 SENATE BILL NO. 6505,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 6518,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 6552,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6570,
 SENATE BILL NO. 6573,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The Speaker has signed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2029,
 SUBSTITUTE HOUSE BILL NO. 2175,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2207,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304,
 HOUSE BILL NO. 2798,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 13, 2014

EHB 2335 Prime Sponsor, Representative Roberts:
 Concerning extended foster care services. Reported by
 Committee on Ways & Means

MAJORITY recommendation: Do pass as amended.
 Signed by Senators Hill, Chair; Honeyford, Capital Budget
 Chair; Keiser, Assistant Ranking Member on the Capital
 Budget; Ranker, Assistant Ranking Member on the Operating
 Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig;
 Braun; Conway; Dammeier; Fraser; Frockt; Hargrove,
 Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles;
 Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 13, 2014

ESHB 2746 Prime Sponsor, Committee on Appropriations:
 Refinancing of medicaid personal care services for individuals
 with developmental disabilities and individuals with long-term
 care needs through the community first choice option. Reported
 by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended.
 Signed by Senators Hill, Chair; Honeyford, Capital Budget
 Chair; Keiser, Assistant Ranking Member on the Capital
 Budget; Ranker, Assistant Ranking Member on the Operating
 Budget; Baumgartner, Vice Chair; Bailey; Becker; Billig;
 Braun; Conway; Dammeier; Fraser; Frockt; Hargrove,
 Ranking Member; Hasegawa; Hatfield; Hewitt; Kohl-Welles;
 Padden; Parlette; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain and without objection, the rules were suspended and the measures on the Standing Committee report were placed on the day's second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

SECOND SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 2397 by Representatives Seaquist, MacEwen,
 Orwall, Ryu, Morrell, Zeiger, Haler, Tarleton and Pollet

AN ACT Relating to Medal of Honor special license plates;
 amending RCW 46.18.230, 46.16A.200, and 46.18.277; and
 adding a new section to chapter 46.04 RCW.

MOTION

On motion of Senator Fain and without objection, Engrossed House Bill No. 2397 was placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2397, by Representatives
 Seaquist, MacEwen, Orwall, Ryu, Morrell, Zeiger, Haler,
 Tarleton and Pollet

Concerning Medal of Honor special license plates.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Engrossed House Bill No. 2397 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2397.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2397 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Benton

ENGROSSED HOUSE BILL NO. 2397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2335, by Representatives Roberts, Parker, Kagi, Carlyle, Freeman, Goodman, Walsh, Sawyer, Senn, Zeiger, Jinkins, Muri, Reykdal and Ormsby

Concerning extended foster care services.

The measure was read the second time.

MOTION

Senator Fain moved that the following committee amendment by the Committee on Ways & Means be adopted:

On page 2, line 3, strike "Engaged", insert "Within amounts appropriated specifically for this purpose, engaged"

On page 5, line 27, strike "Engaged", insert "Within amounts appropriated specifically for this purpose, engaged".

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed House Bill No. 2335.

The motion by Senator Fain carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Fain, the rules were suspended, Engrossed House Bill No. 2335 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Liias spoke in favor of passage of the bill.

MOTION

On motion of Senator Padden, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2335 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2335 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

ENGROSSED HOUSE BILL NO. 2335 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2029,

SUBSTITUTE HOUSE BILL NO. 2175,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2207,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304,
HOUSE BILL NO. 2798.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6002.

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. I too would like to say a very fine word on behalf of the Representative Roberts whose bill that we just passed, I think it was unanimously. I'd just like to say I've known her for over forty years and she's always been a person of tremendous commitment, integrity, energy, enthusiasm and good cheer, always looking out for improving the peoples quality of life. It's very nice that her final bill is one of good quality like she always does and was so well received here in the Senate. I wish her well."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2746, by House Committee on Appropriations (originally sponsored by Representatives Green, Morrell, Tharinger, Fitzgibbon, Senn, Tarleton, Robinson, Kagi, Roberts, Ortiz-Self, Jinkins, Walsh, Habib, Bergquist, Dahlquist, Moscoso, Goodman, Riccelli, Pollet, Ormsby and Freeman)

Refinancing of medicaid personal care services for individuals with developmental disabilities and individuals with long-term care needs through the community first choice option.

The measure was read the second time.

MOTION

Senator Hill moved that the following committee amendment by the Committee on Ways & Means be adopted:

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On page 2, line 32, after "implemented" strike "during the 2015-17 biennium, as soon as July 1, 2015, and no later than June 30, 2016" and insert "no later than August 30, 2015."

Senator Hill spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2746.

The motion by Senator Hill carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed Substitute House Bill No. 2746 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2746 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2746 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Hargrove

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2746 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, Senator Hargrove was excused.

SECOND READING

HOUSE BILL NO. 2585, by Representatives Walsh and Pettigrew

Concerning income eligibility for temporary assistance for needy families benefits for a child.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, House Bill No. 2585 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2585.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2585 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Hargrove

HOUSE BILL NO. 2585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

PERSONAL PRIVILEGE

Senator Baumgartner: "Well, we have three very special members of the Senate who are unfortunately not going to be returning next year and, speaking of some of the colleagues on the other side of the aisle, and was hoping we might say a few words about each of them. I know a lot of people might like to speak and not wanting to be selfish and not wanting to take too much time. I would just say a few words about Senator Holmquist Newbry and then pass on the opportunity to others if that would be alright Mr. President?"

REPLY BY THE PRESIDENT

President Owen: "It's your Point of Personal Privilege sir."

PERSONAL PRIVILEGE

Senator Baumgartner: "Thank you. Well, I am and many and all of us are going to greatly miss Senator Janea Holmquist Newbry. She has been both a friend and a mentor to my class to 2010. Each and every day, a bright light with a positive spirit. I think of many of us know, she's been a pretty consistent 'No' vote on any taxes and fees that come before the Legislature and I think she's just been an outstanding Senator for her district. One of the things that's really impressed me is her ability as well to pragmatically get, things done despite her strong conservative principal. So, Janea, you will be greatly missed but I know this will not be the end of your ability to impact all of us as a hopefully as a law maker and as a friend Senator Kline and Senator Eide, it's sincerely been an honor for me to serve with each of you. I don't want to take any time from your colleagues and others that would say that but thank you."

PERSONAL PRIVILEGE

Senator Hargrove: “Thank you Mr. President. Yes, we have three members that are leaving us and they’re all special to me in different ways. First, Janea, I’m going to miss you a bunch and I would like to specifically mention a little bill that we worked on last year that I dropped the day before cut-off. Loggers safety initiative which you heard, passed and went clean through the Legislature. It’s going to mean a huge amount to loggers that are, they get up to four bucks off their loggers safety, loggers premium at L & I. That was amazing. Drop a bill in, and poof, there it goes. Goes all the way through. I really, really appreciate you working on that. I love your cheery face and stick-to-itiveness on that ‘No’ on some of those things. But, believe you me, I will be calling you when you get to Congress. So, we have a few bills to get out. Adam, I served for years on Judiciary with you. It was one of the most fun committees I was ever on. I particularly liked the day that you left to testify on another bill of yours, when you came back, executive session was done. That was really fun but you had a great dedication to your issues and working those through and though some of the hearings that we had the bills weren’t ever going any place but I really appreciate your hard work on those things. The way you go through detail on everything and this year we worked together on the drone bill and I really appreciate that. Tracey, sweetheart, this is going to be really hard. We have been here for a long time together. I don’t know how good I had it when I was chairing a policy committee and you were floor leader and any bill I wanted went to my committee. That was really a sweet deal. So, we’ve had a few discussions about bill referrals this year and let me tell you, we’ve really stretched the envelope on some things. You know, you’ve really been a great friend, a great confidant. We’ve cried together, we’ve prayed together and we’ve shared hugs when things happy have happened and when things sad have happened. Going to miss you a whole bunch. Hopefully I’ll visit you and play a little golf up at your cabin. Tracey, it’s just going to be really hard to not have you around next year. Thanks for serving.”

PERSONAL PRIVILEGE

Senator Sheldon: “Mr. President, I had the great pleasure of serving with all three of these members as well but in both caucuses. I have a little bit different perspective but I have to first, I’ll make it quick because I know a lot of people want to speak. Janea, Senator Holmquist Newbry, one name comes to mind when I think about your committee and what a wonderful job you have done with that committee and that is a person that a few of us served with but wish all of us could of served with and his name was Jim Madsen. A tremendous person and I got to know him as a committee Chair. It was late in his career and he was a wonderful, wonderful person. You also are a wonderful person and the way you treated everyone in the committee and the way you run that committee. Senator Eide, we served together in the House as well, over here and I’ve always enjoyed working with you. I can say sometimes it was a little tough to get my bill up on the floor sometimes when you were floor leader but you were always on a mission and you always strived to do the best job you could for everyone. I have to say about Senator Kline. Senator Kline, you and I have often been adversaries on the floor. And this is something that probably only Senator Kline and I both know that, if you watch TVW lately, you saw Senator Kline and what he did in his first job out of school working with individuals in Mississippi and working with the Mississippi Freedom Party. I was at the convention, the Democratic Convention in 1964 and Senator Kline had a lot of memories about that as I do too. Another unknown fact around here that Senator Kline and I both worked for Columbia Legal Services one time and we didn’t

know each other then. I was doing a consulting contract with Indian Tribes and Adam had just gotten here to Seattle. So, when I was going through some stuff at home I found an old roster of the personnel at Columbia Legal Services, Greg Daleara was the Director at that time and Adam and I actually worked together on liberal causes. I know you won’t quit Adam, I know you’ll never quit so good to all three of you. Thank you.”

PERSONAL PRIVILEGE

Senator Fraser: “Thank you Mr. President. Well, this is a night of fond farewells for many of us. Two of our members who are departing I’ve worked with for many years and Senator Holmquist Newbry only a few but I would like to express my appreciation to her. She chaired one of the most, the busiest committees we have here, busy and complex and she always treated my limited number of bills there with respect and full consideration. I greatly appreciated that. Senator Kline, I will certainly miss, hope to see you around, and he’s certainly to me the epitome of caring about justice. I think that underlies everything he does with all bills and is most appropriate that he has chaired the Law & Justice or the Judiciary Committee or whichever name we gave to it that year. So, Senator Kline, it’s just been a great pleasure. Senator Eide, we’ve served together a long time too. You’ve certainly been a huge leader on education, getting the simple majority constitutional amendment through after twelve or more years and then your cell phone bills. They spawned, it’s a huge achievement, but they spawned the best floor speeches we’ve ever had. So, I encourage everybody to look those up on TVW. Of course, transportation for all she has championed during the last couple of years. And then her years as floor leader, if you look at the photo collage we gave her. My favorite picture is the one when she was sitting in that seat over there and so many people were talking to her about I want my bill, I want my bill that somebody put crime scene tape around there to protect her space. So, that was fun. So, I thank Senator Eide, Senator Kline and Senator Holmquist Newbry for their commitment to working well here in the Senate.”

PERSONAL PRIVILEGE

Senator Becker: “Thank you Mr. President. Well, I too want to say a fond farewell and I want to start with Adam Kline. You know on the inauguration I ran into, my husband and I were walking through the building and here came Adam Kline and he said, ‘How in the hell did you get elected?’ He said, ‘We thought no one would be in this position’ and so that was introduction to Adam Kline. Then he served on the Health Care Committee and when he’d ask a question of course with all of his legal background I’d look at him and say, ‘What did you just say?’ So, I will miss and you’ve always wanted to come out to the place and talk and you are invited in your time off. You’ll have time and I hope to do that. Senator Eide, Tracey Eide, we sat next to each other in Transportation my first year and I was afraid too much but under my breath I’d say something and one time they were talking about how much it was going to cost to paint the ferries and I mumbled under my breath, ‘I could paint them for a lot less than that.’ She said, ‘Me to.’ So we’ve laughed about that from the very beginning and I really, it was a way to get to know you and she would encourage me to say some things when I was afraid to. I really have to tell how much I appreciated that. Then comes Janea, and Janea sat next to me and the very first, I was first to vote my first two years and I had never experienced it and I said, ‘I don’t know what to do’ and she said, ‘When you want to say ‘Aye’ say ‘Aye’, when you want to say ‘Nay’ say ‘Nay’ and my first vote was ‘yes.’ She was my, she was the person that

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helped me more than anyone and I will tell a quick story and I'm not going to keep everybody but I won't forget when Senator Parlette, Senator Stevens, Senator Holmquist at that point in time and this person got in Senator Parlette's car on a break rolled down the windows, had Creedence Clearwater Revival just blaring out the window and we're all singing and we ran into all sorts of people that were waving at us and we were waving at them, you thought we were teenagers. So, Janea, I wish you the very best in your future and each and every one of you, God Bless and enjoy your retirements."

PERSONAL PRIVILEGE

Senator Padden: "Well, I just want to say a few words about each of the three that are leaving and although Senator Eide we weren't on too many committees, I don't think we were ever on a committee together but I say when I first came here in 2011 in November we had the special session and you were running the floor. I always admired how competent and what a great job you did on managing the floor which isn't an easy job. I mean we know, we have Senator Fain here, we know it's not an easy job. Anyway, you were outstanding and always pleasant to work and we shared some common interest as far as legal field in the judiciary. Then Janea, I've always admired you. Sometimes looked back to make sure there wasn't some fee bill I was voting for that I shouldn't have. Anyway, your positive outlook and spark and cheerfulness really light up a whole room, certainly are such a positive thing for me. So, we appreciate it. You have a great tradition there following Senator Hochstatter in the Thirteenth District. I think you represented your district very, very well. And then Senator Kline, we've had a unique relationship because probably there aren't too many issues we agree on but every so often you know, the left and the right meet and we met on the drone bill. I enjoyed working that bill with you very much this year and other bills and we were able to get a lot of things done both when you ran the Judiciary Committee and as a Ranking Member on Law & Justice. So, I'm going to miss all three of you and I thank you all for your service to the citizens of the state."

PERSONAL PRIVILEGE

Senator Conway: "Thank you. I just want to say goodbye to Janea. We have fought so many fights both in the House and Senate on so many bills that I'm going to miss her, alright. Commerce & Labor is one of those committees where you're on one side or the other and you tend to have a lot of fights. We go back a long ways, actually to the days when Cathy McMorris was Chairing the House Commerce & Labor Committee. Certainly that's when Janea left the Senate I think and came over here. So, it's been great working with you here in the Senate at well. Good luck and we wish you well. Some of my other good friends here on the floor, we go back a long way to '93 when it was the year of the woman in the House. Of course, there are a number of women here today who were part of that group. I always remember that whole year, that was an interesting year, that someone, I'm a historian, some need to write down the memories of that particular year, 93 and 94 when there were so many women that got elected in that election. One of my fondest memories of that is we all use to end sine die, since we're here on sine die by singing 'Amazing Grace.' Recall that? We all would line up and have a great, I know the President wouldn't like that idea but it was a great event for us and I think we will always remember that. Adam, you know you and I have worked on many issues together. You and I have always fought the worker rights issues here.

We're going to miss you in many, many ways. Your championing of those issues go back a long, long ways even before you got here to Olympia so best of luck in your retirement. Thank you."

PERSONAL PRIVILEGE

Senator Hobbs: "Mr. President, I too am going to miss these three fine Senators. Senator Holmquist, you know we've teamed up several times on several bills if you recall and you compromised on several of them. Thank you very much but we forged some really good legislation. We did some reforms here in the State of Washington that helped businesses out. Tracey, Senator Eide, you're a mentor to me. I'm going to miss you. You know your transportation. I've got some big shoes to fill and just have your phone near you so I can call you and I won't call while I'm driving. I won't do that or I just won't tell you, actually. Adam, I'm going to save the best for last because I actually have a bunch of funny stories of Adam Kline who by the way if he offers to door bell in your district, think long and hard about it. I'm glad he did to tell the truth because this is a true story, Adam, I don't know if you remember this, I got two of them. So, one time the south part of my district and I just door belled a house of these two, they had jet skis in the front and Adam, I know your hard of hearing so your voice raises quite a bit. I coming out, he goes, 'Jet skis, those are horrible for the environment.' So, I just go to my voter list and go, 'Well, I just lost those two votes there.' Another occasion we come to this cul-de-sac and I'm talking to this couple in there. They like me because you know I voted against that liberal agenda and Adams right there. I go, 'Well, Adam Kline a State Senator from Seattle and I vote against his liberal agenda all the time.' Thank you for being a prop for me, I really appreciate that. So, Adam, thank you so much. You took the time to go to my district and doorbell that means a lot to me. I'm going to miss all three of you. I wish you well. Janea, I hope there's no millionaires in your race. It's a real downer when that happens. So, thank you very much, call me anytime. I'm going to miss you guys."

PERSONAL PRIVILEGE

Senator Eide: "Well, it's been eighteen years. Time flies when you're having fun. Served with Governor Lowry, Governor Locke, Governor Gregiore, Governor Inslee and I've learned a lot from each and every one of them. I can tell you something today though. I have been in Governor Inslee's office more times than I have with all the other ones combined working on this transportation package. We tried. There are a few people that I really want to thank. Lieutenant Governor, your number one. I have learned so much from you. You were my mentor. You taught me how to run the floor. The decorum, the manners and every day that I went up to that rostrum I said good morning, you are a dear friend. You taught me everything I knew about the floor. Keith Buchholz, Tom Hoemann, I know he's in Arizona but both of them I have to thank. Keith I know I unloaded on you a lot. I tell you what, I vented a lot but you kept me on task and you know what? I still love your swear bear. I got to find myself one of those. Heather, Heather Lewis-Lechner, Claire Hesselholt, Lyset Cadena, those three women are the smartest women I know. Heather is a parliamentary guru. Claire Hesselholt, you ask her a question about budget and she knows it. Lyset, she was my right hand woman for transportation and I could not have done it without her. Ken, I didn't get up to speak when, Hello. When everybody else did because I had you in my notes. I know that you used to be a constituent of mine when I had Edgewood at one time. It's been a long time ago but I tell you what, all the years sat there you smiled. Look at your smile. That's the one thing I will

never forget. It was always fun. You made it fun and I wish you the very best. Enjoy your retirement with your lovely wife and retire for good this time okay. It's hard for you to quit. I know there's always something you got going but I wanted to say thank you for serving and sitting up there for the longest time and saying all of our names and keeping that smile on. Mr. Peter F. Dodds. You know who he is? He's been with me for eighteen years. He's my LA. You never would find a more devoted individual. Somebody that works his tail off and has my back. You can't ask for anything better than that. I can tell you what, the highest compliment I can give him is every one of my girlfriends wanted a Mr. Peter F. Dodds because I'd call him and he was always there and they'd go, 'Can I have a Mr. Dodds'? He's a hard one to leave. He's so loyal. Last but not least is my husband. He's here tonight, my daughter was here a little bit earlier. Where are you? I would not be standing here serving the people of Washington State if it was not for that man. Joanna and Mathew, I know you're at home watching me, love you both. I want grandchildren. I'm serious. I'm hoping I'm not going to drive Mark to distraction, drive you crazy going home. I'm looking forward to it, honey. I have to say thank you very much to my constituents of the Thirtieth District. Eighteen years I'm standing here and I am still humble and I am still honored to serve the people of the Thirtieth Legislative District. There's no feeling like that, to know people trust you to represent them and don't you ever forget who brought you to the dance and that's what Senator Julia Patterson always said. Don't forget who brought you to the dance. So, I could sit here and talk all night about every Senator but I want each and every one of you to know that it's been an honor and a pleasure serving with each and every one of you. You have enriched my life and I thank you so much."

REMARKS BY THE PRESIDENT

President Owen: "Mark, I know your back there getting a big hug right now. Mark, we still expect about two dozen roses every February. Four dozen then. Well, we're not quite as important as you know who."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. Well, I'd also like to make a couple of comments about the departure of our three very dear friends. Its occurred to me especially this session knowing that some people are going to be leaving that we are really a family here. I mean we really get to know one another, some more than others if we've not known them as long. But, I'll tell you, I think we have a lot of characters in this body. I mean we could look at any of us and think oh my, she is really a character or he is really a character. I mean Adam. Isn't he a character? But love our characters. I'm sure I'm viewed as a character too but with Adam he's just been so much fun and all the stories we could all tell about what goes on but we really can't tell here in public air waves. But everyone of us has a heart, a soul, wonderful dedication to our constituents, we all do it in a little bit of a different way but these three fine Senators have really touched so many lives in so many ways and all of us too. Janea was my Ranking Member when I had the Senate Labor & Commerce Committee, it's now the Commerce & Labor Committee and we had totally different views on most things but we really managed to work well together and plan for the committee meetings. I just adored her. I'm just going find it so enjoyable to watch her career as she goes on to Congress. It's going to be wonderful and it's been so wonderful to see you as a new mother. It's just been so great. Adam of course as I was saying has been a wonderful

friend and colleague and came to us 'Mothers Against Drunk Driving' and some of us knew him when he was a lobbyist before that before coming to us. You have just been great, I'm going to miss you terribly Adam. Tracey. Tracey and I, Lisa Brown and Julie Patterson would stay at the old Golden Gavel Hotel on Capital Way. Its named something different. Golden Navel we used to call it. I mean the times that we have had over so many years sometimes really been outrageous. But I want to show one picture of Tracey Eide. Now you know when she was Floor Leader she's always been like this, and like this and like this and somebody on staff and I'm not sure who it was made some depictions of a lot of us. I have mine in my office I think I'm a futuristic super woman. It's pretty entertaining but Tracey's was so perfect. She's in a Seahawk uniform throwing the football and this was actually a pose from the Senate floor when she was Majority Floor Leader directing all of us in terms of what's going on. So, this I think this is a real memory and I'm going to keep it. I was going to give it to you but I think I'll keep it because it's great but I love them all."

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572 and passed the bill as amended by the Senate. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5981,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5981.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5875, by Senator Hill

Relating to human services. Revised for 1st Substitute: Concerning a surcharge for local homeless housing and assistance.

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MOTION

On motion of Senator Angel, Substitute Senate Bill No. 5875 was substituted for Senate Bill No. 5875 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Angel moved that the following striking amendment by Senator Angel and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.22.179 and 2012 c 90 s 1 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection (2) of this section, an additional surcharge of ten dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. ~~((From July 1, 2009, through August 31, 2012, and from July 1, 2015, through June 30, 2017, the surcharge shall be thirty dollars.))~~ From September 1, 2012, through June 30, ~~((2015))~~ 2019, the surcharge shall be forty dollars. The funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter 484, Laws of 2005, six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. Of the remaining eighty-seven and one-half percent, at least forty-five percent must be set aside for the use of private rental housing payments, and the remainder is to be used by the department to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and

(ii) Fund the homeless housing grant program.

(2) ((The surcharge imposed in this section applies to documents required to be recorded or filed under RCW 65.04.030(1) including, but not limited to: Full reconveyance; deeds of trust; deeds; liens related to real property; release of liens

related to real property; notice of trustee sales; judgments related to real property; and all other documents pertaining to real property as determined by the department. However, the surcharge does not apply to (a) assignments or substitutions of previously recorded deeds of trust, or (b) documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law.

(3) By August 31, 2012, the department shall submit to each county auditor a list of documents that are subject to the surcharge established in subsection (1) of this section.

(4) If section 2, chapter 90, Laws of 2012 is not enacted into law by July 31, 2012, section 1, chapter 90, Laws of 2012 is null and void.) The surcharge imposed in this section does not apply to (a) assignments or substitutions of previously recorded deeds of trust, (b) documents recording a birth, marriage, divorce, or death, (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law, (d) marriage licenses issued by the county auditor, or (e) documents recording a state, county, or city lien or satisfaction of lien.

Sec. 2. RCW 43.185C.060 and 2007 c 427 s 6 are each amended to read as follows:

The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter. If an independent audit finds that the department has failed to set aside at least forty-five percent of funds received under RCW 36.22.179(1)(b) after the effective date of this section for the use of private rental housing payments, the department must submit a corrective action plan to the office of financial management within thirty days of receipt of the independent audit. The office of financial management must monitor the department's corrective action plan and expenditures from this account for the remainder of the fiscal year. If the department is not in compliance with RCW 36.22.179(1)(b) in any month of the fiscal year following submission of the corrective action plan, the office of financial management must reduce the department's allotments from this account and hold in reserve status a portion of the department's appropriation equal to the expenditures made during the month not in compliance with RCW 36.22.179(1)(b).

Sec. 3. RCW 43.185C.240 and 2012 c 90 s 2 are each amended to read as follows:

(1) As a means of efficiently and cost-effectively providing housing assistance to very-low income and homeless households:

(a) Any local government that has the authority to issue housing vouchers, directly or through a contractor, using document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 must:

(i)(A) Maintain an interested landlord list, which at a minimum, includes information on rental properties in buildings with fewer than fifty units;

(B) Update the list at least once per quarter;

(C) Distribute the list to agencies providing services to individuals and households receiving housing vouchers;

(D) Ensure that a copy of the list or information for accessing the list online is provided with voucher paperwork; and

(E) ~~((Use reasonable best efforts to))~~ Communicate and interact with landlord and tenant associations located within its jurisdiction to facilitate development, maintenance, and distribution of the list to private rental housing landlords. The department must make reasonable efforts to ensure that local providers conduct outreach to private rental housing landlords each calendar quarter regarding opportunities to provide rental housing to the homeless and the availability of funds;

(ii) Using cost-effective methods of communication, convene, on a semiannual or more frequent basis, landlords represented on the interested landlord list and agencies providing services to individuals and households receiving housing vouchers to identify successes, barriers, and process improvements. The local government is not required to reimburse any participants for expenses related to attendance;

(iii) Produce data, limited to document recording fee uses and expenditures, on a calendar year basis in consultation with landlords represented on the interested landlord list and agencies providing services to individuals and households receiving housing vouchers, that include the following: Total amount expended from document recording fees; amount expended on, number of households that received, and number of housing vouchers issued in each of the private, public, and nonprofit markets; amount expended on, number of households that received, and number of housing placement payments provided in each of the private, public, and nonprofit markets; amount expended on and number of eviction prevention services provided in the private market; and amount expended on and number of other tenant-based rent assistance services provided in the private market. If these data elements are not readily available, the reporting government may request the department to use the sampling methodology established pursuant to (c)(iii) of this subsection to obtain the data; and

(iv) Annually submit the calendar year data to the department by October 1st, with preliminary data submitted by October 1, 2012, and full calendar year data submitted beginning October 1, 2013.

(b) Any local government receiving more than three million five hundred thousand dollars during the previous calendar year from document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791, must apply to the Washington state quality award program, or similar Baldrige assessment organization, for an independent assessment of its quality management, accountability, and performance system. The first assessment may be a lite assessment. After submitting an application, a local government is required to reapply at least every two years.

(c) The department must:

(i) Require contractors that provide housing vouchers to distribute the interested landlord list created by the appropriate local government to individuals and households receiving the housing vouchers;

(ii) ((Using cost-effective methods of communication, annually convene local governments issuing housing vouchers, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers to identify successes, barriers, and process improvements. The department is not required to reimburse any participants for expenses related to attendance;

(iii)) Convene a stakeholder group by March 1, 2017, consisting of landlords, homeless housing advocates, real estate industry representatives, cities, counties, and the department to meet to discuss long-term funding strategies for homeless housing programs that do not include a surcharge on document recording fees. The stakeholder group must provide a report of its findings to the legislature by December 1, 2017;

_____ (iii) Develop a sampling methodology to obtain data required under this section when a local government or contractor does not have such information readily available. The process for developing the sampling methodology must include providing notification to and the opportunity for public comment by local governments issuing housing vouchers, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers;

(iv) Develop a report, limited to document recording fee uses and expenditures, on a calendar year basis ((#)) that may include

consultation with local governments, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers, that includes the following: Total amount expended from document recording fees; amount expended on, number of households that received, and number of housing vouchers issued in each of the private, public, and nonprofit markets; amount expended on, number of households that received, and number of housing placement payments provided in each of the private, public, and nonprofit markets; amount expended on and number of eviction prevention services provided in the private market; the total amount of funds set aside for private rental housing payments as required in RCW 36.22.179(1)(b); and amount expended on and number of other tenant-based rent assistance services provided in the private market. The information in the report must include data submitted by local governments and data on all additional document recording fee activities for which the department contracted that were not otherwise reported. The data, samples, and sampling methodology used to develop the report must be made available upon request and for the audits required in this section;

(v) Annually submit the calendar year report to the legislature by December 15th, with a preliminary report submitted by December 15, 2012, and full calendar year reports submitted beginning December 15, 2013; and

(vi) Work with the Washington state quality award program, local governments, and any other organizations to ensure the appropriate scheduling of assessments for all local governments meeting the criteria described in subsection (1)(b) of this section.

(d) The office of financial management must secure an independent audit of the department's data and expenditures of state funds received under RCW 36.22.179(1)(b) on an annual basis. The independent audit must review a random sample of local governments, contractors, and housing providers that is geographically and demographically diverse. The independent auditor must meet with the department and a landlord representative to review the preliminary audit and provide the department and the landlord representative with the opportunity to include written comments regarding the findings that must be included with the audit. The first audit of the department's data and expenditures will be for calendar year 2014 and is due July 1, 2015. Each audit thereafter will be due July 1st following the department's submission of the report to the legislature. If the independent audit finds that the department has failed to set aside at least forty-five percent of the funds received under RCW 36.22.179(1)(b) after the effective date of this section for private rental housing payments, the independent auditor must notify the department and the office of financial management of its finding. In addition, the independent auditor must make recommendations to the office of financial management and the legislature on alternative means of distributing the funds to meet the requirements of RCW 36.22.179(1)(b).

(e) The office of financial management must contract with an independent auditor to conduct a performance audit of the programs funded by document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791. The audit must provide findings to determine if the funds are being used effectively, efficiently, and for their intended purpose. The audit must review the department's performance in meeting all statutory requirements related to document recording surcharge funds including, but not limited to, the data the department collects, the timeliness and quality of required reports, and whether the data and required reports provide adequate information and accountability for the use of the document recording surcharge funds. The audit must include recommendations for policy and operational improvements to the use of document recording surcharges by counties and the department. The performance audit must be submitted to the legislature by December 1, 2016.

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(2) For purposes of this section:

(a) "Housing placement payments" means one-time payments, such as first and last month's rent and move-in costs, funded by document recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made to secure a unit on behalf of a tenant.

(b) "Housing vouchers" means payments, including private rental housing payments, funded by document recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made by a local government or contractor to secure: (i) A rental unit on behalf of an individual tenant; or (ii) a block of units on behalf of multiple tenants.

(c) "Interested landlord list" means a list of landlords who have indicated to a local government or contractor interest in renting to individuals or households receiving a housing voucher funded by document recording surcharges.

(d) "Private rental housing" means housing owned by a private landlord and does not include housing owned by a nonprofit housing entity or government entity.

(3) This section expires June 30, ~~((2017))~~ 2019.

((4) If section 1, chapter 90, Laws of 2012 is not enacted into law by July 31, 2012, this section is null and void.))"

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Angel and others to Substitute Senate Bill No. 5875.

The motion by Senator Angel carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 36.22.179, 43.185C.060, and 43.185C.240; and providing an expiration date."

MOTION

On motion of Senator Angel, the rules were suspended, Engrossed Substitute Senate Bill No. 5875 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel, Hobbs, Nelson, Frockt, Liias, Darneille, Kohl-Welles and Benton spoke in favor of passage of the bill.

MOTION

Senator Hatfield demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Hatfield carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5875.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5875 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Rolfes, Sheldon and Tom

Voting nay: Senators Braun, Brown, Dansel, Holmquist Newbry, Honeyford, Padden, Roach and Schoesler

ENGROSSED SUBSTITUTE SENATE BILL NO. 5875, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you. If the Senator from the Nineteenth District hadn't cut off the conversation you would of heard my wonderful story about this bill. So, I want to tell you, I stand in support of the bill that we just passed for the homeless and in 2005 Representative Ormsby and I joined together. Representative Ormsby had the document fee in his bill and I had the ten year homelessness plan in bill and that is where this bill came from. Now we had each county then and local government develop a ten year plan to reduce homelessness. This is 2015, ten years later, the goal was to reduce it by fifty percent. As you all know, we are now at twenty nine percent decrease in overall homelessness and seventy four decrease in unsheltered homeless. I want to share this story with you because this bill began back in 2005 as a ten year plan. Now, thanks to the effort to many of the Senators on this floor it will continue and it will help our families and it will help our communities. So, thank you so much."

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5318,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5691,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1260,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Maryann J Moreno, Gubernatorial Appointment No. 9144, be confirmed as a member of the Sentencing Guidelines Commission.

Senator Padden spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Nelson was excused.

APPOINTMENT OF MARYANN J MORENO

The President declared the question before the Senate to be the confirmation of Maryann J Moreno, Gubernatorial Appointment No. 9144, as a member of the Sentencing Guidelines Commission.

The Secretary called the roll on the confirmation of Maryann J Moreno, Gubernatorial Appointment No. 9144, as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Nelson

Maryann J Moreno, Gubernatorial Appointment No. 9144, having received the constitutional majority was declared confirmed as a member of the Sentencing Guidelines Commission.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that Mary Meinig, Gubernatorial Appointment No. 9212, be confirmed as a Director of the Office of the Family and Children Ombudsman.

Senator Padden spoke in favor of the motion.

APPOINTMENT OF Mary MEINIG

The President declared the question before the Senate to be the confirmation of Mary Meinig, Gubernatorial Appointment No. 9212, as a Director of the Office of the Family and Children Ombudsman.

The Secretary called the roll on the confirmation of Mary Meinig, Gubernatorial Appointment No. 9212, as a Director of the Office of the Family and Children Ombudsman and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Nelson

Mary Meinig, Gubernatorial Appointment No. 9212, having received the constitutional majority was declared confirmed as a Director of the Office of the Family and Children Ombudsman.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Charlotte Parsley, Gubernatorial Appointment No. 9154, be confirmed as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

Senator McAuliffe spoke in favor of the motion.

MOTION

On motion of Senator Fain, Senator Benton was excused.

APPOINTMENT OF CHARLOTTE PARSLEY

The President declared the question before the Senate to be the confirmation of Charlotte Parsley, Gubernatorial Appointment No. 9154, as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

The Secretary called the roll on the confirmation of Charlotte Parsley, Gubernatorial Appointment No. 9154, as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Benton and Nelson

Charlotte Parsley, Gubernatorial Appointment No. 9154, having received the constitutional majority was declared confirmed as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5318,

SIXTIETH DAY, MARCH 13, 2014
 SUBSTITUTE SENATE BILL NO. 5691.

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MOTION

On motion of Senator Billig, Senator Hasegawa was excused.

THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dammeier moved that Barbara A Taylor, Gubernatorial Appointment No. 9184, be confirmed as a Chair of the Professional Educator Standards Board.

Senator Dammeier spoke in favor of the motion.

APPOINTMENT OF BARBARA A TAYLOR

The President declared the question before the Senate to be the confirmation of Barbara A Taylor, Gubernatorial Appointment No. 9184, as a Chair of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Barbara A Taylor, Gubernatorial Appointment No. 9184, as a Chair of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Benton, Hasegawa and Nelson

Barbara A Taylor, Gubernatorial Appointment No. 9184, having received the constitutional majority was declared confirmed as a Chair of the Professional Educator Standards Board.

THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Jodi N Thew, Gubernatorial Appointment No. 9187, be confirmed as a member of the Professional Educator Standards Board.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF JODI N THEW

The President declared the question before the Senate to be the confirmation of Jodi N Thew, Gubernatorial Appointment No. 9187, as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Jodi N Thew, Gubernatorial Appointment No. 9187, as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove,

Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Benton and Hasegawa

Jodi N Thew, Gubernatorial Appointment No. 9187, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dammeier moved that Noah Zeichner, Gubernatorial Appointment No. 9201, be confirmed as a member of the Professional Educator Standards Board.

Senator Dammeier spoke in favor of the motion.

APPOINTMENT OF NOAH ZEICHNER

The President declared the question before the Senate to be the confirmation of Noah Zeichner, Gubernatorial Appointment No. 9201, as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Noah Zeichner, Gubernatorial Appointment No. 9201, as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Benton and Hasegawa

Noah Zeichner, Gubernatorial Appointment No. 9201, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Darneille moved that Nancy K Fitta, Gubernatorial Appointment No. 9227, be confirmed as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

Senator Darneille spoke in favor of the motion.

APPOINTMENT OF NANCY K FITTA

The President declared the question before the Senate to be the confirmation of Nancy K Fitta, Gubernatorial Appointment No. 9227, as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

The Secretary called the roll on the confirmation of Nancy K Fitta, Gubernatorial Appointment No. 9227, as a member of the

Board of Trustees for the Center of Childhood Deafness and Hearing Loss and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Benton

Nancy K Fitta, Gubernatorial Appointment No. 9227, having received the constitutional majority was declared confirmed as a member of the Board of Trustees for the Center of Childhood Deafness and Hearing Loss.

MOTION

At 11:01 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:13 p.m. by President Owen.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6002, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1224,
SUBSTITUTE HOUSE BILL NO. 1260,
ENGROSSED HOUSE BILL NO. 2397,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572,
HOUSE BILL NO. 2585,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED HOUSE BILL NO. 1224,
SUBSTITUTE HOUSE BILL NO. 1260,
ENGROSSED HOUSE BILL NO. 2397,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572,

HOUSE BILL NO. 2585.

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 6283. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 6283-S AMH CODY MORI 109, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.360.050 and 2013 c 128 s 3 are each amended to read as follows:

(1) A medical assistant-certified may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

- (i) Wrapping items for autoclaving;
- (ii) Procedures for sterilizing equipment and instruments;
- (iii) Disposing of biohazardous materials; and
- (iv) Practicing standard precautions.

(b) Clinical procedures:

(i) Performing aseptic procedures in a setting other than a hospital licensed under chapter 70.41 RCW;

(ii) Preparing of and assisting in sterile procedures in a setting other than a hospital under chapter 70.41 RCW;

(iii) Taking vital signs;

(iv) Preparing patients for examination;

(v) Capillary blood withdrawal, venipuncture, and intradermal, subcutaneous, and intramuscular injections; and

(vi) Observing and reporting patients' signs or symptoms.

(c) Specimen collection:

(i) Capillary puncture and venipuncture;

(ii) Obtaining specimens for microbiological testing; and

(iii) Instructing patients in proper technique to collect urine and fecal specimens.

(d) Diagnostic testing:

(i) Electrocardiography;

(ii) Respiratory testing; and

(iii)(A) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under this subsection (1)(d) based on changes made by the federal clinical laboratory improvement amendments program; and

(B) Moderate complexity tests if the medical assistant-certified meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing.

(e) Patient care:

(i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;

(ii) Obtaining vital signs;

(iii) Obtaining and recording patient history;

(iv) Preparing and maintaining examination and treatment areas;

(v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries;

(vi) Maintaining medication and immunization records; and

(vii) Screening and following up on test results as directed by a health care practitioner.

(f)(i) Administering medications. A medical assistant-certified may only administer medications if the drugs are:

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(A) Administered only by unit or single dosage, or by a dosage calculated and verified by a health care practitioner. For purposes of this section, a combination or multidose vaccine shall be considered a unit dose;

(B) Limited to legend drugs, vaccines, and Schedule III-V controlled substances as authorized by a health care practitioner under the scope of his or her license and consistent with rules adopted by the secretary under (f)(ii) of this subsection; and

(C) Administered pursuant to a written order from a health care practitioner.

(ii) A medical assistant-certified may not administer experimental drugs or chemotherapy agents. The secretary may, by rule, further limit the drugs that may be administered under this subsection (1)(f). The rules adopted under this subsection must limit the drugs based on risk, class, or route.

(g) Intravenous injections. A medical assistant-certified may administer intravenous injections for diagnostic or therapeutic agents under the direct visual supervision of a health care practitioner if the medical assistant-certified meets minimum standards established by the secretary in rule. The minimum standards must be substantially similar to the qualifications for category D and F health care assistants as they exist on July 1, 2013.

(h) Urethral catheterization when appropriately trained.

(2) A medical assistant-hemodialysis technician may perform hemodialysis when delegated and supervised by a health care practitioner. A medical assistant-hemodialysis technician may also administer drugs and oxygen to a patient when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary.

(3) A medical assistant-phlebotomist may perform;

(a) Capillary, venous, or arterial invasive procedures for blood withdrawal when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary;

(b) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under this section based on changes made by the federal clinical laboratory improvement amendments program;

(c) Moderate and high complexity tests if the medical assistant-phlebotomist meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing; and

(d) Electrocardiograms.

(4) A medical assistant-registered may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

- (i) Wrapping items for autoclaving;
- (ii) Procedures for sterilizing equipment and instruments;
- (iii) Disposing of biohazardous materials; and
- (iv) Practicing standard precautions.

(b) Clinical procedures:

- (i) Preparing for sterile procedures;
- (ii) Taking vital signs;
- (iii) Preparing patients for examination; and
- (iv) Observing and reporting patients' signs or symptoms.

(c) Specimen collection:

- (i) Obtaining specimens for microbiological testing; and
- (ii) Instructing patients in proper technique to collect urine and fecal specimens.

(d) Patient care:

(i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;

(ii) Obtaining vital signs;

(iii) Obtaining and recording patient history;

(iv) Preparing and maintaining examination and treatment areas;

(v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries utilizing no more than local anesthetic. The department may, by rule, prohibit duties authorized under this subsection

(4)(d)(v) if performance of those duties by a medical assistant-registered would pose an unreasonable risk to patient safety;

(vi) Maintaining medication and immunization records; and

(vii) Screening and following up on test results as directed by a health care practitioner.

(e)(i) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under subsection (1)(d) of this section based on changes made by the federal clinical laboratory improvement amendments program.

(ii) Moderate complexity tests if the medical assistant-registered meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing.

(f) Administering eye drops, topical ointments, and vaccines, including combination or multidose vaccines.

(g) Urethral catheterization when appropriately trained." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6283.

Senators Becker, Hobbs and Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6283.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6283 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6283, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6283, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Benton

SUBSTITUTE SENATE BILL NO. 6283, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6387 with the following amendment(s): 6387-S AMH KAGI H4553.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In conjunction with recent findings from the Washington state auditor's office, the legislature finds that there are thousands of state citizens who have been determined eligible for services through the department of social and health services' developmental disability administration. For those who have asked for help but are waiting for services, families may experience financial or emotional hardships. The legislature intends to clarify and make transparent the process for accessing publicly funded services for individuals with developmental disabilities and their families. The legislature intends to significantly reduce the number of eligible individuals who are waiting for services by funding additional slots and by implementing new programs that better utilize federal funding partnerships.

Sec. 2. RCW 71A.10.020 and 2011 1st sp.s. c 30 s 3 are each amended to read as follows:

As used in this title, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Assessment" means an evaluation is provided by the department to determine:

(a) If the individual meets functional and financial criteria for medicaid services; and

(b) The individual's support needs for service determination.

(2) "Community residential support services," or "community support services," and "in-home services" means one or more of the services listed in RCW 71A.12.040.

~~((2))~~ (3) "Crisis stabilization services" means services provided to persons with developmental disabilities who are experiencing behaviors that jeopardize the safety and stability of their current living situation. Crisis stabilization services include:

(a) Temporary intensive services and supports, typically not to exceed sixty days, to prevent psychiatric hospitalization, institutional placement, or other out-of-home placement; and

(b) Services designed to stabilize the person and strengthen their current living situation so the person may continue to safely reside in the community during and beyond the crisis period.

~~((3))~~ (4) "Department" means the department of social and health services.

~~((4))~~ (5) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual. By January 1, 1989, the department shall promulgate rules which define neurological or other conditions in a way that is not limited to intelligence quotient scores as the sole determinant of these conditions, and notify the legislature of this action.

~~((5))~~ (6) "Eligible person" means a person who has been found by the secretary under RCW 71A.16.040 to be eligible for services.

~~((6))~~ (7) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and to raise their levels of physical, mental, social, and

vocational functioning. Habilitative services include education, training for employment, and therapy.

~~((7))~~ (8) "Legal representative" means a parent of a person who is under eighteen years of age, a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney-at-law, a person's attorney-in-fact, or any other person who is authorized by law to act for another person.

~~((8))~~ (9) "Notice" or "notification" of an action of the secretary means notice in compliance with RCW 71A.10.060.

~~((9))~~ (10) "Residential habilitation center" means a state-operated facility for persons with developmental disabilities governed by chapter 71A.20 RCW.

~~((10))~~ (11) "Respite services" means relief for families and other caregivers of people with disabilities, typically not to exceed ninety days, to include both in-home and out-of-home respite care on an hourly and daily basis, including twenty-four hour care for several consecutive days. Respite care workers provide supervision, companionship, and personal care services temporarily replacing those provided by the primary caregiver of the person with disabilities. Respite care may include other services needed by the client, including medical care which must be provided by a licensed health care practitioner.

~~((11))~~ (12) "Secretary" means the secretary of social and health services or the secretary's designee.

~~((12))~~ (13) "Service" or "services" means services provided by state or local government to carry out this title.

~~((13))~~ (14) "State-operated living alternative" means programs for community residential services which may include assistance with activities of daily living, behavioral, habilitative, interpersonal, protective, medical, nursing, and mobility supports to individuals who have been assessed by the department as meeting state and federal requirements for eligibility in home and community-based waiver programs for individuals with developmental disabilities. State-operated living alternatives are operated and staffed with state employees.

~~((14))~~ (15) "Supported living" means community residential services and housing which may include assistance with activities of daily living, behavioral, habilitative, interpersonal, protective, medical, nursing, and mobility supports provided to individuals with disabilities who have been assessed by the department as meeting state and federal requirements for eligibility in home and community-based waiver programs for individuals with developmental disabilities. Supported living services are provided under contracts with private agencies or with individuals who are not state employees.

~~((15))~~ (16) "Vacancy" means an opening at a residential habilitation center, which when filled, would not require the center to exceed its biennially budgeted capacity.

(17) "Service request list" means a list of eligible persons who have received an assessment for service determination and their assessment shows that they meet the eligibility requirements for the requested service but were denied access due to funding limits.

Sec. 3. RCW 71A.16.050 and 1988 c 176 s 405 are each amended to read as follows:

The determination made under this chapter is only as to whether a person is eligible for services. After the secretary has determined under this chapter that a person is eligible for services, the individual may request an assessment for eligibility for medicaid programs and specific services administered by the developmental disabilities administration. The secretary shall make a determination as to what services are appropriate for the person. The secretary shall prioritize services to medicaid eligible clients. Services may be made available to nonmedicaid eligible clients based on available funding. Services available through the state medicaid plan must be provided to those individuals who meet the eligibility criteria.

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The department shall establish and maintain a service request list database for individuals who are found to be eligible and have an assessed and unmet need for programs and services offered under a home and community-based services waiver, but the provision of a specific service would exceed the biennially budgeted capacity.

NEW SECTION. Sec. 4. The department of social and health services shall develop and implement a medicaid program to replace the individual and family services program for medicaid-eligible clients no later than May 1, 2015. The new medicaid program must offer services that closely resemble the services offered in fiscal year 2014 through the individual and family services program. To the extent possible, the department shall expand the client caseload on the medicaid program replacing the individual and family services program. The department is authorized in fiscal year 2015 to use general fund--state dollars previously provided for the individual and family services program to cover the cost of increasing the number of clients served in the new medicaid program.

NEW SECTION. Sec. 5. By June 30, 2017, if additional federal funds through the community first choice option are attained, then the department of social and health services shall increase the number served on the medicaid program replacing the individual and family services program by at least four thousand, and increase by at least one thousand clients receiving services on the home and community-based services basic plus waiver. For both of these programs, the department of social and health services shall expend the client caseload beginning June 30, 2015.

Sec. 6. RCW 18.88B.041 and 2012 c 164 s 302 are each amended to read as follows:

(1) The following long-term care workers are not required to become a certified home care aide pursuant to this chapter:

(a)(i)(A) Registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved training program for certified nursing assistants under chapter 18.88A RCW, medicare- certified home health aides, or other persons who hold a similar health credential, as determined by the secretary, or persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010, if the secretary determines that the circumstances do not require certification.

(B) A person who was initially hired as a long-term care worker prior to January 7, 2012, and who completes all of his or her training requirements in effect as of the date he or she was hired.

(ii) Individuals exempted by (a)(i) of this subsection may obtain certification as a home care aide without fulfilling the training requirements in RCW 74.39A.074(1)(d)(ii) but must successfully complete a certification examination pursuant to RCW 18.88B.031.

(b) All long-term care workers employed by community residential service businesses.

(c) An individual provider caring only for his or her biological, step, or adoptive child or parent.

(d) ~~((Prior to))~~ Until July 1, ~~((2014))~~ 2016, a person ~~((hired))~~ working as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(e) Until July 1, 2016, a person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

(2) A long-term care worker exempted by this section from the training requirements contained in RCW 74.39A.074 may not be prohibited from enrolling in training pursuant to that section.

(3) The department shall adopt rules to implement this section.

Sec. 7. RCW 74.39A.076 and 2012 c 164 s 402 are each amended to read as follows:

(1) Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a):

(a) A biological, step, or adoptive parent who is the individual provider only for his or her developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of adults with developmental disabilities within the first one hundred twenty days after becoming an individual provider or within one hundred twenty calendar days after March 29, 2012, whichever is later.

(b) Individual providers identified in (b)(i) ~~((and))~~, (ii), and (iii) of this subsection must complete thirty-five hours of training within the first one hundred twenty days after becoming an individual provider or within one hundred twenty calendar days after March 29, 2012, whichever is later. Five of the thirty-five hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

(i) An individual provider caring only for his or her biological, step, or adoptive child or parent unless covered by (a) of this subsection; ~~((and))~~

(ii) ~~((January 1, 2014))~~ July 1, 2016, a person ~~((hired))~~ working as an individual provider who provides twenty hours or less of care for one person in any calendar month; and

(iii) Until July 1, 2016, a person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

(2) In computing the time periods in this section, the first day is the date of hire or March 29, 2012, whichever is applicable.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) The department shall adopt rules to implement this section.

Sec. 8. RCW 74.39A.341 and 2013 c 259 s 3 are each amended to read as follows:

(1) All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. This requirement applies beginning July 1, 2012.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

(3) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child;

(b) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

(c) Before January 1, 2016, a long-term care worker employed by a community residential service business; ~~((or))~~

(d) ~~((Before))~~ Until July 1, ~~((2014))~~ 2016, a person ~~((hired))~~ working as an individual provider who provides twenty hours or less of care for one person in any calendar month; or

(e) Until July 1, 2016, a person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.
 (5) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.
 (6) The department of health shall adopt rules to implement subsection (1) of this section.
 (7) The department shall adopt rules to implement subsection (2) of this section."
 Correct the title.
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hill moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6387.
 Senator Hill spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hill that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6387.

The motion by Senator Hill carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6387 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6387, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6387, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liiias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Benton

SUBSTITUTE SENATE BILL NO. 6387, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5875,
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

THIRD SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8410 by Senators Tom and Nelson

Returning bills to their house of origin.

SCR 8411 by Senators Tom and Nelson

Adjourning SINE DIE.

MOTION

On motion of Senator Fain and without objection, Senate Concurrent Resolution No. 8410 and Senate Concurrent Resolution No. 8411 were placed on the second reading calendar under suspension of the rules.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8410, by Senators Tom and Nelson

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8410 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8410.

SENATE CONCURRENT RESOLUTION NO. 8410 having received a majority was adopted by voice vote.

President Pro Tempore Senator Sheldon assumed the chair.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Tom and Nelson

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8411 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8411.

SIXTIETH DAY, MARCH 13, 2014

2014 REGULAR SESSION

SENATE CONCURRENT RESOLUTION NO. 8411 having received a majority was adopted by voice vote.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8722

By Senators Tom and Nelson

WHEREAS, The 2014 Regular Session of the Sixty-third Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2014 Regular Session of the Sixty-third Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations, subject to all applicable budget controls and limitations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, subject to all applicable budget controls and limitations, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor, subject to all applicable budget controls and limitations, as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he or she hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2014 Regular Session of the Sixty-third Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8722.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

Senator Chase moved adoption of the following resolution:

SENATE RESOLUTION
8719

By Senators Chase and Hewitt

WHEREAS, Walla Walla Community College is realizing its vision to be one of the most innovative, professional, responsive, and successful service-oriented rural community colleges in the United States; and

WHEREAS, The Aspen Institute selected Walla Walla Community College from among the nation's more than 1,000 public community colleges to be the co-winner of the 2013 Aspen Prize for Community College Excellence, the nation's signature recognition of high achievement and performance in America's community colleges; and

WHEREAS, In the late 1990s, the town of Walla Walla was facing economic uncertainty due to the decline of the local agriculture industry; and

WHEREAS, Walla Walla Community College recognized this as an opportunity to train the workforce in a program tailored to the local wine industry's needs and collaborated with the local industry to fund and open the Center for Enology and Viticulture in 2003; and

WHEREAS, Washington has become the third largest wine producer in the United States, and the Walla Walla Valley American Viticulture Area is one of the most awarded of the United States; and

WHEREAS, Walla Walla has become a world famous tourist destination for fine wine and fine food; and

WHEREAS, College Cellars, a vineyard and winery operated by Walla Walla Community College for workforce training, has won several gold medals at the Seattle Wine Awards and Northwest Wine Summit, the highest recognition that a winery can earn in the state for its 2011 Ice Wine, 2011 Chardonnay, 2009 Syrah, and 2008 Malbec;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Walla Walla Community College's contributions to Washington State in the areas of academic excellence, workforce training, economic development, and public service, and recognize Walla Walla Community College as a model for how a community college can innovatively tailor its academic programs to meet the needs of the local mid-market business community to organically grow a sustainable ecosystem; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Office of the President at Walla Walla Community College.

Senators Chase and Hewitt spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8719.

The motion by Senator Chase carried and the resolution was adopted by voice vote.

MOTION

At 11:34 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:50 p.m. by the President Pro Tempore, Senator Sheldon presiding.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2746 and passed the bill as amended by the Senate.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5875,
SUBSTITUTE SENATE BILL NO. 6283,
SUBSTITUTE SENATE BILL NO. 6387.

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5875,
SUBSTITUTE SENATE BILL NO. 6283,
SUBSTITUTE SENATE BILL NO. 6387,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2335 and passed the bill as amended by the Senate.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 2335,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2746,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED HOUSE BILL NO. 2335,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2746.

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5318,
SUBSTITUTE SENATE BILL NO. 5691,
SENATE BILL NO. 5981,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8410,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8411,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE CONCURRENT RESOLUTION NO. 8410,
SENATE CONCURRENT RESOLUTION NO. 8411.

MOTION

On motion of Senator Fain and without objections, all measures on the second and third reading calendars were returned to the Committee on Rules.

MESSAGE FROM THE HOUSE

SIXTIETH DAY, MARCH 13, 2014

2014 REGULAR SESSION

March 13, 2014

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8410,
SENATE CONCURRENT RESOLUTION NO. 8411,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the reading of the Journal for the 60th day of the 2014 Regular Session of the 63rd Legislature was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

March 13, 2014

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8410, the following Senate bills are returned to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5020,
ENGROSSED SENATE BILL NO. 5097,
SENATE BILL NO. 5112,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5127,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5138,
SENATE BILL NO. 5158,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5199,
SUBSTITUTE SENATE BILL NO. 5334,
ENGROSSED SENATE BILL NO. 5430,
ENGROSSED SENATE BILL NO. 5514,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5540,
SENATE BILL NO. 5633,
SUBSTITUTE SENATE BILL NO. 5676,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5697,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5731,
SUBSTITUTE SENATE BILL NO. 5872,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5886,
ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5887,
SENATE BILL NO. 5910,
SENATE BILL NO. 5957,
SUBSTITUTE SENATE BILL NO. 5965,
SENATE BILL NO. 5970,
SUBSTITUTE SENATE BILL NO. 5975,
SENATE BILL NO. 5979,
SUBSTITUTE SENATE BILL NO. 5991,
SUBSTITUTE SENATE BILL NO. 5996,
SUBSTITUTE SENATE BILL NO. 6005,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6008,
SENATE BILL NO. 6010,
SENATE BILL NO. 6011,
SUBSTITUTE SENATE BILL NO. 6017,
SENATE BILL NO. 6022,
SENATE BILL NO. 6025,
SUBSTITUTE SENATE BILL NO. 6028,
SENATE BILL NO. 6045,
SENATE BILL NO. 6047,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6049,

SUBSTITUTE SENATE BILL NO. 6050,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6052,
SUBSTITUTE SENATE BILL NO. 6057,
SUBSTITUTE SENATE BILL NO. 6058,
SENATE BILL NO. 6059,
SUBSTITUTE SENATE BILL NO. 6060,
SUBSTITUTE SENATE BILL NO. 6064,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6076,
SENATE BILL NO. 6077,
SENATE BILL NO. 6079,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6081,
SUBSTITUTE SENATE BILL NO. 6094,
SECOND SUBSTITUTE SENATE BILL NO. 6096,
SUBSTITUTE SENATE BILL NO. 6104,
SUBSTITUTE SENATE BILL NO. 6105,
SUBSTITUTE SENATE BILL NO. 6110,
SENATE BILL NO. 6114,
SENATE BILL NO. 6122,
SENATE BILL NO. 6125,
SENATE BILL NO. 6133,
SENATE BILL NO. 6138,
SENATE BILL NO. 6143,
SUBSTITUTE SENATE BILL NO. 6150,
SENATE BILL NO. 6157,
SUBSTITUTE SENATE BILL NO. 6179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6181,
ENGROSSED SENATE BILL NO. 6194,
SENATE BILL NO. 6206,
SUBSTITUTE SENATE BILL NO. 6207,
SUBSTITUTE SENATE BILL NO. 6211,
SECOND SUBSTITUTE SENATE BILL NO. 6215,
ENGROSSED SENATE BILL NO. 6220,
SUBSTITUTE SENATE BILL NO. 6237,
ENGROSSED SENATE BILL NO. 6248,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6249,
SUBSTITUTE SENATE BILL NO. 6250,
SUBSTITUTE SENATE BILL NO. 6259,
SUBSTITUTE SENATE BILL NO. 6280,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6286,
SUBSTITUTE SENATE BILL NO. 6290,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6297,
SENATE BILL NO. 6327,
SENATE BILL NO. 6338,
SENATE BILL NO. 6340,
SUBSTITUTE SENATE BILL NO. 6362,
SECOND SUBSTITUTE SENATE BILL NO. 6402,
SUBSTITUTE SENATE BILL NO. 6418,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6423,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6430,
SUBSTITUTE SENATE BILL NO. 6439,
SENATE BILL NO. 6445,
SENATE BILL NO. 6464,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6472,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6478,
SENATE BILL NO. 6497,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6499,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6512,
SUBSTITUTE SENATE BILL NO. 6515,
SUBSTITUTE SENATE BILL NO. 6516,
SENATE BILL NO. 6519,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6542,
ENGROSSED SENATE BILL NO. 6549,
ENGROSSED SENATE BILL NO. 6550,

SENATE BILL NO. 6555,
 SUBSTITUTE SENATE BILL NO. 6558,
 SUBSTITUTE SENATE BILL NO. 6572,
 SENATE JOINT MEMORIAL NO. 8015,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8410, the following House Bills were returned to the House of Representatives:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1005,
 SECOND SUBSTITUTE HOUSE BILL NO. 1170,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1674,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2002,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2149,
 SUBSTITUTE HOUSE BILL NO. 2201,
 SUBSTITUTE HOUSE BILL NO. 2244,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2306,
 SUBSTITUTE HOUSE BILL NO. 2336,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2377,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2383,
 SUBSTITUTE HOUSE BILL NO. 2410,
 SUBSTITUTE HOUSE BILL NO. 2415,
 SECOND SUBSTITUTE HOUSE BILL NO. 2517,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2540,
 HOUSE BILL NO. 2553,
 ENGROSSED HOUSE BILL NO. 2558,
 SUBSTITUTE HOUSE BILL NO. 2610,
 SECOND SUBSTITUTE HOUSE BILL NO. 2643,
 SUBSTITUTE HOUSE BILL NO. 2651,
 SECOND SUBSTITUTE HOUSE BILL NO. 2694,
 SUBSTITUTE HOUSE BILL NO. 2719,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2748,
 HOUSE BILL NO. 2790,
 HOUSE BILL NO. 2794,
 ENGROSSED HOUSE BILL NO. 2797.

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8410, the following House Bills were returned to the House of Representatives:

HOUSE BILL NO. 1008,
 ENGROSSED HOUSE BILL NO. 1011,
 ENGROSSED HOUSE BILL NO. 1013,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1017,
 SUBSTITUTE HOUSE BILL NO. 1027,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1038,
 HOUSE BILL NO. 1043,
 SUBSTITUTE HOUSE BILL NO. 1047,
 HOUSE BILL NO. 1063,
 HOUSE BILL NO. 1064,

SECOND SUBSTITUTE HOUSE BILL NO. 1072,
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1083,
 SUBSTITUTE HOUSE BILL NO. 1103,
 SUBSTITUTE HOUSE BILL NO. 1107,
 HOUSE BILL NO. 1118,
 HOUSE BILL NO. 1145,
 SUBSTITUTE HOUSE BILL NO. 1156,
 HOUSE BILL NO. 1173,
 HOUSE BILL NO. 1179,
 HOUSE BILL NO. 1185,
 HOUSE BILL NO. 1251,
 ENGROSSED HOUSE BILL NO. 1267,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1279,
 HOUSE BILL NO. 1286,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
 SUBSTITUTE HOUSE BILL NO. 1298,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1313,
 HOUSE BILL NO. 1339,
 HOUSE BILL NO. 1348,
 ENGROSSED HOUSE BILL NO. 1367,
 SUBSTITUTE HOUSE BILL NO. 1402,
 SUBSTITUTE HOUSE BILL NO. 1409,
 SUBSTITUTE HOUSE BILL NO. 1413,
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1448,
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1467,
 HOUSE BILL NO. 1486,
 SUBSTITUTE HOUSE BILL NO. 1536,
 ENGROSSED HOUSE BILL NO. 1538,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1563,
 SECOND SUBSTITUTE HOUSE BILL NO. 1574,
 ENGROSSED HOUSE BILL NO. 1593,
 HOUSE BILL NO. 1597,
 SUBSTITUTE HOUSE BILL NO. 1635,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1654,
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1675,
 HOUSE BILL NO. 1684,
 SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1727,
 HOUSE BILL NO. 1783,
 SUBSTITUTE HOUSE BILL NO. 1805,
 SUBSTITUTE HOUSE BILL NO. 1814,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1838,
 SUBSTITUTE HOUSE BILL NO. 1843,
 SUBSTITUTE HOUSE BILL NO. 1858,
 HOUSE BILL NO. 1859,
 SECOND SUBSTITUTE HOUSE BILL NO. 1888,
 HOUSE BILL NO. 1892,
 HOUSE BILL NO. 1896,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1902,
 SECOND SUBSTITUTE HOUSE BILL NO. 1909,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1950,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1960,
 HOUSE BILL NO. 2017,
 SUBSTITUTE HOUSE BILL NO. 2018,
 SECOND SUBSTITUTE HOUSE BILL NO. 2041,
 HOUSE BILL NO. 2061,
 SUBSTITUTE HOUSE BILL NO. 2074,
 SUBSTITUTE HOUSE BILL NO. 2098,

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SUBSTITUTE HOUSE BILL NO. 2121,
 SUBSTITUTE HOUSE BILL NO. 2126,
 HOUSE BILL NO. 2127,
 SUBSTITUTE HOUSE BILL NO. 2135,
 HOUSE BILL NO. 2148,
 SUBSTITUTE HOUSE BILL NO. 2150,
 SUBSTITUTE HOUSE BILL NO. 2152,
 SUBSTITUTE HOUSE BILL NO. 2157,
 SUBSTITUTE HOUSE BILL NO. 2162,
 SUBSTITUTE HOUSE BILL NO. 2165,
 SECOND SUBSTITUTE HOUSE BILL NO. 2166,
 HOUSE BILL NO. 2169,
 HOUSE BILL NO. 2170,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2177,
 SUBSTITUTE HOUSE BILL NO. 2178,
 SUBSTITUTE HOUSE BILL NO. 2183,
 SUBSTITUTE HOUSE BILL NO. 2196,
 SUBSTITUTE HOUSE BILL NO. 2197,
 SUBSTITUTE HOUSE BILL NO. 2205,
 SUBSTITUTE HOUSE BILL NO. 2215,
 HOUSE BILL NO. 2219,
 HOUSE BILL NO. 2231,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2235,
 HOUSE BILL NO. 2254.

HOUSE BILL NO. 2426,
 HOUSE BILL NO. 2436,
 HOUSE BILL NO. 2437,
 HOUSE BILL NO. 2438,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2439,
 HOUSE BILL NO. 2440,
 ENGROSSED HOUSE BILL NO. 2442,
 ENGROSSED HOUSE BILL NO. 2447,
 HOUSE BILL NO. 2450,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2451,
 SUBSTITUTE HOUSE BILL NO. 2467,
 HOUSE BILL NO. 2473,
 SUBSTITUTE HOUSE BILL NO. 2474,
 HOUSE BILL NO. 2479,
 SUBSTITUTE HOUSE BILL NO. 2481,
 HOUSE BILL NO. 2482,
 SECOND SUBSTITUTE HOUSE BILL NO. 2486,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2500,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2512,
 SUBSTITUTE HOUSE BILL NO. 2518,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2524,
 HOUSE BILL NO. 2527,
 HOUSE BILL NO. 2530,
 SUBSTITUTE HOUSE BILL NO. 2531,
 HOUSE BILL NO. 2534,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535,
 SUBSTITUTE HOUSE BILL NO. 2537,
 SUBSTITUTE HOUSE BILL NO. 2541,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2543,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546,
 SUBSTITUTE HOUSE BILL NO. 2552,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556,
 HOUSE BILL NO. 2573,
 SUBSTITUTE HOUSE BILL NO. 2576,
 ENGROSSED HOUSE BILL NO. 2582,
 HOUSE BILL NO. 2583,
 HOUSE BILL NO. 2590,
 SUBSTITUTE HOUSE BILL NO. 2592,
 SUBSTITUTE HOUSE BILL NO. 2593,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2594,
 HOUSE BILL NO. 2598,
 SUBSTITUTE HOUSE BILL NO. 2605,
 ENGROSSED HOUSE BILL NO. 2617,
 ENGROSSED HOUSE BILL NO. 2618,
 SUBSTITUTE HOUSE BILL NO. 2624,
 SUBSTITUTE HOUSE BILL NO. 2634,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2639,
 HOUSE BILL NO. 2642,
 SUBSTITUTE HOUSE BILL NO. 2644,
 HOUSE BILL NO. 2646,
 HOUSE BILL NO. 2647,
 SUBSTITUTE HOUSE BILL NO. 2665,
 SUBSTITUTE HOUSE BILL NO. 2675,
 HOUSE BILL NO. 2682,
 ENGROSSED HOUSE BILL NO. 2684,
 SUBSTITUTE HOUSE BILL NO. 2691,
 SUBSTITUTE HOUSE BILL NO. 2698,
 SUBSTITUTE HOUSE BILL NO. 2699,
 SUBSTITUTE HOUSE BILL NO. 2705,
 SUBSTITUTE HOUSE BILL NO. 2706,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2711,
 SUBSTITUTE HOUSE BILL NO. 2722,
 SUBSTITUTE HOUSE BILL NO. 2725,
 SECOND SUBSTITUTE HOUSE BILL NO. 2743,

MOTION

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8410, the following House Bills were returned to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 2255,
 ENGROSSED HOUSE BILL NO. 2278,
 SUBSTITUTE HOUSE BILL NO. 2282,
 HOUSE BILL NO. 2285,
 HOUSE BILL NO. 2294,
 HOUSE BILL NO. 2301,
 HOUSE BILL NO. 2302,
 HOUSE BILL NO. 2329,
 SUBSTITUTE HOUSE BILL NO. 2331,
 HOUSE BILL NO. 2332,
 SECOND SUBSTITUTE HOUSE BILL NO. 2333,
 HOUSE BILL NO. 2334,
 SUBSTITUTE HOUSE BILL NO. 2339,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2341,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2347,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2353,
 SUBSTITUTE HOUSE BILL NO. 2364,
 SUBSTITUTE HOUSE BILL NO. 2365,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2368,
 SUBSTITUTE HOUSE BILL NO. 2371,
 SUBSTITUTE HOUSE BILL NO. 2372,
 SUBSTITUTE HOUSE BILL NO. 2373,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2374,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376,
 SUBSTITUTE HOUSE BILL NO. 2378,
 HOUSE BILL NO. 2381,
 HOUSE BILL NO. 2386,
 HOUSE BILL NO. 2404,
 HOUSE BILL NO. 2405,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406,
 HOUSE BILL NO. 2407,
 HOUSE BILL NO. 2408,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2414,
 SUBSTITUTE HOUSE BILL NO. 2420,

ENGROSSED HOUSE BILL NO. 2752,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2759,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2762,
HOUSE BILL NO. 2777,
HOUSE CONCURRENT RESOLUTION NO. 4416.

At 11:53 p.m., on motion of Senator Fain, the 2013 Regular
Session of the Sixty-Third Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

MOTION

SENATE ROSTER

AND

COMMITTEE ASSIGNMENTS

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Angel, Jan	26	R	Kitsap (P), Pierce (P)	PO Box 40426 Olympia, WA 98504-0426		Legislator	2009-2013	Appt. 1/13/2014
Bailey, Barbara	10	R	Island, Skagit (P) Snohomish (P)	PO Box 40010 Olympia, WA 98504-0410	MO	Mgmt/Training Consultant	2003-2012	2013-
Baumgartner, Michael	6	R	Spokane (P)	PO Box 40406 Olympia, WA 98504-0406	1975 - WA	Consultant		2011-
Becker, Randi	2	R	Pierce (P), Thurston (P)	PO Box 40402 Olympia, WA 98504-0402	1948 - WA	Health Care Administrator		2009-
Benton, Don	17	R	Clark (P)	PO Box 40417 Olympia, WA 98504-0417	1957 - CA	CIO - National Advtsg Conslnt	1995-1996	1997-
Billig, Andy	3	D	Spokane (P)	25 W. Main Ave Ste 237 Spokane, WA 99201	1969 - NY	Baseball Executive	2011/2012	2013-
Braun, John	20	R	Clark (P), Cowlitz (P), Lewis (P), Thurston (P)	PO Box 40420 Olympia, WA 98504-0420	1967 - OH	President of Braun Northwest		2013-
Brown, Sharon	8	R	Benton (P)	PO Box 40408 Olympia, WA 98504-0408	1962 - NY	Attorney		Appt. 2/4/2013
Chase, Maralyn	32	D	King (P), Snohomish (P)	18560 1 st Ave. NE Ste E-750 Shoreline, WA 98155	WA	Legislator	Appt. 1/7/2002, 2003-10	2011-
Cleveland, Annette	49	D	Clark (P)	PO Box 40449 Olympia, WA 98504-0449	1962 - WA	External Affairs, Legacy Health Systems		2013-
Conway, Steve	29	D	Pierce (P)	PO Box 40429 Olympia, WA 98504-0429	1944 - OR	Labor Relations Specialist	Appt. 1/25/1993, 1994-2010	2011-
Dammeier, Bruce	25	R	Pierce (P)	101 S. Meridian Ste D Puyallup, WA 98371	1961 - WA	Small Business Owner, Print - NW	2009-2012	2013-
Dansel, Brian	7	R	Ferry, Lincoln, Okanogan(P),Pend Oreille, Spokane(P), Stevens	PO Box 40407 Olympia, WA 98504-0407	1983-WA	Legislator		Appt. 1/13/2014
Darneille, Jeannie	27	D	Pierce (P)	PO Box 40427 Olympia, WA 98504-0427	1949 - AK	Consultant, not-for-profit org	2001-2012	2013-
Eide, Tracey	30	D	King (P)	PO Box 40430 Olympia, WA 98504-0430	1954 - WA	Senator	1993-1994	1999-
Ericksen, Doug	42	R	Whatcom (P)	PO Box 40442 Olympia, WA 98504-0442	1969 - WA	Legislator	1999-2010	2011-

Name of Member	District	Party	County	Mailing Address	Birth Year	Occupation	Previous Years Served	
							House	Senate
Fain, Joe	47	R	King (P)	PO Box 40447 Olympia, WA 98504-0447	1980 - WA	Legislator		2011-
Fraser, Karen	22	D	Thurston (P)	PO Box 40422 Olympia, WA 90504-4022	1944 - WA	Senator	1989-1992	1993-
Frockt, David	46	D	King (P)	PO Box 40402 Olympia, WA 98504-0402	1969 - OH	Attrny/Legislator	2011	11/14/2011-
Hargrove, James	24	D	Clallam, Grays Harbor (P), Jefferson	PO Box 40424 Olympia, WA 98504-0424	1953 - OR	Forester	1985-1992	1993-
Hasegawa, Bob	11	D	King (P)	PO Box 84331 Seattle, WA 98124	WA	Operating Engineer	2005-2012	2013-
Hatfield, Brian	19	D	Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	PO Box 40419 Olympia, WA 98504-0419	1966 - WA	Ec Development Specialist	Appt. 9/26/94-2004	Appt. 11/17/06-
Hewitt, Mike	16	R	Benton (P), Columbia, Franklin (P), Walla Walla	PO Box 40416 Olympia, WA 98504-0416	1946 - WA	Legislator		2001-
Hill, Andy	45	R	King (P)	PO Box 40445 Olympia, WA 98504-0445	1962 - CO	Consultant		2011-
Hobbs, Steve	44	D	Snohomish (P)	PO Box 40444 Olympia, WA 98504-0444	1970 - WA	UW Facilities Manager		2007-
Holmquist Newbry, Janéa	13	R	Grant (P), Kittitas, Yakima (P)	PO Box 40413 Olympia, WA 98504-0413	1974 - AK	Self Employed	Appt. 12/7/2001-2006	12/6/06-
Honeyford, Jim	15	R	Clark (P), Klickitat, Skamania, Yakima (P)	PO Box 40415 Olympia, WA 98504-0415	1939 - OR	Farmer/Retired Educator	1995-1998	1999-
Keiser, Karen	33	D	King (P)	PO Box 40433 Olympia, WA 98504-0433	1947 - IA	Ret. Comm. Dir.	1996-2000	2001-
King, Curtis	14	R	Yakima	PO Box 40414 Olympia, WA 98504-0414	1946 - WA	Business Manager		Elected 11/6/07-
Kline, Adam	37	D	King (P)	PO Box 40437 Olympia, WA 98504-0437	1944 - NJ	Lawyer		Appt. 1/20/97-
Kohl-Welles, Jeanne	36	D	King (P)	PO Box 40436 Olympia, WA 98504-0436	1942 - WI	Sociologist Lecturer, UW	1992-1994	Appt. 10/14/94-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Liias, Marko	21	D	Snohomish (P)	PO Box 40421 Olympia, WA 98504-0421	1981 – WA	Senator	2008-2014	Appt. 1/22/2014
Litzow, Steve	41	R	King (P)	PO Box 40441 Olympia, WA 98504-0441	1961 – WI	Marketing Consultant		2010-
McAuliffe, Rosemary	1	D	King (P), Snohomish (P)	PO Box 40401 Olympia, WA 98504-0401	1940 – WA	Ownr/Mgr Hollywood Schoolhouse		1993-
McCoy, John	38	D	Snohomish (P)	PO Box 40438 Olympia, WA 98504-0438	1943 – WA	Legislator	2002-2013	Appt. 1/13/2014
Mullet, Mark	5	D	King (P)	PO Box 40405 Olympia, WA 98504-0405	1972	Owner of Zeek’s Pizza		11/30/2012-
Nelson, Sharon	34	D	King (P)	PO Box 40434 Olympia, WA 98504-0434	1951 – MN	Legislator	Appt. 11/5/2007-10	2010-
O’Ban, Steve	28	R	Pierce (P)	PO Box 40428 Olympia, WA 09504-0428	1961 - CA	Attorney	2013	Appt. 6/4/2013-
Padden, Mike	4	R	Spokane (P)	PO Box 40417 Olympia, WA 98504-0417	1946 – OR	Judge (retired)	1981-1993	Appt. 11/29/2011-
Parlette, Linda Evans	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	PO Box 40412 Olympia, WA 98504-0412	1945 – WA	Pharmacist & Orchardist	1997-2000	2001-
Pearson, Kirk	39	R	King (P), Skagit (P), Snohomish (P)	PO Box 40439 Olympia, WA 98504-0439	1958 – WA	Former Congressional Aide	2001-2012	2013-
Pedersen, Jamie	43	D	King (P)	PO Box 40443 Olympia, WA 98504-0443	1968-WA	Lawyer	2007-2012	Appt. 1/13/2014
Ranker, Kevin	40	D	San Juan, Skagit (P), Whatcom (P)	PO Box 40440 Olympia, WA 98504-0440	1970 - England	Coastal/Ocean Policy Consultant		2009-
Rivers, Ann	18	R	Clark (P)	PO Box 40418 Olympia, WA 98504-0418		Public Affairs Consultant	2011-2012	Appt. 6/25/2012-
Roach, Pam	31	R	King (P), Pierce (P)	PO Box 40431 Olympia, WA 98504-0431	1948 – CA	Self-Employed		1991-
Rolfes, Christine	23	D	Kitsap (P)	P. O. Box 40423 Olympia, WA 09505-0423	1967 - NY	Legislator	2007-2010	2011-
Schoesler, Mark	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	PO Box 40409 Olympia, WA 98504-0409	1957 – WA	Self-Employed Farmer	1993-2004	2005-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Sheldon, Tim	35	D	Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	PO Box 40435 Olympia, WA 98504-0435	1947 – WA	Tree Farmer	1991-1997	Elected 11/4/97-
Tom, Rodney	48	D	King (P)	PO Box 594 Medina, WA 98039	1963 – WA	Real Estate Agent	2003-2006	2007-
Goodman, Hunter G.				PO Box 40482 Olympia, WA 98504-0482	1969 -	Secretary of the Senate		2013-
Hendrickson, Brad				PO Box 40482 Olympia, WA 98504-0482	1960 - WA	Deputy Secretary of the Senate		(1993-1996, 1999- 2002) 2005-

**Membership of
Senate Standing Committees**

2014

Agriculture, Water & Rural Economic Development (6) -- Hatfield, Chair; *Honeyford; Brown; Eide; Hobbs; Schoesler

Commerce and Labor (7) -- Holmquist Newbry, Chair; Braun, Vice Chair; *Conway; Hasegawa; Hewitt; King; Kohl-Welles

Early Learning & K-12 Education (11) -- Litzow, Chair; Dammeier, Vice Chair; *McAuliffe; **Rolfes; Billig; Brown; Cleveland; Fain; Hill; Mullet; Rivers

Energy, Environment & Telecommunications (9) -- Ericksen, Chair; Sheldon, Vice Chair; *McCoy; Billig; Brown; Chase; Honeyford; Litzow; Ranker

Financial Institutions, Housing & Insurance (8) -- Angel, Co-Chair; Hobbs, Co-Chair; ***Benton; ***Mullet; Fain; Hatfield; Nelson; Roach

Governmental Operations (7) -- Roach, Chair; Benton, Vice Chair; *Hasegawa; Conway; Dandel; McCoy; Rivers

Health Care (8) -- Becker, Chair; Dammeier, Vice Chair; *Pedersen; Angel; Bailey; Cleveland; Keiser; Parlette

Higher Education (7) -- Bailey, Chair; Becker, Vice Chair; *Kohl-Welles; Baumgartner; Frockt; McAuliffe; Tom

Human Services & Corrections (5) -- O'Ban, Chair; Pearson, Vice Chair; *Darneille; Hargrove; Padden

Law and Justice (7) -- Padden, Chair; O'Ban, Vice Chair; *Kline; Darneille; Pearson; Pedersen; Roach

Natural Resources & Parks (7) -- Pearson, Chair; *Liias; Dandel; Hargrove; Hewitt; Kline; Parlette

Rules (22) -- Lieutenant Governor, Chair; Sheldon, Vice Chair; Bailey; Becker; Benton; Billig; Chase; Dammeier; Darneille; Ericksen; Fain; Fraser; King; Kohl-Welles; McCoy; Nelson; Parlette; Pearson; Rivers; Rolfes; Schoesler; Tom

Trade & Economic Development (7) -- Braun, Chair; Angel, Vice Chair; *Chase; Baumgartner; Holmquist Newbry; Liias; Pedersen

Transportation (15) -- King, Co-Chair; Eide, Co-Chair; ***Hobbs; *****Fain; Angel; Brown; Cleveland; Dandel; Ericksen; Liias; Litzow; Mullet; O'Ban; Rolfes; Sheldon

Ways & Means (23) -- Hill, Chair; Baumgartner, Vice Chair; ****Honeyford; *Hargrove; Keiser; Ranker; Bailey; Becker; Billig; Braun; Conway; Dammeier; Fraser; Frockt; Hasegawa; Hatfield; Hewitt; Kohl-Welles; Padden; Parlette; Rivers; Schoesler; Tom

* Ranking Member

** Asst. Ranking Member

*** Vice Co-Chair

**** Capital Budget Chair

***** Budget Leadership Cabinet

The Lt. Governor is a voting member of the Rules Committee

**Membership Assignments to
Senate Standing Committees**

2014

Angel, Jan -- Financial Institutions, Housing & Insurance, Co-Chair; Trade & Economic Development, Vice Chair; Health Care; Transportation

Bailey, Barbara -- Higher Education, Chair; Health Care; Rules; Ways & Means

Baumgartner, Michael -- Ways & Means, Vice Chair; Higher Education; Trade & Economic Development

Becker, Randi -- Health Care, Chair; Higher Education, Vice Chair; Rules; Ways & Means

Benton, Don -- ***Financial Institutions, Housing & Insurance; Governmental Operations, Vice Chair; Rules

Billig, Andy -- Early Learning & K-12 Education; Energy, Environment & Telecommunications; Rules; Ways & Means

Braun, John -- Trade & Economic Development, Chair; Commerce and Labor, Vice Chair; Ways & Means

Brown, Sharon -- Agriculture, Water & Rural Economic Development; Early Learning & K-12 Education; Energy, Environment & Telecommunications; Transportation

Chase, Maralyn -- *Trade & Economic Development; Energy, Environment & Telecommunications; Rules

Cleveland, Annette -- Early Learning & K-12 Education; Health Care; Transportation

Conway, Steve -- *Commerce and Labor; Governmental Operations; Ways & Means

Dammeier, Bruce -- Early Learning & K-12 Education, Vice Chair; Health Care, Vice Chair; Rules; Ways & Means

Dansel, Brian -- Governmental Operations; Natural Resources & Parks; Transportation

Darneille, Jeannie -- *Human Services & Corrections; Law and Justice; Rules

Eide, Tracey -- Transportation, Co-Chair; Agriculture, Water & Rural Economic Development

Ericksen, Doug -- Energy, Environment & Telecommunications, Chair; Rules; Transportation

Fain, Joe -- *****Transportation; Early Learning & K-12 Education; Financial Institutions, Housing & Insurance; Rules

Fraser, Karen -- Rules; Ways & Means

Frocht, David -- Higher Education; Ways & Means

Hargrove, James -- *Ways & Means; Human Services & Corrections; Natural Resources & Parks

Hasegawa, Bob -- *Governmental Operations; Commerce and Labor; Ways & Means

Hatfield, Brian -- Agriculture, Water & Rural Economic Development, Chair; Financial Institutions, Housing & Insurance; Ways & Means

Hewitt, Mike -- Commerce and Labor; Natural Resources & Parks; Ways & Means

Hill, Andy -- Ways & Means, Chair; Early Learning & K-12 Education

Hobbs, Steve -- Financial Institutions, Housing & Insurance, Co-Chair; ***Transportation; Agriculture, Water & Rural Economic Development

Holmquist Newbry, Janéa -- Commerce and Labor, Chair; Trade & Economic Development

* Ranking Member

** Assistant Ranking Member

*** Vice Co-Chair

**** Capital Budget Chair

***** Budget Leadership Cabinet

Honeyford, Jim -- ****Ways & Means; *Agriculture, Water & Rural Economic Development; Energy, Environment & Telecommunications

Keiser, Karen -- Ways & Means; Health Care

King, Curtis -- Transportation, Co-Chair; Commerce and Labor; Rules

Kline, Adam -- *Law and Justice; Natural Resources & Parks

Kohl-Welles, Jeanne -- *Higher Education; Commerce and Labor; Rules; Ways & Means

Liias, Marko -- *Natural Resources & Parks; Trade & Economic Development; Transportation

Litzow, Steve -- Early Learning & K-12 Education, Chair; Energy, Environment & Telecommunications; Transportation

McAuliffe, Rosemary -- *Early Learning & K-12 Education; Higher Education

McCoy, John -- *Energy, Environment & Telecommunications; Governmental Operations; Rules

Mullet, Mark -- ***Financial Institutions, Housing & Insurance; Early Learning & K-12 Education; Transportation

Nelson, Sharon -- Financial Institutions, Housing & Insurance; Rules

O'Ban, Steve -- Human Services & Corrections, Chair; Law and Justice, Vice Chair; Transportation

Padden, Mike -- Law and Justice, Chair; Human Services & Corrections; Ways & Means

Parlette, Linda Evans -- Health Care; Natural Resources & Parks; Rules; Ways & Means

Pearson, Kirk -- Natural Resources & Parks, Chair; Human Services & Corrections, Vice Chair; Law and Justice; Rules

Pedersen, Jamie -- *Health Care; Law and Justice; Trade & Economic Development

Ranker, Kevin -- Ways & Means; Energy, Environment & Telecommunications

Rivers, Ann -- Early Learning & K-12 Education; Governmental Operations; Rules; Ways & Means

Roach, Pam -- Governmental Operations, Chair; Financial Institutions, Housing & Insurance; Law and Justice

Rolfes, Christine -- **Early Learning & K-12 Education; Rules; Transportation

Schoesler, Mark -- Agriculture, Water & Rural Economic Development; Rules; Ways & Means

Sheldon, Tim -- Energy, Environment & Telecommunications, Vice Chair; Rules, Vice Chair; Transportation

Tom, Rodney -- Higher Education; Rules; Ways & Means

* Ranking Member

** Assistant Ranking Member

*** Vice Co-Chair

**** Capital Budget Chair

***** Budget Leadership Cabinet

MESSAGE FROM THE GOVERNOR

February 26, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on February 26, 2014, Governor Inslee approved the following Senate Bill entitled:

Senate Bill No. 6523

Relating to expanding higher education opportunities for certain students.

Sincerely,

Ted Sturdevant, Executive Director
Legislative Affairs and Policy

MESSAGE FROM THE GOVERNOR

March 17, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 17, 2014, Governor Inslee approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5889

Relating to snowmobile license fees.

Senate Bill No. 5931

Relating to carriers operating outside of the exchange but only relating to requiring that carriers offering health benefit plans that meet the definition of bronze level in the individual or small group market must also offer silver and gold level plans as specified in section 1302 of P.L. 111-148 of 2010 and that nongrandfathered individual and small group health plans must conform with the actuarial value tiers specified in section 1302 of P.L. 111-148 of 2010.

Second Substitute Senate Bill No. 5973

Relating to the community forest trust account.

Substitute Senate Bill No. 6007

Relating to clarifying the exemption in the public records act for customer information held by public utilities.

Senate Bill No. 6013

Relating to making a technical correction to school law governing the use of epinephrine auto-injectors.

Substitute Senate Bill No. 6069

Relating to community custody conditions for sex offenders.

Senate Bill No. 6134

Relating to clarifying the statute of limitations for enforcement actions, sharing of information with federal and state regulatory authorities, and requiring call reports for nondepository institutions regulated by the department of financial institutions.

Senate Bill No. 6135

Relating to the modernization, clarification, reorganization, and amendment of the laws respecting the charter and regulation of Washington state nondepository trust companies, fiduciary activities and trust business of state commercial banks, alien banks, state savings banks, and state savings associations, and fiduciary activities and trust business of other trust institutions and persons engaging in trust business in this state.

Senate Bill No. 6299

Relating to prenatal nutrition education.

Senate Bill No. 6419

Relating to 1213medicaid programs and expanding access to care in border communities.

Substitute Senate Bill No. 6453

Relating to verification of hours worked through electronic timekeeping by area agencies on aging and home care agencies.

Sincerely,

Ted Sturdevant, Executive Director
Legislative Affairs and Policy

MESSAGE FROM THE GOVERNOR

March 19, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 19, 2014, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5859

Relating to providing enhanced payment to small rural hospitals that meet the criteria of a sole community hospital.

Second Substitute Senate Bill No. 5958

Relating to holding state agencies accountable for providing opportunities for certain students to participate in transition services.

Engrossed Substitute Senate Bill No. 6041

Relating to fish and wildlife law enforcement.

Substitute Senate Bill No. 6046

Relating to whistleblowers.

Senate Bill No. 6093

Relating to allowing valid portable background check clearance cards issued by the department of early learning to be used by certain educational employees and their contractors for purposes of their background check requirements.

Substitute Senate Bill No. 6216

Relating to county ferries.

Substitute Senate Bill No. 6339

Relating to coercion of involuntary servitude.

Senate Bill No. 6358

Relating to disseminating financial aid policies to admitted and prospective students.

Substitute Senate Bill No. 6442

Relating to allowing sales of growlers of cider.

Substitute Senate Bill No. 6446

Relating to payments in lieu of taxes on county game lands.

Engrossed Substitute Senate Bill No. 6450

Relating to on-water dwellings.

Sincerely,

Ted Sturdevant, Executive Director
Legislative Affairs and Policy

MESSAGE FROM THE GOVERNOR

March 27, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 27, 2014, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5310

Relating to senior center licenses.

Substitute Senate Bill No. 5467

Relating to vehicle owner list furnishment requirements.

Second Engrossed Substitute Senate Bill No. 5785

Relating to the display and replacement of license plates.

Engrossed Senate Bill No. 5964

Relating to training public officials and employees regarding public records, records management, and open public meetings.

Engrossed Substitute Senate Bill No. 5972

Relating to specifying recovery for fire damages to public or private forested lands.

Substitute Senate Bill No. 5977

Relating to the regulation of service contracts and protection product guarantees.

Senate Bill No. 5999

Relating to corporate entity conversions.

Engrossed Substitute Senate Bill No. 6016

Relating to the grace period for enrollees of the Washington health benefit exchange.

Engrossed Senate Bill No. 6031

Relating to lake and beach management districts.

Engrossed Senate Bill No. 6034

Relating to state parks partnership opportunities.

Senate Bill No. 6065

Relating to protecting children under the age of eighteen from the harmful effects of exposure to ultraviolet radiation associated with tanning devices.

Substitute Senate Bill No. 6095

Relating to background checks for persons who will have access to children or vulnerable adults.

Substitute Senate Bill No. 6124

Relating to developing a state Alzheimer's plan.

Substitute Senate Bill No. 6199

Relating to addressing wildfires caused by incendiary devices.

Senate Bill No. 6201

Relating to an optional life annuity benefit for plan 2 members of the law enforcement officers' and firefighters' retirement system.

Senate Bill No. 6208

Relating to preserving the integrity of veterans' benefit-related services.

Substitute Senate Bill No. 6226

Relating to sales by craft and general licensed distilleries of spirits for off-premise consumption and spirits samples for on-premise consumption.

Substitute Senate Bill No. 6279

Relating to creating effective and timely access to magistrates for purposes of reviewing search warrant applications.

Senate Bill No. 6284

Relating to expenditures from the public health supplemental account.

Senate Bill No. 6321

Relating to removing the statutory provision that allows members of plan 3 of the public employees' retirement system, school employees' retirement system, and teachers' retirement system to select a new contribution rate option each year.

Second Substitute Senate Bill No. 6330

Relating to promoting affordable housing in unincorporated areas of rural counties within urban growth areas.

Substitute Senate Bill No. 6333

Relating to tax statute clarifications, simplifications, and technical corrections.

Engrossed Substitute Senate Bill No. 6388

Relating to pass-through food distributors.

Senate Bill No. 6405

Relating to providing greater consistency in how nonprofit tax-exempt property may be used without jeopardizing the property's tax-exempt status.

Senate Bill No. 6413

Relating to prior offenses for driving under the influence or physical control of a vehicle under the influence.

Senate Bill No. 6415

Relating to consecutive sentences for driving under the influence or physical control of a vehicle under the influence of intoxicating liquor, marijuana, or any drug.

Senate Bill No. 6424

Relating to establishing a state seal of biliteracy for high school students.

Substitute Senate Bill No. 6431

Relating to assistance for schools in implementing youth suicide prevention activities.

Engrossed Substitute Senate Bill No. 6479

Relating to providing caregivers authority to allow children placed in their care to participate in normal childhood activities based on a reasonable and prudent parent standard.

Senate Bill No. 6514

Relating to modifying the definition of qualifying farmers markets for the purposes of serving and sampling beer and wine.

Engrossed Substitute Senate Bill No. 6517

Relating to exempting agency employee driver's license numbers and identicard numbers from public inspection and copying.

Engrossed Senate Bill No. 6553

Relating to the distribution of real property sale proceeds.

Sincerely,

Ted Sturdevant, Executive Director
Legislative Affairs and Policy

MESSAGE FROM THE GOVERNOR

March 28, 2014

To the Honorable President and Members,

The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 28, 2014, Governor Inslee approved the following Senate Bills entitled:

Second Substitute Senate Bill No. 5064

Relating to persons sentenced for offenses committed prior to reaching eighteen years of age.

Substitute Senate Bill No. 5123

Relating to a farm internship program.

Substitute Senate Bill No. 6014

Relating to operation of a vessel under the influence of an intoxicant.

Senate Bill No. 6035

Relating to the safety of ski area conveyances.

Substitute Senate Bill No. 6054

Relating to aeronautic safety.

Substitute Senate Bill No. 6086

Relating to reducing PCBs in products purchased by agencies.

Engrossed Second Substitute Senate Bill No. 6126

Relating to representation of children in dependency matters.

Substitute Senate Bill No. 6129

Relating to paraeducator development.

Substitute Senate Bill No. 6145

Relating to declaring the 'Ostrea lurida' the official oyster of the state of Washington.

Senate Bill No. 6180

Relating to consolidating designated forest lands and open space timber lands for ease of administration.

Substitute Senate Bill No. 6283

Relating to clarifying the practice of a phlebotomist.

Substitute Senate Bill No. 6387

Relating to reducing the number of individuals with developmental disabilities who have requested a service but the provision of a specific service would exceed program capacity.

Senate Bill No. 6505

Relating to clarifying that marijuana, useable marijuana, and marijuana-infused products are not agricultural products.

Engrossed Substitute Senate Bill No. 6511

Relating to prior authorization of health care services.

Senate Bill No. 6522

Relating to restricting the use of personal information gathered during the claims resolution structured settlement agreement process.

Engrossed Substitute Senate Bill No. 6570

Relating to adjusting timelines for fiscal year 2014 regarding the hospital safety net assessment.

Sincerely,

Ted Sturdevant, Executive Director
Legislative Affairs and Policy

MESSAGE FROM THE GOVERNOR

March 31, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 31, 2014, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5141

Relating to allowing motorcycles to stop and proceed through traffic control signals under certain conditions.

Substitute Senate Bill No. 5173

Relating to the respecting holidays of faith and conscience act.

Senate Bill No. 5981

Relating to increasing the number of superior court judges in Mason county.

Senate Bill No. 6141

Relating to confidentiality of certain records filed with the utilities and transportation commission or the attorney general.

Engrossed Substitute Senate Bill No. 6242

Relating to waivers from the one hundred eighty-day school year requirement.

Senate Bill No. 6328

Relating to deferred compensation plans.

Engrossed Senate Bill No. 6501

Relating to used oil recycling.

Engrossed Second Substitute Senate Bill No. 6518

Relating to terminating the operations of innovate Washington and transferring property from innovate Washington to Washington State University and the department of commerce.

Sincerely,

Ted Sturdevant, Executive Director
Legislative Affairs and Policy

MESSAGE FROM THE GOVERNOR

April 2, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 2, 2014, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 6078

Relating to recognizing "Native American Heritage Day."

Senate Bill No. 5318

Relating to removing the one-year waiting period for veterans or active members of the military for the purpose of eligibility for resident tuition.

Substitute Senate Bill No. 5691

Relating to veterans' homes.

Senate Bill No. 5775

Relating to allowing for a veteran designation on drivers' licenses and identicards.

Substitute Senate Bill No. 5969

Relating to awarding academic credit for military training.

Engrossed Substitute Senate Bill No. 5045

Relating to the creation of a permit to allow day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises.

Engrossed Substitute Senate Bill No. 5875

Relating to a surcharge for local homeless housing and assistance.

Senate Bill No. 5956

Relating to short-barreled rifles.

Engrossed Substitute Senate Bill No. 6040

Relating to invasive species.

Senate Bill No. 6115

Relating to process servers.

Senate Bill No. 6128

Relating to the delivery of medication and services by unlicensed school employees.

Senate Bill No. 6219

Relating to actions for damage arising from vehicular traffic on a primitive road.

Substitute Senate Bill No. 6273

Relating to money transmitters.

Sincerely,

Ted Sturdevant, Executive Director
Legislative Affairs and Policy

MESSAGE FROM THE GOVERNOR

April 3, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 3, 2014, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5360

Relating to the collection of unpaid wages.

Second Substitute Senate Bill No. 6062

Relating to providing internet access to public school data and expenditure information.

Substitute Senate Bill No. 6074

Relating to improving educational outcomes for homeless students.

Engrossed Substitute Senate Bill No. 6137

Relating to pharmacy benefit managers regarding registration, audits, and maximum allowable cost standards.

Second Substitute Senate Bill No. 6163

Relating to expanded learning opportunities.

Engrossed Substitute Senate Bill No. 6272

Relating to manufacturer and new motor vehicle dealer franchise agreements.

Engrossed Substitute Senate Bill No. 6436

Relating to creating a work group to make recommendations for the continued viability of the college bound scholarship program.

Engrossed Substitute Senate Bill No. 6440

Relating to compressed natural gas and liquefied natural gas used for transportation purposes.

Engrossed Second Substitute Senate Bill No. 6552 (Partial Veto)

Relating to improving student success by modifying instructional hour and graduation requirements.

Senate Bill No. 6573

Relating to changing the effective date of modifications to the aged, blind, and disabled and the housing and essential needs programs.

Sincerely,

Ted Sturdevant, Executive Director
Legislative Affairs and Policy

MESSAGE FROM THE GOVERNOR

April 4, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 4, 2014, Governor Inslee approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 6001 (Partial Veto)

Relating to transportation funding and appropriations.

Engrossed Substitute Senate Bill No. 6002 (Partial Veto)

Relating to fiscal matters.

Engrossed Substitute Senate Bill No. 6228 (Partial Veto)

Relating to transparency tools for consumer information on health care cost and quality.

Engrossed Substitute Senate Bill No. 6265 (Partial Veto)

Relating to state and local agencies that obtain patient health care information.

Second Substitute Senate Bill No. 6312

Relating to state purchasing of mental health and chemical dependency treatment services.

Sincerely,

Ted Sturdevant, Executive Director
Legislative Affairs and Policy

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 6129

March 28, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Substitute Senate Bill No. 6129 entitled:

“AN ACT Relating to paraeducator development.”

This legislation directs the Public Educators Standards Board to convene a workgroup to design minimum employment standards, professional development, and an articulated career ladder leading to certification for paraeducators. It also requires the state’s community and technical colleges to incorporate cultural competency training into their paraeducator training programs and to these candidates the opportunity to earn transferrable credits.

Section 1 is an intent section that discusses various experiences of school paraeducators, and is not necessary to interpret or implement the substantive provisions of the bill.

For these reasons I have vetoed Section 1 of Substitute Senate Bill No. 6129.

With the exception of Section 1, Substitute Senate Bill No. 6129 is approved.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SENATE BILL NO. 6458

April 2, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill No. 6458 entitled:

“AN ACT Relating to the office of the insurance commissioner and matters related to health care insurance.”

This bill requires the Insurance Commissioner to provide notice of proposed rulemaking on matters related to health care insurance to the health care committees of the Legislature and other interested parties. The bill also requires that in the event a “dispute” arises between the entities implementing the Affordable Care Act (ACA), the Governor convenes a meeting and report the results of the meeting to the legislature.

This bill, although helpful in getting the various parties in charge of implementing the Affordable Care Act (ACA) in Washington to better communicate with the legislature and each other, and to think of and come to solution oriented processes, it is ultimately unnecessary and unclear.

It is unnecessary because: (i) the Office of the Insurance Commissioner (OIC) already provides similar notice under the Administrative Procedure Act; and (ii) if disputes arise among the agencies implementing the ACA, my staff already use standing leadership team meetings that all the parties regularly attend to resolve issues. It is unclear because both provisions are included under the same subsection of the bill and the term “dispute” is undefined, making it ambiguous about whether it applies to only rulemaking or to any “dispute” related to implementation of the ACA.

However, in lieu of the bill, I am pleased the Insurance Commissioner has confirmed that it will communicate any rulemaking any interested party and it will work with the legislative chairs on an appropriate process.

I also find that a dispute resolution process would be helpful, so that is why I have asked the parties to agree to a Memorandum of Understanding (MOU) that details a clearer and more robust dispute resolution process than this bill requires, and a process that is more flexible and amendable for the future as might be necessary. The MOU details that disputes should first be resolved by the respective agency. If unresolved, the governor's office will develop a dispute resolution pathway that fits the particular issue or use the standing executive leadership team meeting to resolve the issue. If the issues remains unresolved, my staff will raise the issue with me and inform the legislative Joint Select Committee on Health Care Oversight. I am pleased that the various agencies have all agreed to the terms of the MOU.

I am also pleased to say that once again, Washington has demonstrated leadership in implementing the Affordable Care Act in a bi-partisan manner.

For these reasons I have vetoed Engrossed Senate Bill No. 6458 in it's entirety.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SENATE BILL NO. 5048

April 4, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill No. 5048 entitled:

“AN ACT Relating to notice against trespass.”

This bill would make it easier for landowners to note the boundaries of their property for purposes of putting people on notice that they are trespassing onto private property. This includes using fluorescent orange paint marks on trees or posts on the property.

For this to be effective, the public needs a transition period to understand that a painted line on a tree means ‘no trespassing.’ Otherwise, we’re undermining the purpose of the bill. The bill is also unclear whether signs are required on land adjacent to access roads or just when an access road crosses onto private property.

Therefore, I am vetoing ESB 5048. I encourage the sponsors to consider a transition period for a subsequent bill to build public awareness of this change and clarify for landowners where signs are required in relation to access roads.

For these reasons I have vetoed Engrossed Senate Bill No. 5048 in it's entirety.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SENATE BILL NO. 6128

April 2, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Senate Bill No. 6128 entitled:

“AN ACT Relating to the delivery of medication and services by unlicensed school employees.”

This legislation provides important guidance for school districts with regards to school employees assisting with nursing services and delivery of medications.

Section 1 is an intent section that discusses various experiences of school nurses and other employees, and is not necessary to interpret or implement the substantive provisions of the bill.

For these reasons I have vetoed Section 1 of Senate Bill No. 6128.

With the exception of Section 1, Senate Bill No. 6128 is approved.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO OF ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6552

April 3, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 207, Engrossed Second Substitute Senate Bill No. 6552 entitled:

“AN ACT Relating to improving student success by modifying instructional hour and graduation requirements.”

Section 207 of the bill directs the Office of the Education Ombuds to convene a three-year task force on students with special needs to examine barriers to earning a diploma.

Later this week I will sign the 2014 supplemental budget, Engrossed Substitute Senate Bill No. 6002 which includes a similar directive for the Office of Education Ombuds. As that provision of the budget is implemented, it is important that my ombuds office work closely with the Office of the Superintendent of Public Instruction and stakeholders to improve education programs and support success for special education students—and all students. Section 207 creates unnecessary duplication.

For these reasons I have vetoed Section 207 of Engrossed Second Substitute Senate Bill No. 6552.

With the exception of Section 207, Engrossed Second Substitute Senate Bill No. 6552 is approved.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6001

April 4, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 201(5); 205(8); 206; 207(8); 208(13); 208(16); 213(7); 306(24); and 310(7)(a) and (b), page 66, line 29 through page 67, line 16, Engrossed Substitute Senate Bill No. 6001 entitled:

“AN ACT Relating to transportation funding and appropriations.”

Section 201(5), pages 5-6, Traffic Safety Commission, Funding for Target Zero Task Forces

This section would require the Traffic Safety Commission to continue to provide funding to counties for target zero task forces during the 2013-15 biennium based on levels that were in place on January 1, 2014. The Commission has conducted an extensive Lean-based review of the most effective strategies for implementing traffic safety programs locally. The proviso would affect the Commission’s ability to allocate funding to achieve the greatest effect on safety. For this reason, I have vetoed Section 201(5).

The Traffic Safety Commission will continue to conduct stakeholder meetings in the counties that could be affected by this approach.

Section 205(8), pages 13-14, Transportation Commission, Statewide Transportation Plan

The Legislature provided funding for the Transportation Commission to complete the statewide transportation plan and fulfill current federal planning requirements by June 30, 2015. New federal rules will go into effect in the spring of 2016 and will require, among other things, an integrated performance measurement system. It is prudent to wait until the new federal regulations are released before updating the plan. For this reason, I have vetoed Section 205(8).

Section 206, page 14, Freight Mobility Strategic Investment Board, Appropriation Reduction

The proposed appropriation level reduces the Freight Mobility Strategic Investment Board's (Board) 2013-15 biennial budget by \$25,000. This reduction results in an appropriation insufficient to sustain current operations. For this reason, I have vetoed Section 206.

During the remainder of the biennium, the Board will maintain a staffing level of two (2) FTE's after the current director retires. The Board will submit staffing and resource allocations for the ensuing biennium with its biennial budget submittal.

Section 207(8), page 16, Washington State Patrol, Security for United States Open

This proviso directs the Washington State Patrol (WSP) to coordinate and support local law enforcement at the United States Open national golf championship in Pierce County in providing traffic control and "other activities" within its existing budget. WSP services for such a significant event are likely to require additional appropriations from the Legislature. For this reason, I have vetoed Section 207(8).

WSP will work with Pierce County to develop a plan with respective responsibilities and estimated costs for further consideration in the 2015 legislative session.

Section 208(13), page 20, Department of Licensing, Intermittent-Use Trailer License Plates (E2SHB 1902)

This proviso provides appropriation authority for the implementation of Engrossed Second Substitute House Bill 1902, intermittent-use trailer license plates. E2SHB 1902 did not pass, so this subsection is unnecessary. For this reason I have vetoed Section 208(13).

Section 208(16), page 20, Department of Licensing, Washington State Tree License Plates (EHB 2752)

The proviso provides appropriation authority for the implementation of Engrossed House Bill 2752 Washington state tree license plates. EHB 2752 did not pass, so this subsection is unnecessary. For this reason, I have vetoed Section 208(16).

Section 213(7), page 30, Department of Transportation, Fish Barrier Removals (2SHB 2251)

This proviso directs the Department of Transportation to maximize available resources for eliminating fish passage barriers if Second Substitute House Bill 2251 did not pass. Second Substitute House Bill 2251 was approved during the 2014 legislative session, so this subsection is moot. For this reason, I have vetoed Section 213(7).

Section 306(24), pages 57-58, Department of Transportation, Quarry Road Transfer

This proviso directs the Department of Transportation (Department) to accept the transfer to the state highway system of Quarry Road. This proviso is unnecessary because the Department has reached agreement with Snohomish Count to transfer Quarry Road to the state highway system. For this reason, I have vetoed Section 306(24).

Section 310(7)(a) and (b), page 66, line 29 through page 67, line 16, Department of Transportation, Rail cost-Benefit Methodology

This proviso directs the Department of Transportation (Department) to use a cost-benefit methodology tool developed in 2008 for rail projects, which is the existing standard for departmental operations in analyzing Freight Rail Investment Bank and Freight Rail Assistance Program Projects. Given this is current practice, there is no need to direct the Department to use this tool. For this reason, I have vetoed Section 310(7)(a) and (b), page 66, line 29 through page 67, line 16.

If for any reason a different approach is used, I am directing the Department to report to both the Office of Financial Management and legislative transportation committees about why it used an alternative approach.

For these reasons I have vetoed Section 201(5); 205(8); 206; 207(8); 208(13); 208(16); 213(7); 306(24); and 310(7)(a) and (b), page 66, line 29 through page 67, line 16 of Engrossed Substitute Senate Bill No. 6001.

With the exception of Sections 201(5); 205(8); 206; 207(8); 208(13); 208(16); 213(7); 306(24); and 310(7)(a) and (b), page 66, line 29 through page 67, line 16 Engrossed Substitute Senate Bill No. 6001 is approved.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6002

April 4, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 103(11); 106, lines 13-16 and lines 22-28; 116(5); 125(14); 126; 135(9); 138(3); 140(3); 146(10); 202(15); 205(1)(1); 219(30); 220(3)(e); 502(21); 505(12); 505(13); 705, page 257, lines 23-24; 805, page 267, lines 32-38, and page 268, line 1; 805, page 268, line 11-38, and page 269, lines 1-15; 805, page 270, lines 12-16; 917; and 919, Engrossed Substitute Senate Bill No. 6002 entitled:

“AN ACT Relating to fiscal matters.”

Section 103(11), page 7, Joint Legislative Audit and Review Committee, Study of Medicaid Dispensing Methods

This proviso directs the Joint Legislative Audit and Review Committee to conduct an analysis of the assumed budget savings as a result of the state’s change to dispensing a one-year supply of contraceptive drugs for Medicaid recipients under Section 213, Chapter 4, Laws of 2013, 2nd Special Session. Individuals need convenient access to contraceptive drugs, as these drugs prevent unintended pregnancies and reduce Medicaid births. For this reason, I have vetoed Section 103(11).

The Health Care Authority will track savings resulting from dispensing a one-year supply of contraceptive drugs, and will report savings to the Office of Financial Management.

Section 106, page 8, lines 13-16 and lines 22-28, Office of the State Actuary, Actuarial Analysis of State Medicaid and PEB Programs

Funding is provided to the Office of the State Actuary to improve the Legislature’s access to independent and objective health care actuarial analysis for the state Medicaid and Public Employee Benefits programs. The funding provided includes federal funds that cannot be used for this purpose. For this reason, I have vetoed Section 106, page 8, lines 13-16 and lines 22-28.

However, I recognize the importance of legislative review and access to actuarial analyses. Therefore, I am directing the Health Care Authority to collaborate with the office of Financial Management, the Office of the State Actuary, and legislative staff on the establishment of health care rates. The Health Care Authority is further directed to include a requirement in actuarial services contracts that will require the vendor to provide information in response to questions from the Office of Financial Management, the Office of the State Actuary, and legislative staff.

Sections 116(5), page 17, Office of the Governor, Transfer of Special Education Ombuds

The appropriation in this section increases funding to the Governor’s Office of the Education Ombuds (OEO) for special education ombuds services currently provided by the Office of the Superintendent of Public Instruction (OSPI). Funding for the special education ombuds is removed from the OSPI budget in Section 505(12). OSPI is required to provide special education ombuds services to comply with federal law. Therefore, the transfer of funding for this function would result in a reduction in funding to OSPI without a corresponding reduction in responsibilities and workload. In addition, this section requires OSPI to enter into an interagency agreement with OEO to provide support for additional special education ombuds services using federal funds. OEO services are not an allowable use of federal funds. For these reasons, I have vetoed Section 116(5).

Section 125(14), page 27, Office of the Attorney General, Medical and Recreational Marijuana (E3SSB 5887)

This proviso provides appropriation authority for the implementation of Engrossed Third Substitute Senate Bill 5887, medical and recreational marijuana. E3SSB 5887 did not pass, so this subsection is unnecessary. For this reason, I have vetoed Section 125(14).

Section 126, page 27, Caseload Forecast Council, Self-Insurance Premiums

This section reduces appropriations to the Caseload Forecast Council (CFC). Statewide adjustments for self-insurance premiums submitted to the Office of Financial Management (OFM) mistakenly included a \$78,000 reduction for CFC. These premiums were already adjusted in the 2012 supplemental budget. As CFC is a small agency, the reduction is too large for the agency to absorb. For this reason, I have vetoed Section 126.

I am directing OFM to work with CFC to adjust allotments to levels consistent with the supplemental budget excluding the self-insurance premium reduction.

Section 135(9), page 44, Department of Revenue, Study of State Revenue Impact

This proviso directs the Department of Revenue (DOR) to consult with counties affected by the United States Open golf championship to estimate the additional state sales tax revenue attributable to the event. Large events around the state generate sales tax revenues for the state and local governments. This proviso establishes an unwise precedent of attempting to identify only state sales tax revenue attributable to a particular event. Further, no additional appropriation was provided to complete the study. As DOR must absorb more than \$267,000 of implementation cost for various revenue-related measures passed by the 2014 Legislature, the agency cannot be expected to absorb additional costs for this study. For these reasons, I have vetoed Section 135(9).

Section 138(3), page 46, Office of the Insurance Commissioner, Insurance Company Solvency (SHB2461)

The proviso provides appropriation authority for the implementation of Substitute House Bill 2461, insurance company solvency. SHB 2461 did not pass, so this subsection is unnecessary. For this reason, I have vetoed Section 138(3).

Section 140(3), page 47, Liquor Control Board, Medical and Recreational Marijuana (E3SSB 5887)

This proviso provides appropriation authority for implementation of Engrossed Third Substitute Senate Bill 5887, medical and recreational marijuana. E3SSB 5887 did not pass, so this subsection is unnecessary. For this reason, I have vetoed Section 140(3).

Section 146(10), page 53, Department of Enterprise Services, Small Agency Services and Printer Rates

This proviso directs the Department of Enterprise Services (DES) to revise central services rates charged to state agencies to reflect a transfer of Small Agency Client Services to the Office of Financial Management (OFM), the elimination of funding for Small Agency Human Resource Services, and establishment of the Print and Imaging program rates at levels sufficient to fully recover costs. I understand the legislative intent was not to eliminate services for small agencies, but to provide such services with a smaller budget. I am concerned about the unnecessary disruption of services for small agencies as a result of this proviso. For this reason I have vetoed Section 146(10).

However, to fully and responsibly capture the assumed budget savings for small agency services and accomplish the policy goal of setting printer rates at levels sufficient to recover all costs, I am directing DES and OFM to take the following actions.

- DES will provide both finance and human resource services to current small agency customers within the \$1.845 million provided to OFM in the operating budget. DES may not use any other fund sources or projected fund balances from any of its operating accounts to provide small agency services. To maximize the use of limited resources, DES and OFM shall convene a meeting of small agency customers to receive their input on the structure, service offerings, and rates for small agency services in light of the reduced budget.
- DES shall immediately set its rates for the Print and Imaging program to full recover costs for the services provided to prevent any operating loss for the current and future fiscal years. By June 1, 2014, DES must submit to OFM a comparative rate sheet showing rates for the program as of April 1, 2014, and the new rates along with a long-term financial plan for the Print and Imaging program.

Section 202(15), page 63, Department of Social and Health Services, Children's Long-Term Inpatient Program Placement Waitlist

This proviso provides appropriation authority for a rate add-on paid to residential facilities providing behavioral rehabilitation services (BRS) to youth who have been assessed as needing mental health services through the children's long-term inpatient program (CLIP). I am concerned that a rate add-on for this population will create an incentive to send youth served by BRS to CLIP, thereby driving up costs in CLIP and placing foster youth in unnecessarily restricted settings. For this reason, I have vetoed Section 202(15).

However, I recognize the need to review the level of funding provided to BRS agencies serving youth with psychological and psychiatric needs. Therefore, I am directing the Children's Administration and the Behavioral Health and Integrated Services Administration to work with BRS providers over the interim to examine this issue and determine viable solutions.

Section 205(1)(1), pages 82-83, Department of Social and Health Services, Report from Developmental Disabilities Administration

This proviso directs the Department of Social and Health Services to meet with stakeholders and report to the Legislature by January 1, 2015, on fourteen key areas related to developmental disabilities. No funding was provided to the department for this work. For this reason, I have vetoed Section 205(1)(1).

The Developmental Disabilities Administration will be working with stakeholders in the development of the Individual and Family Services waiver and the Community ;First Choice Medicaid state plan revision. Therefore, many of the areas identified in the proviso will be discussed and addressed.

Section 219(30), page 139, Department of Health, Medical and Recreational Marijuana (E3SSB 5887)

This proviso provides appropriation authority for the implementation of Engrossed Third Substitute Senate Bill 5887, medical and recreational marijuana. E3SSB 5887 did not pass, so this subsection is unnecessary. For this reason, I have vetoed Section 219(30).

Section 220(3) (e) page 149, Department of Corrections, Expanding Categories of Offenses Eligible for Community Parenting Alternative Program Within Department of Corrections (SB 6327)

This proviso provides appropriation authority for the implementation of Senate Bill 6327, expanding the categories of offenses eligible for the community parenting alternative program within the Department of Corrections, SB 6327 did not pass, so this subsection is unnecessary. For this reason, I have vetoed Section 220(3)(e).

Section 502(21), page 205, Office of the Superintendent of Public Instruction, Federal Forest Revenue (E2SHB 2207)

This proviso provides appropriation authority for the purpose of Engrossed Second Substitute House Bill 2207, federal forest revenue. E2SHB 2207 partially eliminates the current state offset to state general apportionment funds for federal timber revenues paid to school districts. The calculation for the timber revenue offset includes federal funding allocated to school districts through the federal Secure and Rural Schools and Community Self-Determination Act (SRSA). Federal authority to make SRSA payments expires at the end of federal fiscal year 2014.

Because the original 2013-15 state operating budget assumes no federal SRSA payments after September 30, 2014, underlying general apportionment appropriations are sufficient to fully fund apportionment payments to school districts without any offset for potential SRSA timber revenues to districts. Therefore, if the federal government reauthorizes SRSA beyond September 30, 2014, eligible school districts will receive the benefits of increase combined state and local funding under E2SHB 2207, and state general apportionment appropriations in this budget bill will be more than sufficient to fully fund state general apportionment without the appropriation provided in this subsection. The appropriation in this subsection is redundant. For this reason, I have vetoed Section 502(21).

Section 505(12) and Section 505(13), page 211, Office of the Superintendent of Public Instruction, Special Education Ombuds Services

Section 505(12) reduces appropriations for special education ombuds services at the Office of the Superintendent of Public Instruction (OSPI). Section 116(5) provides an increased appropriation to the Governor's Office of the Education Ombuds (OEO) for these services. OSPI is required to provide the special education ombuds services to comply with federal law. Therefore, the transfer of funding for this function would result in a reduction in funding to OSPI without a corresponding reduction to responsibilities and workload. Section 505(13) requires OSPI to enter into an interagency agreement with OEO to provide support for additional special education ombuds services using federal funds. OEO services are not an allowable use of federal funds. For these reasons, I have vetoed Sections 505(12) and (13).

Section 705, page 257, lines 23-24, Disaster Response Account

This line item reduces General Fund-State appropriations into the Disaster Response Account by \$1.5 million in fiscal year 2015 based on a projected excess fund balance. Earlier this year, it appeared the account would not need these funds. However, the tragic mudslide that occurred in Oso on March 22, 2014, will greatly strain these resources. The Military Department has activated the State Emergency Operation Center, and other state agencies are engaged in rescue and recovery efforts. For these reasons, I have vetoed Section 705, page 257, lines 23-24.

Section 805, page 267, lines 32-38, and page 268, line 1; Section 805, page 268, lines 11-38 and page 269, lines 1-15; Office of the State Treasurer, Revenue Transfers to Life Sciences Discovery Fund

These sections together transfer a total of \$20 million from the Tobacco Settlement Account and the Life Sciences Discovery Fund to the Education legacy Trust Account. As a result of these transfers, funding for the Life Sciences Discovery Fund Authority (LSDFA) is effectively ended for the remainder of the 2013-15 biennium. The LSDFA has helped make Washington a global innovation leader in life sciences research. Returning this funding to the LSDFA will allow for the issuance of more than \$15 million of new grants in the 2013-15 biennium on top of the nearly \$92 million in grants already made, continue support for the Global Health Technologies and Products program, and cover necessary administrative costs. For this reason, I have vetoed Section 805, page 267, lines 32-38, and page 268, line 1; Section 805, page 268, lines 11-38 and page 269, lines 1-15.

I am aware that this veto reduces revenue to the Education Legacy Trust Account. However, this veto will not affect any education spending as there are sufficient resources in the budget to cover any projected shortfalls in the Education Legacy Trust Account in the 2015 supplemental budget.

I am not vetoing the legislative intent language for transfer of the strategic tobacco contribution payments in 2015-17 as it has no impact on returning \$20 million to the LSDFA in 2013-15. The actual use of the 2015-17 strategic tobacco contributions payments will be made in the 2015 legislative session. We look forward to working with the Legislature to continue some level of funding for the LSDFA into the future so we do not lose the value of this important and innovative research.

Section 805, page 270, lines 12-16, Office of the State Treasurer, Energy Freedom Account

Section 805 increases the transfer from the Energy Freedom Account to the state General Fund by \$500,000 in fiscal year 2014 and by \$500,000 in fiscal year 2015. The enacted biennial budget transfers \$1 million from the Energy Freedom Account to the General Fund in each fiscal year. I am concerned about the uncertainty of when revenues will be deposited into the Energy Freedom Account. Current deposits are lower than anticipated. Vetoing the additional \$1 million transfer in this section will ensure the account's ending fund balance remains positive. For this reason, I have vetoed Section 805, page 270, lines 12-16.

Section 917, page 281, Transfer of Strategic Contribution Payments

This section authorizes the transfer of strategic contribution payments from the Tobacco Settlement Account to the Education Legacy Trust Account. As I have vetoed the transfers to the Education Legacy Trust Account in Section 805, the authority provided in this section is unnecessary. For this reason, I have vetoed Section 917.

Section 919, page 282, Account Transfers from Life Sciences Discovery Fund

This section authorizes the transfer of balances in the Life Sciences Discovery Fund to other state funds or accounts in the 2013-15 biennium. Because I have vetoed the transfers to the Education Legacy Trust Account in Section 805, the authority provided in this section is unnecessary. For this reason, I have vetoed Section 919.

I am not vetoing Section 123(2), which appropriates \$300,000 from the State Auditing Services Revolving Account for a contract with a private firm to conduct an audit of the use of the state's higher education accounts. However, I am concerned that the short time frame and lack of sufficient funding for such a comprehensive audit may act as a disincentive for firms to bid on the contract, thereby limiting the information the audit can provide for policy makers and budget writers. Unfortunately, a veto would eliminate the funding entirely and no audit would occur. I have therefore asked the State Auditor to use this limited funding and time frame to focus on the state's largest public four-year institution and conduct a focused audit that meets the requirements of the proviso.

For these reasons I have vetoed Sections 103(11); 106, lines 13-16 and lines 22-28; 116(5); 125(14); 126; 135(9); 138(3); 140(3); 146(10); 202(15); 205(1)(1); 219(30); 220(3)(e); 502(21); 505(12); 505(13); 705, page 257, lines 23-24; 805, page 267, lines 32-38, and page 268, line 1; 805, page 268, lines 11-38, and page 269, lines 1-15; 805, page 270, lines 12-16; 917; and 919, of Engrossed Substitute Senate Bill No. 6002.

With the exception of Sections 103(11); 106, lines 13-16 and lines 22-28; 116(5); 125(14); 126; 135(9); 138(3); 140(3); 146(10); 202(15); 205(1)(1); 219(30); 220(3)(e); 502(21); 505(12); 505(13); 705, page 257, lines 23-24; 805, page 267, lines 32-38, and

page 268, line 1; 805, page 268, lines 11-38, and page 269, lines 1-15; 805, page 270, lines 12-16; 917; and 919, Engrossed Substitute Senate Bill No. 6002 is approved.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6228

April 4, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Engrossed Substitute Senate Bill No. 6228 entitled:

“AN ACT Relating to transparency tools for consumer information on health care cost and quality.”

This bill requires that by 2016 health insurance carriers offer their members a host of good on-line tools with certain health care price and quality information. It complements my requested innovative health care purchasing bill, HB 2572. Together, I hope these bills help to transform the marketplace to make health care more affordable for Washingtonians.

Section 2 is an amendment to the original bill that includes nearly identical language as a section in HB 2572. This creates an unnecessary duplication in the law. In addition, the section in HB 2572 includes language that corresponds to the other health care purchasing innovations, so it is preferable to keep that language.

For these reasons I have vetoed Section 2 of Engrossed Substitute Senate Bill No. 6228.

With the exception of Section 2, Engrossed Substitute Senate Bill No. 6228 is approved.

Respectfully submitted,
Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6265

April 4, 2014

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 16 Engrossed Substitute Senate Bill No. 6265 entitled:

“AN ACT Relating to state and local agencies that obtain patient health care information.”

This bill is the result of a multi-year effort by stakeholders and legislators to consolidate and strengthen patient privacy protections and standards. It includes a Department of Health request bill for hospital data that are important for research and health improvement.

The measure establishes protocols for entities not covered by the Health Insurance Portability and Accountability Act – popularly known as HIPAA – if they inadvertently receive patient health information **and** prohibits them from disclosing the information. Among a number of provisions, the measure provides exceptions to the right of a patient to receive an accounting of all disclosures of information and records related to *mental* health that are the same as the exceptions for *general* health care information.

However, I am vetoing Section 16 due to an error that would create an ambiguity in law concerning how third-party payors share health care data necessary to process claim payments. The intent of the legislature was clearly to apply the same exception process for third-party payors as is available under chapter 70.02 RCW for health care providers, but Section 16 inadvertently deletes

“health care providers,” which is a critical cross-reference term to apply the exception. The ambiguity could be disruptive for many self-insured employers and their third-party payors.

I am grateful to Senator Frockt and Representative Cody for their outstanding work on this bill.

For these reasons I have vetoed Section 16 of Engrossed Substitute Senate Bill No. 6265.

With the exception of Section 16, Engrossed Substitute Senate Bill No. 6265 is approved.

Respectfully submitted,
Jay Inslee, Governor

HISTORY OF SENATE GUBERNATORIAL APPOINTMENTS

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Lisa K Woo		415	1051	SGA 9040
Lynne Delano		415		SGA 9091
Janice E Ellis		42	841	SGA 9096
Connie L Fletcher		90	1052	SGA 9099
Roy Heynderickx			1053	SGA 9114
Takiyah Jackson		82	1080	SGA 9120
Kathleen M Kyle			218	SGA 9131
Jerald (Jerry) R Litt			841	SGA 9134
James McDevitt		415	827	SGA 9140
Maryann J Moreno		42	1190	SGA 9144
Shawn M Murinko		42		SGA 9148
Lenell Nussbaum		43	842	SGA 9153
Charlotte Parsley		415	1190	SGA 9154
Paul A Pastor		43	216	SGA 9155
Kecia Rongen		415		SGA 9166
Tom Sahlberg		415		SGA 9170
Catherine Shaffer		43		SGA 9173
Charlene D Strong		436		SGA 9180
Barbara A Taylor		415	1191	SGA 9184
Dennis Thaut		415		SGA 9186
Jodi N Thew		82	1191	SGA 9187
Noah Zeichner		82	1191	SGA 9201
Brian Bonlender		116		SGA 9204
Steven R. Hill		94	282	SGA 9206
Mary Meinig		415	1190	SGA 9212
Harold W Hanson		436		SGA 9213
Donald Bud Hover		94		SGA 9214
Bette Hyde		104		SGA 9215
John Wiesman			1052	SGA 9219
Peter W Bogdanoff		436		SGA 9220
J. Tayloe Washburn		382	953	SGA 9223
Deborah J Wilds		373, 415	955	SGA 9224
Nancy Biery		545		SGA 9225
Allyson Brooks		62		SGA 9226
Nancy K Fitta		416	1191	SGA 9227
Pat Kohler		82		SGA 9228
Robert K St. John		66		SGA 9231
Jeffrey Charbonneau		131	955	SGA 9234
Frederick Goldberg		131	282	SGA 9235
Shaunta Hyde		382		SGA 9236
Chris Liu		66		SGA 9237
Rekah T Strong		416	954	SGA 9240
Debbie J. Ahl	24	131	322	SGA 9241
Steven F. Anderson	24			SGA 9242
Christopher P. Barry	24			SGA 9243
Cynthia L. Bennett	24	117		SGA 9244
Elizabeth W. Bloomfield	24	545		SGA 9245
David Boerner	24	365	954	SGA 9246
Bob Bugert	24	545		SGA 9247
Jack Burkman	24	131	445	SGA 9248
Thomas A. Campbell	25	382	522	SGA 9249
Scott E. Carson	25			SGA 9250
Elizabeth Chen	25	382	857	SGA 9251
Yang-Su Cho	25	416		SGA 9252

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Alberta B. Clarkson	25	382	858	SGA 9253
Diana Clay	25	382		SGA 9254
Betty J. Cobbs	25	131	454	SGA 9255
Jeffrey D. Colliton	25			SGA 9256
Catherine P. D'Ambrosio	25	94	454	SGA 9257
Carol Dahl	26			SGA 9258
Maud Daudon	26	94		SGA 9259
Vito R. De La Cruz	26	436		SGA 9260
Loretta S. Dekay	26	545		SGA 9261
Lou Oma Durand	26	416		SGA 9262
Takhmina Dzhuraeva	26	157		SGA 9263
Patrick Escamilla	26	436		SGA 9264
Jeffrey C. Estes	26	90		SGA 9265
Frank E. Fennerty, Jr.	26			SGA 9266
Heather L. Flaherty	27	416	954	SGA 9267
Carmen W. Gayton	27	382	858	SGA 9268
Bill Gordon	27	416	522	SGA 9269
Claire Grace	27	131		SGA 9270
Anne Hamilton	27	416	858	SGA 9271
Nancy Hecox	27			SGA 9272
Heidi L. Heywood	27	131	418	SGA 9273
Arlista D. Holman	27			SGA 9274
Jay W. Holzmilller	27			SGA 9275
Lillian Hunter	28	94	478	SGA 9276
Uriel R. Iniguez	28	131	283	SGA 9277
John Jessop	28	94	479	SGA 9278
Tom A. Johnson	28	383		SGA 9279
Juanita J. Kamphuis	28	416		SGA 9280
Robert F. Kehoe	28			SGA 9281
Keith L. Kessler	28	131	954	SGA 9282
Ruthann Kurose	28			SGA 9283
Carol A. Lien	28	825		SGA 9284
Albert J. Linggi	28			SGA 9285
Maura Little	29			SGA 9286
Kristina Logsdon	29			SGA 9287
Thomas W. Lux	29	94	233	SGA 9288
Bill H. Lynch	29	365		SGA 9289
Timothy W. Lynch	29			SGA 9290
Joan M. Marchioro	29	416		SGA 9291
Mark Matke	29	131	199	SGA 9292
Mark J. Maxwell	29	825		SGA 9293
Peter M. Mayer	29	545		SGA 9294
Amy L. McCoy	30	94	234	SGA 9295
Nancy L. McDaniel	30	117		SGA 9296
Rosalinda Mendoza	30			SGA 9297
Jim Moss	30			SGA 9298
Mary B. Moss	30	383	859	SGA 9299
Rai Nauman Mumtaz	30	94		SGA 9300
Lee Newgent	30	132		SGA 9301
Michael E. O'Donnell	30			SGA 9302
Robert Ozuna	30	383	860	SGA 9303
Philip A. Parker	31	365	548	SGA 9304
Damien J. Pattenaude	31	82		SGA 9305
Douglas D. Peters	31	545		SGA 9306
George Raiter	31	417	828	SGA 9307
Philip G. Rasmussen	31	383	860	SGA 9308

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Jay A. Reich	31	95	188	SGA 9309
Susana Reyes	31	383		SGA 9310
Constance W. Rice	31	157	514	SGA 9311
Rogelio Riojas	31	158	515	SGA 9312
Randy J. Robinson	32	373		SGA 9313
Erik S. Rohrer	32	132	394	SGA 9314
Charles Royer	32	365		SGA 9315
Daniel T. Satterberg	32	365	828	SGA 9316
Fiasili L. Savusa	32	383	828	SGA 9317
Lindsey Schaffer	32	417	694	SGA 9318
Roland Schirman	32	383	694	SGA 9319
Joanne H. Schwartz	32	383	695	SGA 9320
Kiana M. Scott	32	158	860	SGA 9321
Maureen C. Simmons Sparks	33			SGA 9322
Geoffrey H. Simpson	33	436		SGA 9323
Edwin J. Snook	33	417		SGA 9324
Gabe P. Spencer	33	373		SGA 9325
Keith Thompson	33	383	699	SGA 9326
Pamela J. Tietz	33	373		SGA 9327
Bernard Veljacic	33	417		SGA 9328
Stephen L. Warner	33	383	769	SGA 9329
Lloyd R. Weatherford	33	374		SGA 9330
Miranda Wecker	34			SGA 9331
Tim Wettack	34			SGA 9332
Brett R. Willis	34	158	188	SGA 9333
Michael D. Wilson	34	383	827	SGA 9334
Carl J. Zapora	34	132	386	SGA 9335
Daniel J. Altmayer	365			SGA 9336
Kathryn Bennett	366			SGA 9337
Michael Deller	366			SGA 9338
Tim B. Douglas	366			SGA 9339
Kelly Espinoza	366			SGA 9340
Talia Goldberg	366			SGA 9341
Edmund I. Kiley	366			SGA 9342
Holly A. Koon	366	417		SGA 9343
George Masten	366			SGA 9344
Stephen Miller	366			SGA 9345
Richard Morgan	366			SGA 9346
Jennette I. Munoz-Colon	367			SGA 9347
Tyler Page	367			SGA 9348
Phil Rockefeller	367			SGA 9349
Elizabeth J. Thew	367			SGA 9350
Patricia L. Whitefoot	367			SGA 9351
Janice H. Wigen	367			SGA 9352
Katrina Asay	545			SGA 9353
Ken Bounds	546			SGA 9354
Russell D. Hauge	546			SGA 9355
Judy Kuschel	546			SGA 9356
Tre Maxie	546			SGA 9357
Susan L. Miller	546			SGA 9358
Jennifer Rancourt	546			SGA 9359
Stanley Rumbaugh	546			SGA 9360
Tammie J. Schrader	546			SGA 9361

CHAPTER #	BILL	TITLE	GOVERNOR SIGNED	VETO	EFFECTIVE DATES
199	ESSB 5045	Day spas/wine or beer	4/2/2014		6/12/2014
	ESB 5048	Notice against trespass	4/4/2014	V	
130	2SSB 5064	Offenses prior to age 18	3/28/2014		6/1/2014
131	SSB 5123	Farm internship program	3/28/2014		6/12/2014
167	SB 5141	Motorcycles @ traffic signal	3/31/2014		6/12/2014
168	SSB 5173	Holidays/faith & conscience	3/31/2014		6/12/2014
78	SB 5310	Senior ctr alcohol license	3/27/2014		6/12/2014
183	SB 5318	Military/resident tuition	4/2/2014		6/12/2014
210	SSB 5360	Unpaid wages collection	4/3/2014		6/12/2014
79	SSB 5467	Vehicle owner lists	3/27/2014		6/12/2014
184	SSB 5691	Veterans' homes	4/2/2014		6/12/2014
185	SB 5775	Veterans/drivers' licenses	4/2/2014		8/30/2017
80	2ESSB 5785	License plates/display, etc.	3/27/2014		6/12/2014
57	SSB 5859	Small rural hospitals	3/19/2014		6/12/2014
200	ESSB 5875	Homeless housing surcharge	4/2/2014		6/12/2014
30	ESSB 5889	Snowmobile license fees	3/17/2014		*6/12/2014
31	SB 5931	Health plans outside exchnge	3/17/2014		6/12/2014
201	SB 5956	Short-barreled rifles	4/2/2014		6/12/2014
47	2SSB 5958	Student transition services	3/19/2014		6/12/2014
66	ESB 5964	Public records and meetings	3/27/2014		7/1/2014
186	SSB 5969	Academic credit/military	4/2/2014		6/12/2014
81	ESSB 5972	Forested lands fire damages	3/27/2014		6/12/2014
32	2SSB 5973	Community forest trust acct	3/17/2014		**6/12/2014
82	SSB 5977	Protection product guarantee	3/27/2014		6/12/2014
169	SB 5981	Mason Co. superior crt judge	3/31/2014		6/12/2014
83	SB 5999	Corporate entity conversions	3/27/2014		6/12/2014
222	ESSB 6001	Trans sup budget 2013-2015	4/4/2014	PV	4/4/2014
221	ESSB 6002	Operating sup budget 2014	4/4/2014	PV	4/4/2014
33	SSB 6007	Public utility customer info	3/17/2014		6/12/2014
34	SB 6013	Epinephrine autoinjectors	3/17/2014		6/12/2014
132	SSB 6014	Vessel operation/intoxicated	3/28/2014		6/12/2014
84	ESSB 6016	Health benefit exchange	3/27/2014		**6/12/2014
85	ESB 6031	Lake & beach mgmt districts	3/27/2014		6/12/2014
86	ESB 6034	State parks partnerships	3/27/2014		6/12/2014
133	SB 6035	Ski area conveyance safety	3/28/2014		6/12/2014
202	ESSB 6040	Invasive species	4/2/2014		6/12/2014
48	ESSB 6041	Fish & wildlife enforcement	3/19/2014		6/12/2014
49	SSB 6046	Whistleblowers	3/19/2014		6/12/2014
134	SSB 6054	Aeronautic safety	3/28/2014		6/12/2014
211	2SSB 6062	School data internet access	4/3/2014		6/12/2014
87	SB 6065	Tanning devices/UV radiation	3/27/2014		6/12/2014
35	SSB 6069	Sex offenders/cmtty custody	3/17/2014		6/12/2014
212	SSB 6074	Homeless student ed outcomes	4/3/2014		6/12/2014
177	SSB 6078	Native American heritage day	4/2/2014		6/12/2014
135	SSB 6086	State agency PCBs reduction	3/28/2014		6/12/2014

CHAPTER #	BILL	TITLE	GOVERNOR SIGNED	VETO	EFFECTIVE DATES
50	SB 6093	Background checks/DEL cards	3/19/2014		6/12/2014
88	SSB 6095	Background checks	3/27/2014		6/12/2014
203	SB 6115	Process server requirements	4/2/2014		6/12/2014
89	SSB 6124	State Alzheimer's plan	3/27/2014		6/12/2014
108	E2SSB 6126	Children/dependency matters	3/28/2014		7/1/2014
204	SB 6128	Student medications/delivery	4/2/2014	PV	6/12/2014
136	SSB 6129	Paraeducator development	3/28/2014	PV	6/12/2014
36	SB 6134	Nondepository institutions	3/17/2014		6/12/2014
37	SB 6135	Banks and trust companies	3/17/2014		6/12/2014
213	ESSB 6137	Pharmacies	4/3/2014		6/12/2014
170	SB 6141	UTC and atty general records	3/31/2014		6/12/2014
146	SSB 6145	Official state oyster	3/28/2014		6/12/2014
219	2SSB 6163	Expanded learning	4/3/2014		6/12/2014
137	SB 6180	Forest lands & timber lands	3/28/2014		6/12/2014
90	SSB 6199	Wildfires/incendiary devices	3/27/2014		6/12/2014
91	SB 6201	LEOFF life annuity benefit	3/27/2014		6/12/2014
67	SB 6208	Veterans' benefits/services	3/27/2014		6/12/2014
51	SSB 6216	County ferries	3/19/2014		6/12/2014
205	SB 6219	Traffic on primitive road	4/2/2014		6/12/2014
92	SSB 6226	Distillery spirits sales	3/27/2014		6/12/2014
224	ESSB 6228	Health care cost and quality	4/4/2014	PV	6/12/2014
171	ESSB 6242	180-day school year waivers	3/31/2014		6/12/2014
220	ESSB 6265	Agencies/patient health info	4/4/2014	PV	*6/12/2014
214	ESSB 6272	Car dealers & manufacturers	4/3/2014		6/12/2014
206	SSB 6273	Money transmitters	4/2/2014		6/12/2014
93	SSB 6279	Search warrant applications	3/27/2014		6/12/2014
138	SSB 6283	Phlebotomists	3/28/2014		6/12/2014
94	SB 6284	Public health sup account	3/27/2014		6/12/2014
38	SB 6299	Prenatal nutrition education	3/17/2014		6/12/2014
225	2SSB 6312	Mental health, chem depndncy	4/4/2014		*6/12/2014
95	SB 6321	PERS, SERS, TRS contrib rate	3/27/2014		6/12/2014
172	SB 6328	Deferred compensation plans	3/31/2014		6/12/2014
96	2SSB 6330	Housing/urban growth areas	3/27/2014		6/12/2014
97	SSB 6333	Tax statutes	3/27/2014		6/12/2014
52	SSB 6339	Involuntary servitude	3/19/2014		6/12/2014
53	SB 6358	Financial aid policies	3/19/2014		6/12/2014
139	SSB 6387	Devel. disabilities services	3/28/2014		6/12/2014
98	ESSB 6388	Direct seller license/foods	3/27/2014		6/12/2014
99	SB 6405	Nonprofit tax-exempt proprty	3/27/2014		*6/12/2014
100	SB 6413	Prior offenses for DUI	3/27/2014		6/12/2014
101	SB 6415	DUI consecutive sentences	3/27/2014		6/12/2014
39	SB 6419	Medicaid/border communities	3/17/2014		6/12/2014
102	SB 6424	Biliteracy seal/HS students	3/27/2014		6/12/2014
103	SSB 6431	Youth suicide prevention	3/27/2014		6/12/2014
215	ESSB 6436	College bound scholarship	4/3/2014		6/12/2014

CHAPTER #	BILL	TITLE	GOVERNOR SIGNED	VETO	EFFECTIVE DATES
216	ESSB 6440	Natural gas/fuel taxes	4/3/2014		7/1/2015
54	SSB 6442	Cider sales	3/19/2014		6/12/2014
55	SSB 6446	County game lands taxation	3/19/2014		7/1/2015
56	ESSB 6450	On-water dwellings	3/19/2014		6/12/2014
40	SSB 6453	Aging and home care agencies	3/17/2014		6/12/2014
	ESB 6458	Insurance comm./health care	4/2/2014	V	
104	ESSB 6479	Caregivers and children	3/27/2014		6/12/2014
173	ESB 6501	Used oil recycling	3/31/2014		6/12/2014
140	SB 6505	Marijuana industry/tax prefs	3/28/2014		***6/12/2014
141	ESSB 6511	Healthcare prior authorizing	3/28/2014		6/12/2014
105	SB 6514	Farmers markets/beer & wine	3/27/2014		6/12/2014
106	ESSB 6517	Agency employees' ID numbers	3/27/2014		6/12/2014
174	E2SSB 6518	Innovate Washington	3/31/2014		6/12/2014
142	SB 6522	Structured settlements/info	3/28/2014		6/12/2014
1	SB 6523	Higher ed opportunities	2/26/2014		6/12/2014
217	E2SSB 6552	Student hour and grad reqs	4/3/2014	PV	*6/12/2014
107	ESB 6553	Real property sale proceeds	3/27/2014		6/12/2014
143	ESSB 6570	Hospital safety net assessmt	3/28/2014		3/28/2014
218	SB 6573	Aged & housing programs	4/3/2014		6/12/2014

CHAPTER #	BILL	TITLE	GOVERNOR SIGNED	VETO/PV	EFFECTIVE DATES
23	ESHB 1090	Dock construction	3/17/2014		6/12/2014
58	2ESHB 1117	Real property transfer	3/27/2014		**6/12/2014
59	E2SHB 1129	Ferry vessel replacement	3/27/2014		6/12/2014
24	SHB 1171	Pretrial release programs	3/17/2014		6/12/2014
147	EHB 1224	Voluntary planning under GMA	3/31/2014		6/12/2014
148	SHB 1254	Prevailing wage filings	3/31/2014		6/12/2014
	SHB 1260	Public facilities' grants	4/4/2014	V	
25	HB 1264	Fire district mergers	3/17/2014		6/12/2014
207	ESHB 1287	Indian tribes/property tax	4/3/2014		6/12/2014
109	SHB 1292	Prostitution convictions	3/28/2014		6/12/2014
149	HB 1360	Industrial land banks	3/31/2014		6/12/2014
2	ESHB 1417	Irrigation district admin	3/12/2014		6/12/2014
3	HB 1607	Forcible entry	3/12/2014		6/12/2014
4	SHB 1634	Property tax levy limit	3/12/2014		6/12/2014
26	ESHB 1643	Energy conservation	3/17/2014		6/12/2014
175	2SHB 1651	Juvenile records access	4/2/2014		6/12/2014
60	SHB 1669	Higher ed/self-supporting	3/27/2014		6/12/2014
150	2SHB 1709	Foreign language intrpreters	3/31/2014	PV	6/12/2014
110	HB 1724	Statements by juveniles	3/28/2014		6/12/2014
27	SHB 1742	Sales of growlers of wine	3/17/2014		6/12/2014
187	2SHB 1773	Midwifery	4/2/2014		6/12/2014
28	HB 1785	State resources/de minimis	3/17/2014		6/12/2014
188	SHB 1791	Trafficking	4/2/2014		6/12/2014
111	ESHB 1840	Firearms/restraining orders	3/28/2014		*6/12/2014
151	SHB 1841	Electr. competitive bidding	3/31/2014		6/12/2014
144	ESHB 2023	Securities/crowdfunding	3/28/2014		6/12/2014
112	E2SHB 2029	Econ development agencies	3/28/2014		**6/12/2014
5	SHB 2057	Arrest without warrant	3/12/2014		6/12/2014
176	SHB 2080	Tribal fishing/convictions	4/2/2014		6/12/2014
152	HB 2099	Timber purchase reporting	3/31/2014		6/12/2014
6	HB 2100	Seattle U license plates	3/12/2014		1/1/2015
113	SHB 2102	Civil actions by prisoners	3/28/2014		6/12/2014
61	SHB 2105	Govt agency meeting agendas	3/27/2014		6/12/2014
7	HB 2106	Primaries for county offices	3/12/2014		6/12/2014
189	EHB 2108	Hearing instrument fitters	4/2/2014		*6/12/2014
153	ESHB 2111	Regional transit authorities	3/31/2014		6/12/2014
178	HB 2115	Officer promotion board	4/2/2014		6/12/2014
41	HB 2119	State waterfall/Palouse	3/18/2014		6/12/2014
62	SHB 2125	Horse racing fines	3/27/2014		6/12/2014
179	HB 2130	Veterans innovations program	4/2/2014		6/12/2014
154	HB 2137	Commercial motor vehicles	3/31/2014		6/12/2014
8	HB 2140	Credit unions' mergers	3/12/2014		6/12/2014
190	SHB 2146	L&I appeal bonds	4/2/2014		7/1/2015
114	ESHB 2151	Recreational trails	3/28/2014		6/12/2014

CHAPTER #	BILL	TITLE	GOVERNOR SIGNED	VETO/PV	EFFECTIVE DATES
115	SHB 2153	Eosinophilic GI disorders	3/28/2014		6/12/2014
63	ESHB 2155	Theft from spirits retailers	3/27/2014		6/12/2014
116	ESHB 2160	Physical therapists	3/28/2014		*7/1/2015
64	2SHB 2163	Dextromethorphan	3/27/2014		7/1/2015
117	ESHB 2164	Juvenile firearm offenders	3/28/2014		6/12/2014
191	HB 2167	Challenged schools	4/2/2014	PV	6/12/2014
65	SHB 2171	Veterans, military personnel	3/27/2014		6/12/2014
118	SHB 2175	Telecommunications industry	3/28/2014		6/12/2014
9	ESHB 2191	Child care facilities	3/12/2014		6/12/2014
68	E2SHB 2192	State agency permitting	3/27/2014		6/12/2014
10	SHB 2195	Involuntary medication/jails	3/12/2014		6/12/2014
155	E2SHB 2207	Basic education funding	3/31/2014	PV	9/1/2014
42	HB 2208	Heavy civil construction	3/19/2014		6/12/2014
43	HB 2225	Milwaukee Road corridor	3/19/2014		6/12/2014
11	HB 2228	Private voc school students	3/12/2014		6/12/2014
69	SHB 2229	State tourism marketing prog	3/27/2014		6/12/2014
119	ESHB 2246	Mercury-containing lights	3/28/2014		**6/12/2014
120	2SHB 2251	Fish barrier removals	3/28/2014	PV	6/12/2014
156	HB 2253	Telecomm installations	3/31/2014		*6/12/2014
21	SHB 2261	Science use/agency actions	3/13/2014		6/12/2014
22	SHB 2262	Science use/agency actions	3/13/2014		6/12/2014
157	HB 2276	Residential schools/ESDs	3/31/2014		6/12/2014
121	HB 2296	Petition signatures/cities	3/28/2014		6/12/2014
44	ESHB 2298	Capital projects/tech infra.	3/19/2014		6/12/2014
192	ESHB 2304	Marijuana licenses	4/2/2014		6/12/2014
13	SHB 2309	Property taxes, payment of	3/13/2014		6/12/2014
70	SHB 2310	Provider safety equipment	3/27/2014		6/12/2014
71	ESHB 2315	Suicide prevention	3/27/2014		6/12/2014
193	SHB 2318	Medicaid transp. brokers	4/2/2014		6/12/2014
122	EHB 2335	Extended foster care	3/28/2014		3/1/2015
126	EHB 2351	Health care/volunteers	3/28/2014		6/12/2014
72	HB 2359	Collectible vehicles	3/27/2014		6/12/2014
180	SHB 2363	Military member dependents	4/2/2014		6/12/2014
181	EHB 2397	Medal of Honor license plate	4/2/2014		6/12/2014
158	HB 2398	Community college degrees	3/31/2014		6/12/2014
194	SHB 2430	Athletic trainers	4/2/2014		6/12/2014
123	SHB 2433	Annexation/utility notice	3/28/2014		6/12/2014
16	HB 2446	Property tax refund order	3/13/2014		6/12/2014
17	SHB 2448	Insur & finan responsibility	3/13/2014		6/12/2014
73	SHB 2454	Water quality trading progrm	3/27/2014		6/12/2014
145	HB 2456	Firefighter, definition	3/28/2014		6/12/2014
195	2SHB 2457	Derelict & abandoned vessels	4/2/2014		6/12/2014
124	ESHB 2463	Parking, person w/disability	3/28/2014		7/1/2015
159	SHB 2492	Emergency provider liability	3/31/2014		6/12/2014
125	E2SHB 2493	Land use/horticulture	3/28/2014		6/12/2014

CHAPTER #	BILL	TITLE	GOVERNOR SIGNED	VETO/PV	EFFECTIVE DATES
14	HB 2515	Population enumeration data	3/13/2014		6/12/2014
160	ESHB 2519	Early ed/children in welfare	3/31/2014		*6/12/2014
18	SHB 2544	Newborn screening	3/13/2014		6/12/2014
15	HB 2547	Port district creation	3/13/2014		6/12/2014
19	HB 2555	Design-build contracts	3/13/2014		6/12/2014
20	SHB 2567	Homeowners' associations	3/13/2014		6/12/2014
74	E2SHB 2569	Diesel emissions pollution	3/27/2014		**6/12/2014
223	E2SHB 2572	Healthcare purchase, delivry	4/4/2014	PV	6/12/2014
161	HB 2575	Teacher assignment data	3/31/2014		6/12/2014
127	E2SHB 2580	Maritime industry, etc.	3/28/2014		6/12/2014
75	HB 2585	TANF benefits for a child	3/27/2014		6/12/2014
208	SHB 2612	Opportunity scholarship	4/3/2014		6/12/2014
162	SHB 2613	Higher ed efficiencies	3/31/2014		6/12/2014
163	2SHB 2616	Parents w/devel disabilities	3/31/2014		6/12/2014
209	ESHB 2626	Educational attainment goals	4/3/2014	PV	6/12/2014
128	2SHB 2627	Chemical dependency	3/28/2014		6/12/2014
76	EHB 2636	Govt environmental reports	3/27/2014		6/12/2014
12	HB 2674	Quick titles processing	3/13/2014		6/12/2014
29	ESHB 2680	Liquor catering license	3/17/2014		6/12/2014
77	HB 2700	Breast cancer license plates	3/27/2014		1/1/2015
129	HB 2708	Qualif'd alt energy resource	3/28/2014		6/12/2014
164	HB 2723	Foreclosures	3/31/2014		6/12/2014
165	SHB 2724	Archaeological resource info	3/31/2014		6/12/2014
45	EHB 2733	Pipes and irrigation canals	3/19/2014		6/12/2014
196	SHB 2739	Student success in school	4/2/2014		6/12/2014
197	HB 2741	Initial vehicle registration	4/2/2014		6/12/2014
182	HB 2744	Veteran-owned businesses	4/2/2014		6/12/2014
166	ESHB 2746	Medicaid personal care	3/31/2014		6/12/2014
46	HB 2776	Civil liberties ed program	3/19/2014		6/12/2014
	EHB 2789	Government surveillance	4/4/2014	V	
198	HB 2798	Managed health care/payments	4/2/2014		6/12/2014

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE**

Sixty-Third Legislature
2014 Regular Session

Senate Bill No.

Status Title

SENATE JOINT MEMORIALS

SJM 8003
SJM 8007

Communications Decency Act
Harbor maintenance tax

SENATE CONCURRENT RESOLUTIONS

SCR 8408
SCR 8409
SCR 8410
SCR 8411

Cutoff dates for legislature
High skills high wages plan
Bills/house origin
Adjourning SINE DIE

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE**

Sixty-Third Legislature
2014 Regular Session

House Bill No.

Status Title

HOUSE CONCURRENT RESOLUTIONS

HCR 4414
HCR 4415

Joint session/state of state
Bill status for 2014 session

HISTORY OF SENATE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5013						54
5014						54
5020		142	289			
5020-S			289, 290	290	1199	
5045-S			171	171	171, 699, 855, 864(P), 1180(S)	C199
5048				172	172, 842, 843, 843, 859(P), 863(S)	Vetoed
5064		148	207		54	C130
5064-S2			207	207	796, 803, 859(P), 863(S)	C130
5069					126	
5097			167	168	167, 1199	
5098					126	
5100-S					126	
5101					61	
5112				294	294, 1199	
5123-S				347	347, 696, 828(P), 863(S)	C131
5124					54	
5125		142				
5126					54	
5127-S			99, 101	101	98, 99, 1199	
5138-S				195	195, 1199	
5141				170	170, 699, 825, 859(P), 863(S)	C167
5154					61	
5156		142				
5158				297	297, 1199	
5159					54	
5173		158	347			C168
5173-S			347	347	847, 849, 864(P), 1180(S)	C168
5176-S					126	
5198					126	
5199-S2			133	133	98, 1199	
5202					377	
5208-S					126	
5237-S2					126	
5239-S					126	
5243-S2					126	
5244-S2					126	
5246		62	348		347	
5246-S			348, 352	353	352	
5251					377	
5275					54	
5276					54	
5283					61	
5288					54	
5298					54	
5310			170	170	54, 547, 610(P), 855(S)	C78
5318				112, 113	112, 1189, 1190(P), 1198(S)	C183
5320					54	
5334		17, 76, 148	328		76	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5334-S			328	328	1199	
5335					126	
5342					61	
5347					54	
5349					126	
5360		158	205			C210
5360-S			205	205	696, 764(P), 855(S)	C210
5377					126	
5392					378	
5408					126	
5430		148	451	452	1199	
5452-S					126	
5453					61	
5454					54, 378	
5467		158	306			C79
5467-S			306	306	829, 830, 859(P), 863(S)	C79
5471					378	
5489					54	
5499					54, 378	
5503					54	
5504					54	
5505					54	
5508					54	
5514			283, 324	325	54, 324, 324, 1199	
5516					126	
5520		128				
5523-S					126	
5540-S2			207, 208	209	196, 209, 1199,	
5561					61	
5587-S					126	
5597					54, 378	
5602		148				
5613					61	
5619					54	
5622					61	
5633			224	225	54, 1199	
5648					54	
5676			191		54	
5676-S			191	191	1199	
5680					378	
5682					54	
5685					54	
5691-S				170	170, 1189, 1191(P), 1198(S)	C184
5697-S			102	102	102, 1199	
5713					54, 378	
5727					54	
5728					54	
5731			343		54	
5731-S			343	343	1199	
5735					54, 378	
5735-S		158				
5741		128			378	
5746					54	
5752					61	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5755-S					126	
5775				169	169, 780, 859(P), 863(S)	C185
5776					54	
5784					126	
5785-S			302, 305	305	302, 305, 831, 831, 831, 859(P), 863(S)	C80
5794-S2					126	
5795					54	
5796					54	
5826		65			378	
5831					61	
5836					54	
5844		158			165	
5848					61	
5859		180	286			C57
5859-S			286	286	803, 804, 859(P), 863(S)	C57
5862					61	
5865					61	
5866					61	
5872		180	328			
5872-S			328	329	1199	
5875		824	1186			C200
5875-S			1187	1189	1189, 1196, 1198(S), 1198(P)	C200
5880		440				
5881		824				
5886		103	190			
5886-S			190	191	1199	
5887		49, 76, 159, 440	747			
5887-S3			747, 761, 762, 763	764	763, 1199	
5889			334			C30
5889-S			334	336	336, 513, 524(P), 696(S)	C30
5908	9	148			378	
5910		42	169	170	17, 1199	
5931	9	107	197	197	513, 524(P), 696(S)	C31
5954	9					
5955	9					
5956	10	121	324	324	696, 764(P), 855(S)	C201
5957	10	103	293	293	1199	
5958	10	142, 180	301			C47
5958-S2			301	301	513, 524(P), 855(S)	C47
5959	10					
5960	10					
5961	10					
5962	10					
5963	10	87			378	
5964	10	148	343	344	696, 764(P), 855(S)	C66
5964-S					343	C66
5965	10	93	203			
5965-S			203	203	1199	
5966	10	49				
5967	10	42				
5968	10					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5969	11	65	204			C186
5969-S			204	204	696, 764(P), 855(S)	C186
5970	11	70	102	102	1199	
5971	11	121				
5972	11	65	298			C81
5972-S			298, 299	299	299, 955, 956, 1054(P), 1180(S)	C81
5973	11	65, 115	225		66	C32
5973-S2			225	225	513, 524(P), 696(S)	C32
5974	11	87				
5975	11	87	301			
5975-S			301	302	1199	
5976	11	76				
5977	11	76	253			C82
5977-S			253	253	784, 786, 859(P), 863(S)	C82
5978	11	103			378	
5979	11	81	218	218	1199	
5980	11					
5981	11	70	189	189	1186(P), 1186, 1198(S)	C169
5982	11					
5983	12					
5984	12					
5985	12					
5986	12	142				
5987	12	107				
5988	12	49			378	
5989	12					
5990	12					
5991	12	65	195			
5991-S			195	196	1199	
5992	12	49			378	
5993	12					
5994	12					
5995	12	148				
5996	13	70	133			
5996-S			133	134	1199	
5997	13	121			378	
5998	13	70				
5999	13	42	168	168	547, 610(P), 855(S)	C83
6000	13					
6001	13	391	465			C222PV
6001-S			465, 466, 476	477	476, 956, 982, 982, 1054(P), 1180(S)	C222PV
6002	13	391	396			C221PV
6002-S			396, 397, 398, 403	404	398, 864, 1051, 1085, 1180, 1182(P), 1192(S)	C221PV
6003	13	128			132	
6004	13	66			378	
6005	13	66	204			
6005-S			204	204	1199	
6006	13	107			378	
6007	14	107	206			C33
6007-S			206	207	513, 524(P), 696(S)	C33
6008	14	148	344			
6008-S			344	344	344, 1199	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6009	14	70			378	
6010	14	121	336, 337	337	337, 1199	
6011	14	70	327	327	1199	
6012	14	42				
6013	14	55	134	135	513, 524(P), 696(S)	C34
6014	14	42	283			C132
6014-S			283	283	804, 859(P), 863(S)	C132
6015	14	87			378	
6016	17	149	227			C84
6016-S			227	228	780, 781, 782, 859(P), 863(S)	C84
6017	17	128, 180	328			
6017-S			328	328	1199	
6018	17	121			124	
6019	17					
6020	17	391	419			
6020-S			419, 420, 421, 422, 428	429	420, 421, 422, 1084	
6021	18	103				
6022	18	87	200, 201, 220	220	19, 203, 1199	
6023	18	121				
6024	18	70				
6025	18	87	287	289	1199	
6026	18	93				
6027	18					
6028	18	87	347			
6028-S			347	353	1199	
6029	18	76			378	
6030	18					
6031	18	107	191, 192	194	194, 832, 835, 859(P), 863(S)	C85
6032	18				19	
6033	18	66			378	
6034	18	70	210	210	835, 837, 859(P), 863(S)	C86
6035	19	70	191	191	547, 610(P), 855(S)	C133
6036	19	71			378	
6037	19					
6038	19					
6039	34	115				
6040	34	128, 180	234			C202
6040-S			234	249	249, 1054, 1068, 1091(P), 1180(S)	C202
6041	34	107	332			C48
6041-S			332	333	769, 779, 859(P), 863(S)	C48
6042	34	93, 181				
6043	34	149				
6044	35					
6045	35	93	133	133	1199	
6046	35	71	217			C49
6046-S			217	217	696, 764(P), 855(S)	C49
6047	35	62	196	196	1199	
6048	35					
6049	35	181	447			
6049-S			447	449	449, 1199	
6050	35	149	287			

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6050-S			287	287	1199	
6051	35					
6052	35	128, 181	339			
6052-S			339, 340	342	342, 1199	
6053	35	159				
6054	35	115	203			C134
6054-S			203	204	805, 859(P), 863(S)	C134
6055	35					
6056	35	121				
6057	36	181	447			
6057-S			447	447	1199	
6058	36	49	226			
6058-S			226	226	226, 1199	
6059	36	107	261	261	1199	
6060	36	128	326			
6060-S			326	327	1199	
6061	36	81	251		378	
6062	36	81, 149	222			C211
6062-S2			222	222	837, 838, 859(P), 863(S)	C211
6063	36	159			378	
6064	36	81	293			
6064-S			293	294	1199	
6065	36	71	200	200	838, 859(P), 863(S)	C87
6066	36					
6067	36					
6068	36					
6069	36	93	194			C35
6069-S			194	195	513, 524(P), 696(S)	C35
6070	36					
6071	37					
6072	37	107			378	
6073	37					
6074	37	121	211			C212
6074-S			211	211	696, 764(P), 855(S)	C212
6075	37					
6076	37	108	257			
6076-S			257	258	1199	
6077	37	149	322	323	1199	
6078	37	108	250			C177
6078-S			250	250	513, 524(P), 696(S)	C177
6079	37	62	292	293	1199	
6080	37				41, 378	
6081	37	149	205			
6081-S			205	205	1199	
6082	37					
6083	37	149			378	
6084	37	122				
6085	37	87, 181				
6086	37	103	197			C135
6086-S			197	197	845, 864(P), 1180(S)	C135
6087	38	128			378	
6088	38	122				
6089	38	122			378	
6090	38	88				
6091	38					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6092	38					
6093	38	122	296	296	547, 610(P), 855(S)	C50
6094	38	88	195			
6094-S			195	195	1199	
6095	38	93	227			C88
6095-S			227	227	786, 788, 859(P), 863(S)	C88
6096	38	129, 181	251			
6096-S2			251	252	1199	
6097	38					
6098	38	122			378	
6099	38					
6100	39					
6101	39	93				
6102	39	103				
6103	39	71			378	
6104	39	81	199			
6104-S			199	200	1199	
6105	39	81	190			
6105-S			190	190	1199	
6106	39					
6107	39					
6108	39					
6109	39	115			378	
6110	39	129	204			
6110-S			204	204	1199	
6111	39					
6112	39					
6113	39					
6114	39	93	294	295	1199	
6115	40	122	196	196	696, 764(P), 855(S)	C203
6116	40					
6117	40					
6118	40					
6119	40					
6120	40					
6121	40	142, 182				
6122	40	108	327	327	1199	
6123	40					
6124	40	149	263			C89
6124-S			263	264	547, 610(P), 855(S)	C89
6125	40	122	291	291	1199	
6126	40	108, 182	306			C108
6126-S2			307	309	308, 805, 807, 859(P), 863(S)	C108
6127	43	142				
6128	43	159	219	219	788, 789, 790, 859(P), 863(S)	C204PV
6129	43	81, 150	203		48	C136PV
6129-S			203	203	700, 855, 864(P), 1180(S)	C136PV
6130	43					
6131	43	88			378	
6132	43	108				
6133	43	122	259	260	1199	
6134	44	76	199	199	513, 524(P), 696(S)	C36

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6135	44	76	189	189	513, 524(P), 696(S)	C37
6136	45	159				
6137	45	150	254			C213
6137-S			254	255	782, 784, 859(P), 863(S)	C213
6138	45	108	285	285	1199	
6139	45	88			378	
6140	45					
6141	45	150	293	293	846, 847, 864(P), 1180(S)	C170
6142	45					
6143	45	122	264	264	1199	
6144	45	143				
6145	45	88	221			C146
6145-S			221	222	788, 859(P), 863(S)	C146
6146	45	129			378	
6147	45					
6148	45	88			378	
6149	45	143				
6150	45	115	324			
6150-S			324	324	1199	
6151	46	115				
6152	46	88				
6153	46	88				
6154	46					
6155	46					
6156	46					
6157	46	88, 182	451	451	1199	
6158	46	159				
6159	46	89				
6160	46	159			378	
6161	46					
6162	46	150				
6163	47	159, 182	251			C219
6163-S2			251	251	817, 818, 819, 859(P), 863(S)	C219
6164	47	129				
6165	47	89				
6166	47					
6167	47					
6168	47	150				
6169	47	108			378	
6170	47					
6171	47	103				
6172	47	159			378	
6173	47					
6174	47					
6175	47	108				
6176	47					
6177	48	150			378	
6178	48	82, 160			48	
6179	48	143	258			
6179-S			258	259	1199	
6180	48	108, 150	295	295	1053, 1054(P), 1181(S)	C137
6181	48	93	274			
6181-S			274	275	275, 1199	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6182	48	108				
6183	48	160				
6184	49					
6185	49	109			378	
6186	50	143				
6187	50					
6188	50	129				
6189	50					
6190	50					
6191	50					
6192	50	150, 182				
6193	50	109			378	
6194	50	109	323	323	1199	
6195	50	129			378	
6196	50	89				
6197	50					
6198	50					
6199	50	109	263			C90
6199-S			263	263	819, 820, 859(P), 863(S)	C90
6200	51	150			378	
6201	51	104	262	263	522, 543(P), 855(S)	C91
6202	51					
6203	51					
6204	51					
6205	51					
6206	51	143	285	285	54, 1199	
6207	51	109	220			
6207-S			220	220	1199	
6208	51	123	205	206	790, 791, 859(P), 863(S)	C67
6209	51					
6210	51	123				
6211	51	151	296			
6211-S			296	296	1199	
6212	51	109			378	
6213	51					
6214	51	151, 182			378	
6215	52	129, 391	449			
6215-S2			450	450	1199	
6216	52	104	217			C51
6216-S			217	217	522, 543(P), 855(S)	C51
6217	52	109				
6218	52					
6219	52	123	256	256	696, 764(P), 855(S)	C205
6220	52	89, 160	483, 484, 485, 486, 487, 488, 490, 492, 493	521	485, 493, 520, 521, 1199	
6221	52					
6222	52	89				
6223	52					
6224	52					
6225	52					
6226	52	89	336			C92
6226-S			336	336	522, 543(P), 855(S)	C92
6227	52	143			378	
6228	52	151	260			C224PV

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6228-S			260	260	807, 808, 859(P), 863(S)	C224PV
6229	52					
6230	53					
6231	53					
6232	53					
6233	53					
6234	53	151, 182				
6235	53					
6236	53	123			54, 378	
6237	53	89, 183	331			
6237-S			331, 332	332		1199
6238	53	123				378
6239	53					
6240	53					
6241	53					
6242	53	160	297			C171
6242-S			297	298	791, 792, 859(P), 863(S)	C171
6243	53	104				
6244	55	123				
6245	55	160				
6246	55	109				378
6247	55					
6248	55	123	295	296		1199
6249	56	160, 391	510			
6249-S2			510, 511	511		511, 1199
6250	56	89	263			
6250-S			263	263		1199
6251	56	123				
6252	56	151				
6253	56					
6254	56					
6255	56					
6256	56					
6257	56					
6258	56	151				
6259	56	104	428			
6259-S			428	428		1199
6260	56					
6261	56					
6262	56					
6263	57					
6264	57	151, 183				
6265	57	151	345			C220PV
6265-S			345	347	814, 982, 990, 1054(P), 1181(S)	C220PV
6266	57					
6267	57	129, 183				
6268	57					
6269	57	143				
6270	57	152				
6271	57					
6272	57	160	309			C214
6272-S			309	315	315, 522, 543(P), 855(S)	C214
6273	57	143	332			C206
6273-S			332	332	547, 610(P), 855(S)	C206

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6274	57	115				
6275	57					
6276	58					
6277	58	143				
6278	58					
6279	58	123	297			C93
6279-S			297	297	820, 821, 859(P), 863(S)	C93
6280	58	116	218			
6280-S			218	218	1199	
6281	58	116				
6282	58	152				
6283	58	109	326			C138
6283-S			326	326	746, 845, 1085, 1085, 1085, 1192, 1193, 1198(S), 1198(P)	C138
6284	58	109	326	326	696, 764(P), 856(S)	C94
6285	58					
6286	58	110, 183	300			
6286-S			300	301	1199	
6287	58	129				
6288	58	160			378	
6289	58	110				
6290	58	144	225			
6290-S			225	225	1199	
6291	59					
6292	59					
6293	59					
6294	59					
6295	59	161			378	
6296	59	116			378	
6297	59	110	219			
6297-S			219	219	219, 1199	
6298	59	110			378	
6299	59	110	217	217	513, 524(P), 696(S)	C38
6300	59	144			378	
6301	59					
6302	59					
6303	59					
6304	60					
6305	60	183				
6306	60					
6307	60	124			378	
6308	60					
6309	60					
6310	60					
6311	60	152				
6312	60	152, 183	252			C225
6312-S2			252	252	701, 1001, 1050, 1054(P), 1181(S)	C225
6313	60	144				
6314	60	161				
6315	60	110				
6316	61					
6317	61	144				
6318	61	62, 110				

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6319	62	144				
6320	63					
6321	63	116	226	227	696, 764(P), 856(S)	C95
6322	63					
6323	63					
6324	63					
6325	63	152				
6326	63					
6327	63	152	1051	1051	1199	
6328	63	124	325	325	696, 764(P), 856(S)	C172
6329	63					
6330	63	130, 184	252			C96
6330-S2			252	252	839, 841, 859(P), 863(S)	C96
6331	63	161			378	
6332	63					
6333	63	116	334			C97
6333-S			334	334	547, 610(P), 856(S)	C97
6334	64	161			378	
6335	64					
6336	66	161				
6337	66					
6338	66	152	337	337	1199	
6339	66	161	210			C52
6339-S			210	211	513, 524(P), 696(S)	C52
6340	67	116	418	419	1199	
6341	67					
6342	67					
6343	67					
6344	67					
6345	67	152			378	
6346	67					
6347	67					
6348	67	124				
6349	67					
6350	67	140, 152			158	
6351	67				69	
6352	67	116				
6353	67					
6354	68					
6355	68					
6356	68	161				
6357	68					
6358	68	152	261	261	513, 524(P), 696(S)	C53
6359	68					
6360	68					
6361	68					
6362	68	153, 184	261			
6362-S			261	261	1199	
6363	68					
6364	68					
6365	68	153				
6366	69					
6367	69					
6368	69	130				
6369	69					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6370	69	153				69
6371	69					
6372	69					
6373	69					
6374	69					
6375	69					
6376	69					
6377	72					
6378	72					
6379	72	153				
6380	72	161				
6381	72	153				
6382	72					
6383	72					
6384	72	161				
6385	72					
6386	72	124				
6387	73	153, 184	222			C139
6387-S			222	222	1194, 1196, 1198(S), 1198(P)	C139
6388	73	124, 184	338			C98
6388-S			338	339	339, 844, 845, 864(P), 1181(S)	C98
6389	73					
6390	73	153				378
6391	73	153				378
6392	73	162				
6393	73					
6394	73	153, 184				378
6395	73					
6396	73					
6397	73	184				
6398	73					
6399	73	154				
6400	74					
6401	74					
6402	74	110, 154	419			
6402-S2			419	419		1199
6403	74					
6404	74	162				378
6405	74	154	206	206	547, 610(P), 856(S)	C99
6406	76					
6407	77					
6408	77					
6409	77					
6410	77					
6411	77					
6412	77	154				
6413	77	162, 184	258	258	809, 813, 814, 859(P), 863(S)	C100
6414	77					
6415	77	162, 185	287	287	814, 815, 859(P), 863(S)	C101
6416	77	162				378
6417	77					
6418	77	89	329			90

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6418-S			329	329	1199	
6419	77	154	207	207	513, 524(P), 696(S)	C39
6420	77	154			378	
6421	78					
6422	78					
6423	78	154, 185	306			
6423-S2			306	306	1199	
6424	78	162	291	291	792, 793, 859(P), 863(S)	C102
6425	78	124				
6426	78	154				
6427	78					
6428	78	130			378	
6429	78					
6430	78	89, 130, 185	850			
6430-S			850, 852	853	853, 1199	
6431	78	162	255			C103
6431-S			255	255	793, 859(P), 863(S)	C103
6432	78					
6433	78					
6434	78	162				
6435	79	162				
6436	79	154	261			C215
6436-S			261, 262	262	793, 794, 859(P), 863(S)	C215
6437	79					
6438	79					
6439	79	162	253			
6439-S			253	253	1199	
6440	79	163	450			C216
6440-S			450, 451	451	451, 991, 999, 1000, 1054(P), 1181(S)	C216
6441	79					
6442	79	163	224			C54
6442-S			224	224	547, 610(P), 856(S)	C54
6443	79	163			378	
6444	79	163				
6445	82	163	327	327	1199	
6446	83	144	258			C55
6446-S			258	258	547, 610(P), 856(S)	C55
6447	83					
6448	83	163			84, 378	
6449	83					
6450	83	130	222			C56
6450-S			222	223	223, 513, 524(P), 696(S)	C56
6451	83	163				
6452	83	154				
6453	83	155	330			C40
6453-S			330	330	513, 524(P), 696(S)	C40
6454	83	155			378	
6455	83	124			378	
6456	83	163				
6457	83	164				
6458	83	155	304	305	305, 843, 844, 864(P), 1181(S)	Vetoed
6459	83	185				
6460	83					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6461	84					
6462	84					
6463	84	155				
6464	84	155, 185	345	345	1199	
6465	90					
6466	90	164				
6467	90	130				
6468	90					
6469	90					
6470	90					
6471	90	144				
6472	90	155	502			
6472-S			502, 503	503	503, 1199	
6473	91					
6474	91	155			378	
6475	91					
6476	91					
6477	91					
6478	91	155	853			
6478-S			853	854	1199	
6479	91	156	220			C104
6479-S			220, 221	221	794, 795, 796, 859(P), 863(S)	C104
6480	95					
6481	95	156				
6482	95	156, 185			378	
6483	95	824			96	
6484	95					
6485	95					
6486	95					
6487	95					
6488	95					
6489	95	164			378	
6490	95					
6491	95	156				
6492	96					
6493	96					
6494	96					
6495	96	124				
6496	96					
6497	96	164	424	424	378, 1199	
6498	96					
6499	96	144	259			
6499-S			259	259	1199	
6500	104					
6501	104	164	338	338	821, 822, 823, 859(P), 863(S)	C173
6502	104					
6503	105					
6504	105					
6505	105	391	450	450	1053, 1054(P), 1181(S)	C140
6506	105					
6507	105	145			378	
6508	105					
6509	105	145, 185			378	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6510	105					
6511	105	156	285			C141
6511-S			285	285	831, 832, 859(P), 863(S)	C141
6512	105	186	260			
6512-S			260, 262	262	1199	
6513	105	156				
6514	105	164	295	295	522, 543(P), 856(S)	C105
6515	105	156, 186	449			
6515-S			449	449	1199	
6516	106	186	290		106	
6516-S			290	291	1199	
6517	106	156	292			C106
6517-S			292	292	796, 859(P), 863(S)	C106
6518	110	156, 392	452			C174
6518-S2			452, 453	453	1075, 1078, 1091(P), 1181(S)	C174
6519	111	157	286	286	1199	
6520	111					
6521	111					
6522	111	164	206	206	522, 543(P), 856(S)	C142
6523	111		113	113	112, 367(P), 367, 374(S)	C1
6524	111	157, 186	264		378	
6524-S2			264, 271, 273		274	
6525	118					
6526	118					
6527	118					
6528	118					
6529	118					
6530	118					
6531	118					
6532	118					
6533	118					
6534	118	130, 164			378	
6535	118					
6536	118					
6537	118	157				
6538	118	164, 186				
6539	119					
6540	119	165				
6541	119					
6542	119	405, 440	764			
6542-S			764	766	764, 765, 1199	
6543	119					
6544	125					
6545	125	824				
6546	125					
6547	125					
6548	125					
6549	132	157	329	330	330, 1199	
6550	132	186	424, 427	427	427, 1199	
6551	132	187				
6552	132	165, 187	224			C217PV
6552-S2			224	224	1069, 1075, 1092(P), 1181(S)	C217PV
6553	145	157	331	331	146, 815, 816, 817,	C107

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
					859(P), 863(S)	
6554	145	157			158, 174	
6555	145	165, 187	300	300	1200	
6556	145					
6557	145					
6558	145	187	333			
6558-S			333	334	1200	
6559	166					
6560	166					
6561	173					
6562	173					
6563	173					
6564	188					
6565	188					
6566	276	429			281, 436	
6567	276	824				
6568	276					
6569	354					
6570	354	392	453			C143
6570-S			453	454	855, 864(P), 1181(S)	C143
6571	368	392				
6572	374	392	446			
6572-S			446	446	1200	
6573	377	392	447	447	1053, 1054(P), 1181(S)	C218
6574	384					
6575	384					
6576	394					
6577	438					
6578	438					
6579	438					
6580	438					
6581	445					
6582	696					
6583	856					
6584	856					

HISTORY OF SENATE JOINT MEMORIALS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8000					54, 378
8003			169	169	54, 513, 524(P), 696(S)
8007-S				179	179, 547, 610(P), 856(S)
8010	40				
8011	54	157			378
8012	54				
8013	74	165			378
8014	106				
8015	111	130	325	325	1200
8016	394				

HISTORY OF SENATE JOINT RESOLUTIONS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8206					54
8210					54
8211	14				
8212	14	55			
8213	40	124	135	140	139
8214	48				
8215	74	145			

HISTORY OF SENATE CONCURRENT RESOLUTIONS

Bill No.	Introduction & 1st Reading	Committee Report	2nd Reading Amendments	3rd Reading Final Passage	Other Action
8408	14		15		14, 15, 43, 48(P), 62(S)
8409	19	66	190	190	513, 610(P), 856(S)
8410	1196		1196		1196, 1198(P), 1198, 1199(S)
8411	1196		1196		1196, 1197, 1198(P), 1198, 1199(S)

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER	SUBJECT	ACTION
8665	Nelson Mandela	80
8666	Senate organized, ready	6
8667	Perm senate rules 41 and 56	8
8668	4-H youth developmnt program	147
8669	Dr. Martin Luther King, Jr.	61
8670	Senate perm rules/rule 41	85
8671	Motorcycle safety, awareness	75
8672	National Guard	112
8673	Individuals with autism	98
8674	Dairy day	97
8675	Br Columbia leg. intern prog	147
8676	Seattle Seahawks	114
8677	Dr. R. James Cook	127
8678	Lung cancer	166
8679	Issaquah mayor Ava Frisinger	250
8680	Senator Paull Shin	178
8681	Enabling act	284
8682	Civil air patrol	282
8683	Senator George Fleming	198
8684	Dr. Rodolfo Arevalo	215
8685	Sedro-Woolley HS nursery tm.	371
8686	Captain William Swenson	321
8687	Japanese-Americans/WWII	363
8688	Filipino Americans	370
8689	National donate life month	515
8690	Apple blossom festival	375
8691	Kicks for a Cure	372
8692	Senator R. Ted Bottiger	378
8693	Miss Auburn scholarship prog	417
8694	WA girls and women in sports	386
8695	Restless legs syndrome	861
8696	National day of the cowboy	394
8697	Tahoma High School students	439
8698	J.A. Bricker	439
8699	Permanent senate rule 7	446
8700	Dan Gough	479
8701	Joe Marine	480
8702	Navy appreciation day	768
8703	Daffodil festival	768
8704	Avista Corp.	480
8705	Judi Best	514
8706	Athletes at Winter Olympics	826
8708	Bonnie "Guitar" Buckingham	481
8709	Norway's constitution day	481
8710	Commercial fishing fleet	482
8711	WA state fair in Puyallup	482
8712	Women in leadership	698
8713	Staff Sgt. Ty Michael Carter	857
8714	Sgt. Leroy Arthur Petry	862
8715	1915 WSC football team	548
8716	Congressman Doc Hastings	607
8717	Colorectal cancer awareness	697
8718	Lind-Ritzville-Sprague fball	827
8719	Walla Walla Cmty College	1198

NUMBER	SUBJECT	ACTION
8720	Ben Moore	862
8721	Jermaine Kearse	863
8722	Senate business/interim	1197

HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1005-S3	354	405			316, 1200	
1008	106				104, 1200	
1011	212				199, 1200	
1013	354	405			316, 1200	
1017-S2	229	392			216, 1200	
1027-S	212				189, 1200	
1038-S	74				72, 1200	
1043	61				55, 1200	
1047-S	106				104, 1200	
1063	125	405			125, 1200	
1064	173	429			166, 1200	
1072-S2	317	405, 440			276, 1200	
1083-S	212	429			199, 1200	
1090-S	74	379	497	497	72, 696(S), 698(P)	C23
1103-S	91				90, 1200	
1107-S	119				117, 1200	
1117-S	354	429	670	681	317, 680, 855, 864(S), 953(P)	C58
1118	354				316, 1200	
1129-S2	229	392	668, 669	669	216, 669, 825, 864(S), 953(P)	C59
1145	119	429			117, 1200	
1156-S	355	405, 440			316, 1200	
1170-S2	317				276, 1200	
1171-S	355	429	518	519	316, 696(S), 698(P)	C24
1173	125	405			125, 1200	
1179	229	405			216, 1200	
1185	229				216, 1200	
1224	355	406	533, 535	535	353, 535, 1053, 1192(S), 1192(P)	C147
1251	84				82, 1200	
1254-S	84	406	606	606	82, 856(S), 859(P)	C148
1260-S	125	379	458, 1080	461, 1084	125, 126, 461, 1080, 1084, 1190, 1192(S), 1192(P)	Vetoed
1264	173	406	521	522	166, 696(S), 698(P)	C25
1267	91				90, 1200	
1279-S	91				90, 1200	
1286	276				255, 1200	
1287-S	317	440	659, 660, 663	663	276, 663, 1181(S), 1182(P)	C207
1292-S	125	429	473, 474	475	125, 475, 825, 856(S), 859(P)	C109
1294-S	74	393			72, 1200	
1298-S	277	429			256, 1200	
1313-S	106				104, 1200	
1339	126	379			125, 1200	
1348	84				82, 1200	
1360	229	406	548	549	216, 856(S), 859(P)	C149
1367	277	430			256, 1200	
1402-S	355	406			316, 1200	
1409-S	126				125, 1200	
1413-S	91	406			90, 1200	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1417-S	92	376	463	464	90, 482(S), 483(P)	C2
1448-S	146	406			145, 1200	
1467-S	173				166, 1200	
1484-S2	368	406			354, 418, 1200	
1486	173	406			166, 1200	
1536-S	74				72, 1200	
1538	126	379			125, 1200	
1563-S2	229				216, 1200	
1574-S2	478				445, 1200	
1593	126	379			125, 1200	
1597	212	430			189, 1200	
1607	146	373	386	386	145, 482(S), 483(P)	C3
1634-S	173	430	472	472	166, 174, 482(S), 483(P)	C4
1635-S	317	441			276, 1200	
1643-S	355	379	497	498	317, 696(S), 698(P)	C26
1651-S2	317	430	622, 625	632	276, 625, 632, 855, 864(S), 953(P)	C175
1654-S	277				256, 1200	
1669-S	84	406	636	636	82, 856(S), 859(P)	C60
1674-S	229	406			216, 1200	
1675-S	212	407			199, 1200	
1684	229	407			216, 1200	
1709-S2	368	407	608	608	354, 825, 864(S), 953(P)	C150PV
1724	126	430	567	567	125, 856(S), 859(P)	C110
1727-S2	126	407, 441			125, 1200	
1742-S	355	430	498	498	316, 696(S), 698(P)	C27
1769-S	84				82, 1200	
1773-S2	355	379	668	668	316, 856(S), 859(P)	C187
1783	229	376			216, 1200	
1785	229	376	497	497	216, 696(S), 698(P)	C28
1791-S	230	430	499	502	216, 826, 864(S), 953(P)	C188
1805-S	126	430			125, 1200	
1814-S	212				189, 1200	
1817-S	19				17, 1200	
1820-S	355				317, 1200	
1838-S	212				199, 1200	
1840-S	230	430	529	529	216, 696(S), 698(P)	C111
1841-S	355	431	496	497	316, 696(S), 698(P)	C151
1843-S	84				82, 1200	
1858-S	119				117, 1200	
1859	119	407			117, 1200	
1888-S2	355	379	685		317, 686, 1200	
1892	277				256, 1200	
1896	230	380			216, 1200	
1902-S2	277	431			255, 1200	
1909-S2	119	407, 441			117, 1200	
1950-S	74	130			72, 1200	
1960-S2	356				316, 1200	
2002-S2	230				216, 1200	
2017	212				189, 1200	
2018-S	230	441			216, 1200	
2023-S	277	407	632, 633	635	255, 281, 635, 855, 863(S), 953(P)	C144

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
2029-S2	277	380, 441	643	659	256, 659, 1085, 1181(S), 1182(P)	C112
2041-S2	547				513, 1200	
2057-S	230	431	463	463	216, 482(S), 483(P)	C5
2061	277	380			255, 1200	
2074-S	277				256, 1200	
2080-S	277	431	498	498	255, 696(S), 698(P)	C176
2098-S	230	376			216, 1200	
2099	277	380	681	681	256, 856(S), 859(P)	C152
2100	212	376	457	458	189, 482(S), 483(P)	C6
2102-S	230	431	524	524	216, 524, 825, 856(S), 859(P)	C113
2105-S	230	376	496	496	216, 696(S), 698(P)	C61
2106	92	407	455	455	90, 482(S), 483(P)	C7
2108	368	407	503	510	354, 510, 826, 864(S), 953(P)	C189
2111-S	278	393	609	609	256, 609, 826, 864(S), 953(P)	C153
2115	119	376	567	567	117, 856(S), 859(P)	C178
2119	231	431	454	455	216, 482(S), 483(P)	C41
2121-S	231				216, 1201	
2125-S	356	431	566	566	317, 856(S), 859(P)	C62
2126-S	278				256, 1201	
2127	146	380			145, 1201	
2130	317	407	464	465	276, 465, 825, 856(S), 859(P)	C179
2135-S	278	408			255, 1201	
2137	212	376	495	495	189, 696(S), 698(P)	C154
2140	213	373	387	387	189, 482(S), 483(P)	C8
2146-S	356	408, 441	496	496	316, 496, 825, 856(S), 859(P)	C190
2148	146				145, 1201	
2149-S2	356	408			353, 1200	
2150-S	356	408			316, 1201	
2151-S	231	380	551	552	216, 856(S), 859(P)	C114
2152-S	173				166, 1201	
2153-S	318	408	523	523	276, 417, 696(S), 698(P)	C115
2155-S	356	431	566	567	317, 566, 856(S), 859(P)	C63
2157-S	231	408			216, 1201	
2160-S	278	380	525	526	255, 526, 696(S), 698(P)	C116
2162-S	213				189, 1201	
2163-S2	356	408	466	467	317, 467, 825, 864(S), 953(P)	C64
2164-S	213	408	539	543	199, 543, 826, 856(S), 859(P)	C117
2165-S	213	408			189, 1201	
2166-S2	368	408			354, 1201	
2167	213	409	523	523	189, 696(S), 698(P)	C191PV
2169	356				316, 1201	
2170	231	409			216, 1201	
2171-S	356	431	659	659	317, 856(S), 859(P)	C65
2175-S	318	393	527, 1000	529, 1001	276, 527, 528, 1000, 1001, 1085, 1181(S), 1182(P)	C118
2177-S	318				276, 1201	

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2178-S	356				316, 1201	
2183-S	231				216, 1201	
2191-S	213	373	455	456	199, 482(S), 483(P)	C9
2192-S2	318	409	495	495	284, 417, 696(S), 698(P)	C68
2195-S	231	373	387	387	216, 482(S), 483(P)	C10
2196-S	356	431			317, 1201	
2197-S	356				317, 1201	
2201-S	368				354, 1200	
2205-S	356	432			316, 1201	
2207-S2	1053		1091	1091	1053, 1181(S), 1182(P)	C155PV
2208	357	376	482	483	316, 696(S), 698(P)	C42
2215-S	231				216, 1201	
2219	368				354, 1201	
2225	357	409	521	521	316, 696(S), 698(P)	C43
2228	213	380	455	455	189, 482(S), 483(P)	C11
2229-S	357	409	529	529	316, 696(S), 698(P)	C69
2231	357	409			317, 1201	
2235-S	368				354, 1201	
2244-S	368				354, 1200	
2246-S	278	380, 441	607	607	256, 856(S), 859(P)	C119
2251-S2	357	409	682	685	316, 685, 825, 864(S), 953(P)	C120PV
2253	357	432	612	614	316, 826, 864(S), 953(P)	C156
2254	278	432			255, 1201	
2255-S	213				189, 1201	
2261-S	231	409	472	473	215, 482(S), 483(P)	C21
2262-S	231	380	472	472	215, 482(S), 483(P)	C22
2276	213	409	470	471	189, 471, 826, 856(S), 859(P)	C157
2278	231				215, 1201	
2282-S	213				189, 1201	
2285	213	380			189, 1201	
2294	357	393, 409			317, 1201	
2296	232	432	468	470	215, 470, 826, 856(S), 859(P)	C121
2298-S	318	410	494	494	284, 696(S), 698(P)	C44
2301	232	410			216, 1201	
2302	357	432			316, 1201	
2304-S	1086		1092	1180	1085, 1086, 1181(S), 1182(P)	C192
2306-S	278				256, 1200	
2309-S	357	410	461	462	317, 482(S), 483(P)	C13
2310-S	278	381, 442	552	552	255, 856(S), 859(P)	C70
2315-S	357	410, 442	516	518	317, 518, 826, 864(S), 953(P)	C71
2318-S	357	432	667	667	316, 856(S), 859(P)	C193
2329	278	410			255, 1201	
2331-S	278				255, 1201	
2332	213				189, 1201	
2333-S2	278				256, 1201	
2334	318				276, 1201	
2335	547	1181	1182	1182	522, 1182, 1198(S), 1198(P), 1198	C122
2336-S	213	381			189, 1200	

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2339-S	357	381			317, 1201	
2341-S	368				354, 1201	
2347-S2	357				353, 1201	
2351	278	410	519	519	255, 696(S), 698(P)	C126
2353-S	358	432	549		317, 1201	
2359	318	432	549	549	276, 856(S), 859(P)	C72
2363-S	358	410	462	463	316, 462, 826, 856(S), 859(P)	C180
2364-S	279				256, 1201	
2365-S	318				284, 1201	
2368-S	279				275, 1201	
2371-S	358	432			317, 1201	
2372-S	279	393			255, 1201	
2373-S	318	410			276, 1201	
2374-S	232	377			216, 1201	
2376-S	358				317, 1201	
2377-S2	369				354, 1200	
2378-S	318				276, 1201	
2381	232	410			216, 1201	
2383-S2	369	410			354, 1200	
2386	358	411			316, 1201	
2397	1181		1181	1182	1085, 1181, 1192(S), 1192(P)	C181
2398	214	411	640	641	189, 856(S), 859(P)	C158
2404	318				276, 1201	
2405	358	377			317, 1201	
2406-S	232	381			216, 1201	
2407	279	432			256, 1201	
2408	279	433			256, 1201	
2410-S	279				256, 1200	
2414-S	358				353, 1201	
2415-S	279	411			255, 1200	
2420-S	358				316, 1201	
2426	358				316, 1201	
2430-S	358	433	609	610	317, 856(S), 859(P)	C194
2433-S	232	411	552	552	216, 856(S), 859(P)	C123
2436	358	442			317, 363, 1201	
2437	279	377, 442			256, 1201	
2438	358				317, 1201	
2439-S	359	411			317, 1201	
2440	359	381			316, 1201	
2442	359	411			316, 1201	
2446	359	377	388	388	316, 482(S), 483(P)	C16
2447	359				353, 1201	
2448-S	232	411	473	473	216, 233, 482(S), 483(P)	C17
2450	214	411			189, 215, 1201	
2451-S	279				256, 1201	
2454-S	359	381	681	682	316, 856(S), 859(P)	C73
2456	279	442	527	527	256, 696(S), 698(P)	C145
2457-S2	359	411, 442	552, 559	566	316, 559, 565, 825, 864(S), 953(P)	C195
2461-S	359	433	567, 587	606	316, 587, 606	
2463-S	360	393	614	618	353, 618, 826, 864(S), 953(P)	C124
2467-S	279	411			256, 1201	

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2473	232	433			216, 1201	
2474-S	319				276, 1201	
2479	369	442			354, 1201	
2481-S	360				317, 1201	
2482	360				316, 1201	
2486-S2	319				276, 1201	
2492-S	280	433	523	524	256, 696(S), 698(P)	C159
2493-S2	360	381, 443	610	612	316, 612, 855, 863(S), 953(P)	C125
2500-S	174				166, 1201	
2512-S	319	433			276, 1201	
2515	319	377	387	387	276, 482(S), 483(P)	C14
2517-S2	547				513, 1200	
2518-S	232	381			216, 1201	
2519-S	280	412, 443	549	551	256, 551, 855, 863(S), 953(P)	C160
2524-S	360				353, 1201	
2527	360	433			316, 1201	
2530	360	381			317, 1201	
2531-S	214	412			189, 1201	
2534	360	433			316, 1201	
2535-S	319	434			276, 1201	
2536-S	369				354	
2537-S	280				256, 1201	
2540-S2	369	412			354, 1200	
2541-S	232	412			216, 1201	
2543-S	280	434			256, 1201	
2544-S	280	412	464	464	256, 482(S), 483(P)	C18
2546-S	214	412			199, 1201	
2547	232	377	472	472	216, 482(S), 483(P)	C15
2552-S	360				317, 1201	
2553	319	412			276, 1200	
2555	369	377	388	390	354, 389, 769, 841(S), 841(P)	C19
2556-S	360	434			317, 1201	
2558	280	412			256, 1200	
2567-S	360	412	456	456	316, 482(S), 483(P)	C20
2569-S2	369	412	529, 536	539	354, 538, 826, 864(S), 953(P)	C74
2572-S2	372	413, 825	1086, 1090, 1091	1091	367, 1091, 1186, 1192(S), 1192(P)	C223PV
2573	360	434			353, 1201	
2575	214	413	641	641	189, 856(S), 859(P)	C161
2576-S	232				216, 1201	
2580-S2	280	413	456	457	256, 457, 855, 864(S), 953(P)	C127
2582	319	434	664, 665	667	284, 665, 667, 1201	
2583	214	413	483		189, 1201	
2585	360	413, 443	1183	1183	316, 1192(S), 1192(P)	C75
2590	232				216, 1201	
2592-S	280	413			256, 1201	
2593-S	233				216, 1201	
2594-S	361				317, 1201	
2598	361	413			316, 1201	
2605-S	214				189, 1201	

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2612-S	280	413, 443	618, 619	622	256, 622, 826, 864(S), 953(P)	C208
2613-S	319	413, 443	636	640	276, 640, 846, 863(S), 953(P)	C162
2616-S2	280	434, 443	641	643	256, 643, 855, 863(S), 953(P)	C163
2617	361				317, 1201	
2618	361	414			317, 1201	
2624-S	361	434			316, 1201	
2626-S	319	414	635	636	276, 636, 855, 864(S), 953(P)	C209PV
2627-S2	361	434	530	532	317, 532, 855, 864(S), 953(P)	C128
2634-S	478				445, 1201	
2636	369	381	527	527	354, 696(S), 698(P)	C76
2639-S2	361	434			316, 1201	
2642	361	393			316, 1201	
2643-S2	361	414			353, 1200	
2644-S	233				216, 1201	
2646	361	414			316, 1201	
2647	361				316, 1201	
2651-S	214	381			189, 384, 1200	
2665-S	369				354, 1201	
2674	362	435	468	468	317, 482(S), 483(P)	C12
2675-S	362				316, 1201	
2680-S	233	435	463	463	216, 436, 482(S), 483(P)	C29
2682	233	435			216, 1201	
2684	319	393			276, 1201	
2691-S	362	435			316, 1201	
2694-S2	319	414			276, 1200	
2698-S	362				316, 1201	
2699-S	320				276, 1201	
2700	214	377	608	608	189, 856(S), 859(P)	C77
2705-S	362				316, 1201	
2706-S	362	435			317, 1201	
2708	233	382	681	681	216, 856(S), 859(P)	C129
2711-S	362	435			317, 1201	
2719-S	369				354, 1200	
2722-S	215	414			189, 1201	
2723	280	414	667	667	256, 856(S), 859(P)	C164
2724-S	280	414	668	668	256, 825, 864(S), 953(P)	C165
2725-S	320	373, 443			276, 1201	
2733	362	382	473	473	353, 482(S), 483(P)	C45
2739-S	281	414, 444	664	664	256, 856(S), 859(P)	C196
2741	362	435	518	518	317, 696(S), 698(P)	C197
2743-S2	320				276, 1201	
2744	362	435	495	495	316, 696(S), 698(P)	C182
2746-S	320	1181	1182	1183	276, 1183, 1198(S), 1198(P), 1198	C166
2748-S	478				454, 1200	
2752	362	435			317, 1202	
2759-S	362				317, 1202	
2762-S	513				478, 1202	

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2776	369	414	519	519	354, 696(S), 698(P)	C46
2777	362				317, 1202	
2789	362	435	686, 689, 691, 692, 693	693	316, 689, 691, 692, 693, 855, 863(S), 953(P)	Vetoed
2790	478				445, 1200	
2794	547				513, 1200	
2797	513				478, 1200	
2798	697	825	1050	1051	547, 1051, 1181(S), 1182(P)	C198

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4415	15		15		15, 17(S), 17(P)
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- Wine, caterer's license to sell, creating: ***ESHB 2680, CH 29 (2014)**
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- Computer spyware, actions concerning unlawful use of, awarding costs and attorneys' fees when action brought by attorney general: SB 5985
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- State officers, legal actions or proceedings on behalf of, not requiring attorney general to institute or prosecute when related to fiscal appropriation level or sufficiency: HB 2024
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Neglect or abuse, modifying provisions concerning faith-based or metaphysical healing efforts: SB 6295

Neglect or abuse, parent with founded finding of, work group to consider creating certificate of suitability for parents who have turned their lives around: SB 5565

Neglect or abuse, substantiated, child protective services to notify school district: SB 5822

Neglect or abuse, suspected, interviewing of child with third party present: SB 5316
 Neglect, suspected, short-term emergency and crisis care for child removed from home: ***SHB 1261, CH 105 (2013)**
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Social workers and social work, modifying licensure provisions: ***HB 1213, CH 73 (2013)**, SB 5725
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Franklin, superior court, increasing number of judges jointly with Benton county: ***HB 1175, CH 142 (2013)**, SB 5069

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Marijuana, medical, authority to adopt and enforce various local requirements pertaining to: SB 5528, SB 5887

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Mosquito control, integrated pest management use by counties, cities, and certain districts: SB 5324

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Storage facilities, unlicensed and improperly located, requiring county zoning, building, and fire regulation enforcement when existence becomes known: SB 5662

Surplus real property, governmental, sale at discount by counties for affordable low-income housing: E2SHB 1563, SB 5598

Television reception improvement districts, excise tax on owners, exemption, modifying provisions: ***SHB 1068, CH 191 (2013)**

Timber land, merging of timber land classification with designated forest land program, county authority: SHB 1156, ***SB 6180, CH 137 (2014)**

Tourism, county use of dedicated tax revenues for fiscal relief: SB 5005

Transportation benefit districts, annual local option transportation tax fee, distribution of revenues: HB 1892

Transportation benefit districts, annual local option transportation tax fee, impact of imposition on other fees: HB 1892

Transportation projects, environmental review and permitting, reforming to expedite projects through streamlined environmental decision making, role of local governments: ESHB 1978, SB 6051

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Treasurers and treasury practices, modifying various provisions: SHB 2593, SB 6114

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Whatcom, superior court, increasing number of judges: HB 1159, ***SB 5052, CH 210 (2013)**

Wolves, imminent threat to commercial livestock, county authority to declare threat and authorize removal: SB 5188

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- Court reporters and court reporting firms, contracts for services, prohibitions: SB 5364
- Court research, state center for, evaluating effect of attorney representation in dependency proceedings: SHB 1285
- Criminal history record information, state patrol to audit criminal justice agencies for compliance: HB 1531, ***SB 5466, CH 62 (2013)**
- Criminally insane, petitions for release, service upon court: SB 5617
- District courts, indigent defense, assessing cost recovery fees: SB 6249
- District courts, provision of security to courts by counties: SB 5240
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- DUI courts, establishing college DUI courts: SB 5023
- Family court proceedings, appointment of guardian ad litem for a child: SB 6447
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- Limited jurisdiction, courts of, authorizing judges to solemnize marriages: 2ESHB 1083
- Mental health courts, defendants, refraining from firearm possession and surrendering concealed pistol license: SB 5478
- Mental health courts, expanding authority to establish to all jurisdictions: ***SB 5797, CH 257 (2013)**
- Municipal courts, provision of security to courts by cities: SB 5240
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- Records, nonconviction, removing from public access: SB 5341
- Search warrant applications, timely review by magistrates: ESHB 2235, SB 6279
- Specialty courts, authority to establish, expanding to include all jurisdictions: ***SB 5797, CH 257 (2013)**
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- Superior court judges, actions or proceedings on behalf of, attorney general not required to institute or prosecute: ESB 5860
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- Superior courts, commissioners, extending authority to issuance of wiretaps and related matters: SB 5165
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- Supreme court, ordering court to decide more cases: SB 6568
- Supreme court, reducing number of judges: SB 6088
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- Therapeutic courts, authority to establish, expanding to include all jurisdictions: ESHB 2556, ***SB 5797, CH 257 (2013)**
- Therapeutic courts, authority to merge DUI, drug, and mental health courts, expanding to include all jurisdictions: ***SB 5797, CH 257 (2013)**
- Therapeutic courts, encouraging establishment and incorporation of treatment court principles of best practices: ESHB 2556, ***SB 5797, CH 257 (2013)**
- Therapeutic courts, funding for, authority of county to impose sales and use tax: ESHB 2556
- Tribal courts, solemnizing of marriages by judges: 2ESHB 1083
- Veterans' treatment courts, establishment by chief justice of supreme court for veterans and armed forces members: SB 5129
- Warrant officers, establishment in first-class cities to enforce court orders and outstanding warrants: SB 5998

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- Credit cards, surcharge when cardholder uses card in lieu of other payment method, disclosure requirements: ESHB 1870

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- Corporate governance and investments of credit unions, amending provisions: ***SB 5302, CH 34 (2013)**

Governance of credit unions, modifying provisions: SHB 1582

Merger of credit unions, board approval voting requirement: ***HB 2140, CH 8 (2014)**, SB 6029

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Assault, third degree, to include assault of a school employee: SB 5497

Assault, third degree, to include assault of a state hospital worker: SB 6022

Assault, third degree, to include assault of children's administration caseworker performing official duties: SB 5659

Assault, third degree, to include assault of legal process servers: SB 5345

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Assault, third degree, to include assaults in court proceedings areas: ***ESB 5484, CH 256 (2013)**

Assault, third degree, to include certain random assaults: SB 6011

Assaults, random and in public place without prior contact, class C felony: SB 6011

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Burglary and theft, special allegation and additions to sentencing range for habitual property offenders: SB 6009

Cannabis, medical use, lawful and unlawful actions: SB 5528, SB 5887

Charter boat operators, unlawfully engaging in fishing guide activity, gross misdemeanor: HB 1896

Child molestation, victim under age eighteen, modifying statute of limitations: ***SHB 1352, CH 17 (2013)**, SB 5100

Cigarettes, electronic, selling or giving to minor, gross misdemeanor: ***HB 1937, CH 47 (2013)**, SB 5815

Clergy, indecent liberties by member of, felony: ESHB 2341

Conducting investigation or detainment of U.S. citizen or resident alien, armed forces member prohibited from, class C felony: SB 5511

Contraband, introducing in first, second, and third degrees, to include secure facilities for sexually violent predators: ***SHB 1836, CH 43 (2013)**, SB 5404

Cooperating with armed forces member conducting investigation or detainment of U.S. citizen or resident alien, class C felony: SB 5511

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Cruelty to animals, unsafe confinement in vehicle or enclosed space, authority to enter vehicle or space: SB 5204

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Custodial interference, first degree, in connection with court-ordered residential provisions for child, class C felony: SHB 2624, SB 6539

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Domestic violence felony offenses, plead and proven, supervision of offenders by department of corrections: SB 6192

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Driving under the influence, reducing prior offense threshold for class C felony: SB 6090

Driving under the influence, serving certain sentences consecutively with ignition-interlock device-related violations: ***SB 6415, CH 101 (2014)**

Drug offenses, sentencing alternatives, modifying: SB 6282

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Firearms, allowing unauthorized access to a child under age fourteen, provisions: SB 5485

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Firearms, storing or leaving loaded firearm where child can and does gain access to it, to constitute reckless endangerment: SB 5710

- Firearms, surrender requirements and prohibitions, certain persons subject to certain protection or related orders: ***ESHB 1840, CH 111 (2014)**
- Firearms, unlawful possession in second degree, to include certain persons subject to certain protection or related orders: ***ESHB 1840, CH 111 (2014)**
- Fish and wildlife department privileges, violating a suspension of, in first and second degrees: ***HB 1218, CH 102 (2013)**, SB 5137
- Fish, food fish or shellfish, unlawful misbranding of: ***SHB 1200, CH 290 (2013)**, SB 5037
- Fishing guides, unlawfully engaging in fishing guide activity, gross misdemeanor: HB 1896
- Fishing, by Indian tribal members, vacating convictions prior to 1975 for certain tribal fishing activities: ***SHB 2080, CH 176 (2014)**
- Gangs, criminal street gang activity at rental properties, law enforcement agency provisions: SB 5280
- Human trafficking, at rental properties, law enforcement agency provisions: SB 5280
- Incest, victim under age eighteen, modifying statute of limitations: ***SHB 1352, CH 17 (2013)**, SB 5100
- Indecent liberties, by member of clergy, felony: ESHB 2341
- Indecent liberties, modifying definition to include spouses: ***HB 1108, CH 94 (2013)**
- Indecent liberties, victim under age eighteen, modifying statute of limitations: ***SHB 1352, CH 17 (2013)**, SB 5100
- Involuntary servitude, coercion of, to include coercing to perform labor or services in certain cases, class C felony: SHB 2644, SB 6339
- Juveniles, offenses committed before age eighteen, sentencing and release: SB 5064
- Keys, altered or shaved, possession to be gross misdemeanor: SB 6010
- Knockout game, random assault in public place without prior contact, to be assault in third degree and class C felony: SB 6011
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- Manslaughter, second degree, increasing seriousness level: SB 6191
- Marijuana, criminal acts by or with minors, new provisions: SHB 2706
- Marijuana, medical, lawful and unlawful actions: SB 5528, SB 5887
- Marijuana, purchase by minors, specifying criminal acts and penalties: SB 6158
- Metal property, scrap metal, deceiving purchaser or seller, gross misdemeanor: ***ESHB 1552, CH 322 (2013) PV**
- Metal property, theft in first and second degrees: ***ESHB 1552, CH 322 (2013) PV**
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- Murder, aggravated first degree, including certain child victims: SB 5015
- Murder, aggravated first degree, sentencing when committed before age eighteen: SB 5064
- Phantom-ware, unlawful sale, use, or possession, effect of conviction on obtaining retail alcohol or marijuana license or permit: SB 6543
- Pharmacy, robbery of, as special allegation for robbery in first or second degree: ***SB 5149, CH 270 (2013)**
- Privilege tax on petroleum businesses, provisions concerning tax evasion and related crimes: SB 5756
- Process servers, assault in third degree to include assault of legal process servers: SB 5345
- Rape, third degree, modifying definition to include spouses: ***HB 1108, CH 94 (2013)**
- Rape, victim under age eighteen, modifying statute of limitations: ***SHB 1352, CH 17 (2013)**, SB 5100
- Reckless endangerment, storing or leaving loaded firearm where child can and does gain access to it: SB 5710
- Rendering criminal assistance, revising provisions: SB 5059
- Riot, crime of, changing to crime of criminal mischief: SB 5021
- Robbery in first and second degree, with robbery of a pharmacy as special allegation: ***SB 5149, CH 270 (2013)**
- Sales suppression devices, automated, unlawful sale, use, or possession, effect of conviction on obtaining retail alcohol or marijuana license or permit: SB 6543
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- Shark fins, unlawful trade in second degree, prohibiting all commercial activities: SB 5081
- Stalking, protection and no-contact orders, provisions: ***ESHB 1383, CH 84 (2013)**
- Stalking, protection orders, Jennifer Paulson stalking protection order act: ***ESHB 1383, CH 84 (2013)**
- Stalking, protection orders, stalking protection order act: SB 5452
- Tax evasion by electronic means, prohibitions, revocation of taxpayer registration, and penalties: ***SB 5715, CH 309 (2013)**
- Theft and burglary, special allegation and additions to sentencing range for habitual property offenders: SB 6009

Theft in first and second degrees, to include metal property: ***ESHB 1552, CH 322 (2013) PV**
 Theft in first and second degrees, to include metal wire taken from a city: SB 5413
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 Unmanned aircraft, with sensing device, operation in Washington airspace to be misdemeanor: SHB 2178
 Vapor products, selling or giving to minor, gross misdemeanor: ***HB 1937, CH 47 (2013), SB 5815**
 Vehicle prowling, second degree, class C felony in certain cases: ***ESB 5053, CH 267 (2013)**
 Vehicles, license plates, switching or flipping, gross misdemeanor: ***ESHB 1944, CH 135 (2013)**
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 Crisis intervention training for law enforcement officers, commission to provide: SB 5532
 Liquor control board, peace or enforcement officers of, law enforcement academy training provisions, commission role: SB 6130
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 Civil rights, restoration of, use of vacated record of domestic violence in criminal prosecutions, limiting: SB 6066
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 Community custody, conditions, marijuana use by offender: SB 5010
 Community custody, supervision, when found guilty and mentally ill: SB 5151
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 Competency to stand trial, evaluations of, requirements: 2SHB 1627, SB 5551
 Confinement, total and partial options, modifying provisions: SB 5486
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 Criminally insane, petitions for release, service of: SB 5617
 DNA sample, collecting from adults arrested for ranked felony or gross misdemeanor violation of an order: SB 6314
 DNA sample, failure to provide as sex offender, gross misdemeanor: SB 5735
 Domestic violence felony offenses, plead and proven, supervision of offenders by department of corrections: SB 6192
 Drug offenders, sentencing alternatives, modifying: SB 6282

- Early release time, barring offender from receiving when sentence resulted from body armor enhancement: SB 5119, SB 6025
- Earned release, credits and procedures, modifying to reduce costs: SB 5892
- Education, inmate postsecondary degree programs, implementation by department: 2SHB 2486, SB 6344
- Firearm offender, felony, failure to register as, gross misdemeanor: ***SHB 1612, CH 183 (2013)**
- Good time credit, barring offender from receiving when sentence resulted from body armor enhancement: SB 5119, SB 6025
- Health care for jail inmates, contracting with department of corrections to participate in health care authority provider one system: SB 5892
- Health care for jail inmates, facility requirements when contracting with hospitals: SB 5892
- Health care for jail inmates, hospitals to contract with jails as condition of licensure: SB 5792, SB 5892
- Health care services for incarcerated offenders, department of corrections to pay all contractors through provider one system: SB 5288
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- Home detention, electronic home monitoring work group, establishing: ESHB 2543
- Hospitals, requiring guarding of violent or sexual offenders or suspects by law enforcement: SB 5968
- Identicards, for incarcerated offenders, pilot program: SHB 2518
- Incompetency, criminal, amending civil commitment and related procedures: ***E2SHB 1114, CH 289 (2013)**, SB 5176
- Incompetent to stand trial, competency restoration in county jail: SB 6395
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- Legal financial obligations of offenders, failure of homeless or mentally ill to pay not willful noncompliance: HB 2231
- Marriage, solemnizations of, requirements and procedures for surname changes by criminal offenders and sex offenders: ESHB 1838, SB 6410
- Persistent offenders, minimum term sentence for some offenders, provisions: SB 5487, SB 5708
- Phantom-ware, unlawful sale, use, or possession, effect of conviction on obtaining retail alcohol or marijuana license or permit: SB 6543
- Pretrial release, prohibiting for violent offenses without payment of bail: ***SHB 1171, CH 24 (2014)**
- Property offenders, habitual, special allegation and additions to sentencing range: SB 6009
- Registered sex or kidnapping offenders, comprehensive provisions concerning, modifying: SB 5735
- Reprieve, petitions for, recommendations to governor by clemency and pardons board concerning: SB 6566
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- Surname changes after solemnization of marriage, requirements and procedures for criminal offenders and sex offenders: ESHB 1838, SB 6410
- Transitional housing program for offenders, reimbursement by offender: SB 5486
- Violent offenses, prohibiting pretrial release without payment of bail: ***SHB 1171, CH 24 (2014)**
- Violent offenses, serious, prisoner civil action against victim, authorization by judge: ***SHB 2102, CH 113 (2014)**
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- Youthful offenders, sentence completed before age 21, access to rehabilitative and reentry services: SB 6396

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- Alcohol poisoning, involving person under age 21, limited immunity when seeking medical assistance: ***HB 1404, CH 112 (2013)**
- Arresting without warrant, modifying provisions: ***SHB 2057, CH 5 (2014)**
- Biological material from criminal investigations, preservation, requirements and study of standards for: SB 6310
- Braden and Charlie Powell act of 2013, prohibiting child custody award to suspect in active homicide investigation: SB 5162
- Chemical dependency diversions, Snohomish county pilot program to study: ***2SHB 2627, CH 128 (2014)**
- Chemical dependency, arrest of individual suffering from, police officer options: ***2SHB 2627, CH 128 (2014)**, SB 6345
- Civil rights, restoration of, use of vacated record of domestic violence in criminal prosecutions, limiting: SB 6066
- Competency to stand trial, evaluations of, requirements: 2SHB 1627, SB 5551
- Costs of incarceration, requiring payment by convicted impaired driving offender: SB 5951
- Costs of incarceration, requiring payment by convicted offender: SB 5950
- Court records, nonconviction, removing from public access: SB 5341

Criminal history record information, state patrol to audit criminal justice agencies for compliance: HB 1531, ***SB 5466, CH 62 (2013)**

Criminally insane, competency restoration in county jail: SB 6395

Criminally insane, involuntary medication to maintain competency, authorization: ***SHB 2195, CH 10 (2014)**, SB 6311

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- Pediatric oral services, stand-alone coverage outside Washington health benefit exchange: ***ESHB 1846, CH 325 (2013)**
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- Marijuana, medical, legal amounts left at retail stores holding pharmacy license, notification and disposal requirements: ***EHB 1808, CH 133 (2013)**
- Marijuana, medical, revising and renaming Washington state medical use of cannabis act: E2SHB 2149
- Marijuana, production and producers, exemption from certain agricultural statutes: ***SB 6505, CH 140 (2014)**
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- Prescription drugs, through medicaid managed care, enrollee prescription review process: SB 5213
- Prescription drugs, warehousing and reselling, repealing preferential business and occupation tax rate to provide basic education and higher education funding: ESHB 2034, ESHB 2038
- Prescription drugs, warehousing and reselling, repealing preferential business and occupation tax rate to provide basic education funding: SB 6574
- Prescription monitoring database, access for clinical laboratories: EHB 1593, SB 5772
- Prescription monitoring program, department of health, funding program entirely from medicaid fraud penalty account: ***HB 1565, CH 36 (2013)**, SB 5493
- Prescription monitoring program, department of health, integrating into coordinated care electronic tracking program: SB 5554
- Prescriptions written by physician and osteopathic physician assistants in other states, authorizing pharmacies to fill: SB 5524
- Uniform controlled substances act, revising definition of THC concentration for purposes of: ***EHB 2056, CH 116 (2013)**

EARLY LEARNING, DEPARTMENT (See also CHILD CARE)

- Background check clearance cards, issued by department, use by educational employees and their contractors: ***SB 6093, CH 50 (2014)**
- Business license center, participation by department: ***ESHB 1403, CH 111 (2013)**, SB 5680
- Care providers, providing child care without license prohibited beyond one year: SB 5157
- Child care consumer and provider bill of rights, department role: SB 5595
- Child care facilities, compliance with inspections of, limiting alterations department can require for: SB 6234
- Child care facilities, inspection compliance, consultation with enforcement official: ***ESHB 2191, CH 9 (2014)**

Child care licensing standards, align with early childhood education and assistance program standards: SB 6067
 Child care providers and facilities, department recovery of final debt through office of financial recovery: SB 5403
 Child care standards and guidelines, and creation of parent and provider oversight board, department role: 2SHB 1671
 Child care subsidy program, payment received to constitute authorization for child support enforcement services: SB 5157, SB 6181
 Child care, integrating preschool with: E2SHB 2377, SB 6127
 Disabilities, children from birth to age three with, department to be lead agency for early intervention services: HB 2598
 Early achievers program, data collection and evaluation: E2SHB 2377, SB 6127
 Early achievers program, enrollment of child care programs in, department role: 2SHB 1671, E2SHB 2377, SB 5595, SB 6127
 Early achievers program, for licensed or certified child care centers and homes, implementation: ***2SHB 1723, CH 323 (2013) PV**
 Early childhood education and assistance program, department to develop implementation plan for increasing enrollments: ***SB 5904, CH 16 (2013)**
 Early childhood education and assistance program, eligibility for children in connection with family assessment response services: ***ESHB 2519, CH 160 (2014)**, SB 6538
 Early childhood education and assistance program, evaluating program outcomes and analyzing return on investment: ***SB 5904, CH 16 (2013)**
 Early childhood education and assistance program, expanding eligibility: SB 6563
 Early childhood education and assistance program, expanding to serve more children: ***SB 5904, CH 16 (2013)**
 Early childhood education and assistance program, licensing standards, aligning with child care standards: E2SHB 2377, SB 6067, SB 6127
 Early learning advisory council, duties and membership, modifying: SHB 2282, SB 6520
 Early start act, aligning early learning and child care: E2SHB 2377, SB 6127
 Early start program, integrated high quality continuum of early learning program: ***2SHB 1723, CH 323 (2013) PV**
 Educational or recreational programming for school-aged children, requirements for entities providing: ***HB 1547, CH 130 (2013)**
 Electronic time and attendance records system, department to implement: E2SHB 2377
 Family assessment response services, eligibility for child care, preschool, and home visiting services in connection with: ***ESHB 2519, CH 160 (2014)**, SB 6538
 Family day care providers, children of, not included in staff-to-child ratio required by department: SHB 1172
 Family day care providers, education requirements, exemption in certain cases: SB 5578
 Fatality reviews, by department, requirements, including convening of child fatality review committee: SHB 2165
 Fatality reviews, Eve Uphold act: SHB 2165
 Federal receipts, requiring that department report concerning federal financial assistance: SB 5804
 Home visiting and parent and caregiver support, department to reserve funds for: ***2SHB 1723, CH 323 (2013) PV**
 Home visiting services account, modifying provisions: ***SB 5809, CH 165 (2013)**
 Home visiting system development, department to be lead agency and oversee home visiting services account: ***SB 5809, CH 165 (2013)**
 Outcomes for education, improving through high quality learning opportunities and integration of funding for birth-to-five services: ***2SHB 1723, CH 323 (2013) PV**
 Preschool, integrating child care with: E2SHB 2377, SB 6127
 Preschool, Washington state preschool programs, enrollment in early achievers program: ***2SHB 1723, CH 323 (2013) PV**
 Public records, inspection and copying exemption, personal information in department files for child enrolled in license child care: ***HB 1203, CH 220 (2013)**, SB 5198
 Recreational or educational programming for school-aged children, requirements for entities providing: ***HB 1547, CH 130 (2013)**
 Vendors, overpayments against, department collection from vendors practicing strategic successorship: SB 5401
 Working connections child care program, payment received to constitute authorization for child support enforcement services: SB 5157, SB 6181
 Working connections child care, Aclara group report on eligibility requirements, implementing recommendations, department role: 2SHB 1671, SB 5595
 Working connections child care, contracted child care slots, department duties: E2SHB 2377, SB 6127
 Working connections child care, eligibility for children in connection with family assessment response services: SB 6538
 Working connections child care, eligibility, limiting change of circumstance impact on: E2SHB 2377, SB 6068, SB 6127

Working connections child care, extending eligibility for benefits to certain additional educational activities: SB 5595
 Working connections child care, increasing subsidy rate to certain providers: ***2SHB 1723, CH 323 (2013) PV**, SB 5899
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Agricultural activities, protecting from water quality over-regulation at state level, department role: SB 6087
 Applications submitted to department, requiring prompt action: SB 5821
 Applications, water rights, department processing role: SB 5462, SB 5463
 Architectural paint recovery program, creation, department to enforce: SB 5424
 Asbestos-containing building materials, labeling requirements, enforcement by department or local air authorities: SB 5458
 Batteries, small rechargeable battery stewardship act, department role: SB 5457
 Bottles, petroleum-based beverage, prohibiting manufacture, sale, or distribution, department role: SB 5250
 Brownfield properties, cleanup and reuse, providing state resources and oversight authority for local governments: SB 5201
 Brownfield properties, cleanup and reuse, using prioritized revenues under model toxics control act, department role: SB 5296
 Business license center, participation by department: ***ESHB 1403, CH 111 (2013)**, SB 5680
 Composting, using litter tax revenues to support programs: SHB 1309, SB 5357
 Diesel fuel, diesel idle reduction account and loan program, creating, department role: ***E2SHB 2569, CH 74 (2014)**
 Environmental justice, department efforts concerning disproportionately adverse health and environmental impacts on low-income and minority populations: SB 6417
 Environmental reports, by department, modifying provisions to streamline: ***EHB 2636, CH 76 (2014)**
 Environmental statutes of department, technical changes: HB 2438
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 Lands purchased by nonprofit organization with public funds, recreation requirements and department role: SB 5057
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 Local economy trust water account, transferring state agency water rights to account, department role: SB 5219
 Mercury-containing light product stewardship program, repealing program and account: SB 5658
 Mercury-containing lights, producers to pay registration and administration fees for reimbursing documented recycling and administrative costs: SB 5658
 Mercury-containing lights, product stewardship organizations, department role: ***ESHB 2246, CH 119 (2014)**, SB 6177
 Methow watershed, authorization and implementation of water management board in, provisions, including department role: SB 5677
 Oil and hazardous materials, safety of transporting in state, department to study: SB 6524
 Oil and hazardous materials, spill prevention and response act, department role: SB 6524
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Storm water, competitive grant program to reduce pollution, department role: ***HB 2079, CH 28 (2013)**
 Storm water, compliance pilot project, department to conduct: SB 5435
 Storm water, financial assistance for management of runoff, prioritizing: SB 5441
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 Transportation projects, environmental review and permitting, reforming to expedite projects through streamlined environmental decision making, department role: ESHB 1978, SB 6051
 Vessels, abandoned and derelict, department authority to board in certain cases: ***ESHB 1245, CH 291 (2013)**, SB 5663
 Washington marine resources protection council, creation and cooperation of department with: SB 5547
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 Water quality trading program, developing, department role: ***SHB 2454, CH 73 (2014)**
 Yakima river basin, integrated water resource management plan, department role in implementing plan: SB 5367

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 Significant economic development services, agencies identified as providing, data collection plan requirements for: SB 5759
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 Grading of schools and districts, performance-based, board to grade using accountability index: SB 5328, SB 5901
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 Voting, county option to establish and conduct polling place voting, procedures and identification requirements: SB 5498
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Voting, registration, verification of citizenship, including registration cancellations: SB 5380
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 Insurance for portable electronics, program provisions: SHB 1032, SB 5008
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 Recycling program, improving electronic waste collection reporting: ***SHB 1498, CH 292 (2013)**
 Recycling program, revising provisions: ***ESB 5699, CH 305 (2013)**
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 Televisions, reception improvement district excise tax, exemption for owners, modifying provisions: ***SHB 1068, CH 191 (2013)**

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 Ambulances, diversion to urgent care facilities, department of health to study: SB 5553
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 Emergency departments at hospitals, overcrowding, department of health to convene stakeholders meeting concerning, requirements: SB 5629
 Emergency medical care and transportation services, ensuring direct payment to provider under health care service contract: SB 5388
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 Enhanced 911 emergency communications services, excise tax for: ***2E2SHB 1971, CH 8 (2013)**, SB 5422, SB 5899, SB 5911
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- Court records, nonconviction, removing from public access to remove employment and housing barriers: SB 5341
- Customized employment training program, modifying provisions and adding expiration date: SB 5783
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- Employment laws and contracts, local, preemption by state of Washington: SB 6307
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- Homeless persons, homeless status certification pilot program to facilitate access to employment, establishment: SHB 2415
- Horse racing employees, grooms, industrial insurance premium assessment for, payment: ***HB 1469, CH 80 (2013)**, SB 5363
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- Biomass, densified biomass wood fuel and associated heating appliances, expanding use of: SB 5555
- Biomass, densified biomass wood fuel, pilot project at Washington State University, to be developed by university's energy program: SB 5709
- Biomass, from certain liquid organic fuels, as qualified alternative energy resource: ***HB 2708, CH 129 (2014)**, SB 6021
- Coal transition power, kilowatt-hours from, subtracting from utility's overall load: SB 5298
- Coal transition power, qualifying as eligible renewable resource: SB 6500
- Coal transition power, use by qualifying utilities complying with annual targets: ***SB 5297, CH 158 (2013)**
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- Electricity, utility net metering provisions: SB 5707
- Energy supply and energy conservation, joint committee on, role in shaping state energy policy: SHB 2183
- Geothermal facilities, value of, including in property tax levy limit calculation: HB 1634, ***SHB 1634, CH 4 (2014)**
- Geothermal resources, distribution of funds from geothermal account: SB 5369
- Geothermal resources, use for commercial electricity production: SB 5369
- Hog fuel, extending sales and use tax exemptions when used for production of electricity, steam, heat, or biofuel: 2SHB 1663, SB 5866
- Hydroelectric generation, as renewable energy resource: ESHB 1950, ***EHB 2733, CH 45 (2014)**, SB 5290, SB 5294, SB 5412, SB 5431, SB 5769, SB 5992, SB 6058
- Hydroelectric generation, projects not impeding migrating fish, including in definition of eligible renewable resource: SB 5769
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- Nuclear power, creating joint select task force on nuclear energy to study: SB 5991
- Projects of statewide significance, involving energy development, conservation, or efficiency, mechanism for governments to perform project reviews: SB 5805, SB 6355
- Renewable energy system cost recovery incentive program, modifying program and including leased-energy systems to promote clean energy jobs: SB 6541
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- Renewable energy system cost recovery, incentives, measuring effectiveness through performance milestones: E2SHB 1301
- Renewable energy targets, annual, use of qualifying utility-owned distributed solar energy system to help meet: SB 5807
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- Renewable resources, eligible, coal transition power: SB 6500
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- Renewable resources, hydroelectric generation by irrigation districts, qualifying as eligible renewable resource: ESHB 1950, SB 5290
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Solar energy systems, distributed, allowing utility to recover costs: E2SHB 1301

Solar energy systems, distributed, helping to meet annual renewable energy targets when qualifying utility-owned: SB 5807

Solar energy systems, electric company-owned and -operated, distributed solar energy system cost recovery: E2SHB 1301

Solar energy systems, including community projects, modifying renewable energy system cost recovery program: E2SHB 1301, SB 6541

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Solar energy systems, manufacture and wholesale, extending expiration date for business and occupation tax rate: SB 5752

Solar facilities, value of, including in property tax levy limit calculation: HB 1634, ***SHB 1634, CH 4 (2014)**

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Trustees for deeds of trust, requiring registration of, department role: SB 5840

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Lands, department-owned game lands, property tax on, repealing or modifying certain in lieu payments provisions: SB 6551

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Licenses, commercial fishing, food fish or game fish guides licensing, expanding information and other requirements: SB 5786

Licenses, commercial fishing, guides unlawfully engaging in fishing guide activity, gross misdemeanor: HB 1896

Licenses, geoduck clam diver licenses, provisions: ***2SHB 1764, CH 204 (2013)**, SB 5665

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Wildlife, damage to crops and livestock by, payment of claims for compensation: SB 5193

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Crab, Puget Sound Dungeness crab fishery, number of licenses per vessel: ***SHB 1075, CH 288 (2013)**

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Geoduck clams, geoduck diver safety program, creation of program and establishment of diver safety requirements: ***2SHB 1764, CH 204 (2013)**

Geoduck harvest safety committee, establishment by department of natural resources: ***2SHB 1764, CH 204 (2013)**

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Indian tribal members, convictions prior to 1975 for certain tribal fishing activities, vacating: ***SHB 2080, CH 176 (2014)**

Licenses, child support noncompliance-based suspension, additional suspension due to violation of suspension: ***HB 1218, CH 102 (2013)**, SB 5137

Licenses, commercial and recreational, various provisions: SB 6041

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Sea cucumbers, dive fishery license surcharges, modifying provisions: SHB 1323, SB 5572

Shark fins, unlawful trade in second degree, prohibiting all commercial activities: SB 5081

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FISHING, RECREATIONAL (See also SALMON; STEELHEAD)

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Fishing line or monofilament recycling pilot program, establishment: SB 6080

Forage fish, department of fish and wildlife to report on: SB 6072

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- Records, documentation and payment of charges, prohibiting health care provider fee in certain cases: SHB 2074
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- Nurses, school nurses, youth suicide screening and referral training: ***ESHB 1336, CH 197 (2013)**, SB 5365
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- Nurses, suicide assessment, treatment, and management training: ***ESHB 2315, CH 71 (2014)**, SB 6468
- Nutritionists and dietitians, online access to University of Washington health sciences library: ***ESB 5206, CH 249 (2013)**
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- Occupational therapy assistants, online access to University of Washington health sciences library: ***ESB 5206, CH 249 (2013)**
- Occupational therapy practitioners, suicide screening and referral training: ***SHB 1376, CH 78 (2013)**
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- Osteopathic physicians, assistants, and surgeons, requiring suicide assessment, treatment, and management training: ***ESHB 2315, CH 71 (2014)**, SB 6468
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- Parking, special privileges for persons with disabilities, provider role in authorizing: ***ESHB 2463, CH 124 (2014)**
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- Physical therapists and assistants, suicide assessment, treatment, and management training: ***ESHB 2315, CH 71 (2014)**, SB 6468
- Physical therapists, authority to perform spinal manipulation: ***ESHB 2160, CH 116 (2014)**, SB 6167
- Physical therapists, exemption from licensure in certain cases when supervised by a licensed physical therapist assistant: ***SB 5465, CH 280 (2013)**
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- Physician assistants, provisions concerning physician practice arrangements with assistants, utilization at remote sites, and delegation agreements: ***SHB 1737, CH 203 (2013)**
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Physicians, suicide assessment, treatment, and management training: ***ESHB 2315, CH 71 (2014)**, SB 6468

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Dental practitioners, licensing by department: SB 5433

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Grooms, industrial insurance premium assessment for, payment: *HB 1469, CH 80 (2013), SB 5363

Parimutuel wagering at satellite location(s), increasing number per county the commission may approve: *HB 1442, CH 18 (2013)

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Grooms, industrial insurance premium assessment for, commission role: *HB 1469, CH 80 (2013), SB 5363

Horse racing commission operating account, earnings from account: *HB 1006, CH 88 (2013)

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 Health care insurance, prior authorization forms, commissioner to develop and implement: SB 5267
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- Resolutions, memorials, and bills from 2013 first special session, returning to house of origin: ***HCR 4408 (2013)**
- Resolutions, memorials, and bills from 2013 regular and first and second special sessions, reintroduction for 2013 third special session: ***HCR 4413 (2013)**
- Resolutions, memorials, and bills from 2013 regular and first special sessions, reintroduction for 2013 second special session: ***HCR 4410 (2013)**
- Resolutions, memorials, and bills from 2013 regular and special sessions, reintroduction for 2014 regular session: ***HCR 4415 (2014)**
- Resolutions, memorials, and bills from 2013 regular session, reintroduction for 2013 first special session: ***HCR 4407 (2013)**
- Resolutions, memorials, and bills from 2013 regular session, returning to house of origin: ***SCR 8404 (2013)**
- Resolutions, memorials, and bills from 2013 second special session, returning to house of origin: ***HCR 4411 (2013)**
- Resolutions, memorials, and bills from 2013 third special session, returning to house of origin: ***SCR 8406 (2013)**
- Resolutions, memorials, and bills from 2014 regular session, returning to house of origin: ***SCR 8410 (2014)**
- School district bonds, constitutional amendment requiring simple majority of voters voting to authorize: SJR 8208
- Searching students, constitutional amendment to apply reasonable suspicion standard to searches on school grounds: SJR 8203
- Superior court judges, constitutional amendment to require residence in county served by the court: SJR 8215
- Tax increase legislation, constitutional amendment to require two-thirds majority vote for approval: SJR 8200, SJR 8204, SJR 8205, SJR 8213
- Tax legislation, prohibiting taxing of net or earned income: SJR 8202

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- Bar association, fees for judicial members, prohibiting charging of: SB 6012
- District judges, retirement provision: HB 1266, ***SB 5046, CH 22 (2013)**
- Elected officials, retirement benefit calculations, modifying relevant PERS plans 2 and 3 compensation definitions: SB 6459
- Foreign laws, prohibiting enforcement to avoid violating constitutional rights: SB 6118
- Judicial information system, court consultation prior to granting certain orders: SHB 2196
- Judicial stabilization trust account, surcharges on court filing fees for deposit in, extending expiration dates for: ***SHB 1961, CH 7 (2013)**
- Search warrant applications, timely review by magistrates: ESHB 2235, SB 6279

Superior court judges, Benton and Franklin counties jointly, increasing number of judges: ***HB 1175, CH 142 (2013)**, SB 5069
 Superior court judges, Mason county, increasing number of judges: ***SB 5981, CH 169 (2014)**
 Superior court judges, requiring residence in county served by the court: SJR 8215
 Superior court judges, Whatcom county, increasing number of judges: HB 1159, ***SB 5052, CH 210 (2013)**
 Supreme court, reducing number of judges: SB 6088
 Supreme court, reducing number of judges to constitutional provision: SB 5867
 Washington elected officials retirement savings plan, creating: SB 6305

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Claims against state government, tortious conduct by agencies, institutions, officers, and employees, placing limits on liability for damages: SB 5803
 Defendants under landlord-tenant acts, notified by alternative means of service, entering monetary judgments against: SB 5425
 Nonpayment of judgment, role of certain parties in certain notice requirements: SB 6245
 Real property, sale under execution or order of sale, distribution of proceeds: ***ESB 6553, CH 107 (2014)**
 Real property, sold subject to redemption, modifying redemption by creditor provision: ***SB 5541, CH 53 (2013)**
 Vacating or modifying, when judgment or order secured through perjury or fraud: SB 6488

JUVENILE COURT AND JUVENILE OFFENDERS (See also CHILDREN; DOMESTIC RELATIONS)

Alcohol poisoning, involving person under age 21, limited immunity when seeking medical assistance: ***HB 1404, CH 112 (2013)**
 Chemical dependency diversions, Snohomish county pilot program to study: ***2SHB 2627, CH 128 (2014)**
 Chemical dependency treatment assessments or screenings, admissibility: ***HB 1724, CH 110 (2014)**, SB 6261, SB 6492
 Chemical dependency, arrest of individual suffering from, police officer options: ***2SHB 2627, CH 128 (2014)**, SB 6345
 Dependency proceedings, Alexis Stuth act, concerning placement of child with relative(s): SB 5762
 Dependency proceedings, automatic legal representation of child, studying effect of: SB 6126
 Dependency proceedings, background checks of persons child is placed with: SB 6095
 Dependency proceedings, concerning placement of child with relative(s): SB 5763
 Dependency proceedings, disclosure of guardian ad litem background information record: SB 5170
 Dependency proceedings, identifying educational liaison for youth subject to, responsibilities of liaison: ***2SHB 1566, CH 182 (2013)**
 Dependency proceedings, implementing recommendations of Powell fatality team: SB 5315
 Dependency proceedings, infants placed in out-of-home care, HIV testing: SB 5454
 Dependency proceedings, parent or sibling visitation during active criminal investigation, law enforcement consultation: SB 5315
 Dependency proceedings, parents with developmental disabilities involved in: ***2SHB 2616, CH 163 (2014)**
 Dependency proceedings, petitioner issuance of summons: SB 6245
 Dependency proceedings, psychosexual evaluation of parent and consequent reassessment of visitation: SB 5315
 Dependency proceedings, representation of children, appointing attorney: SB 6126
 Dependency proceedings, representation of children, appointing attorney, guardian ad litem, and/or special advocate: SHB 1285, SB 5461
 Dependency proceedings, sibling visitation: SHB 1140
 Dependency proceedings, sibling visitation for children in foster care: ESHB 1204, SB 5389
 Dependency system, work group to consider creating certificate of suitability for parents who have turned their lives around: SB 5565
 Detention facilities for juveniles, educational programs for residents, operation by educational service districts: ***HB 2276, CH 157 (2014)**
 Domestic violence, felonious, responding officer authority to arrest certain juveniles for: SHB 2722
 Domestic violence, nonfelonious, responding officer placement options for certain juveniles arrested for: SB 6254
 Firearms and weapons crimes, provisions: SB 5376
 Firearms, juvenile firearm offenders, evidence- and research-based interventions: ***ESHB 2164, CH 117 (2014)**
 Foster care services, extended, court jurisdiction over proceedings involving eligible nonminor dependents: E2SHB 1302, SB 5405
 Juvenile offenders, records, confidentiality, exceptions: ESHB 1651, ***2SHB 1651, CH 175 (2014)**, SB 5689, SB 6469, SB 6493

Juvenile offenders, records, distribution through judicial information system records and display on court case index web sites: SB 6403

Juvenile offenders, records, prohibiting publication, distribution, or sale: SB 6493

Mental health diversion and disposition, strategies for juveniles: ***ESHB 1524, CH 179 (2013)**

Mental health treatment assessments or screenings, admissibility of statements: ***HB 1724, CH 110 (2014)**, SB 6261, SB 6492

Missing children clearinghouse, adding endangered persons: SB 5556

Offenses committed before age eighteen, various, sentencing and release provisions: SB 5064

Parent-child relationship, termination of, when child conceived through sex offense or incest: SB 6374

Parental rights, termination of, court-ordered filing of petition in certain cases of parental noncompliance: EHB 2582

Parental rights, termination of, right to jury trial: SB 5764

Parental rights, when incarcerated: ***SHB 1284, CH 173 (2013)**

Parental rights, when incarcerated or in residential substance abuse treatment: SB 5460

Permanency planning hearings, revising definition of good cause exception: ***SHB 1821, CH 206 (2013)**

Permanency planning hearings, revising department of social and health services responsibility to provide services to parents: ***SHB 1821, CH 206 (2013)**

Rehabilitative and reentry services, access for offenders completing sentence before age 21: SB 6396

Runaway youths, overnight youth shelter or program, shelter procedures when child known to lack parental permission: ***SB 5147, CH 4 (2013)**

Sentencing, juvenile sentencing task force, legislature to convene: SB 6390

Shelters or programs for runaway youths, procedures when child known to lack parental permission: ***SB 5147, CH 4 (2013)**

Termination of parental rights, right to jury trial: SB 5764

LABOR (See also CONTRACTORS; DISCRIMINATION; EMPLOYMENT AND EMPLOYEES; LABOR AND INDUSTRIES, DEPARTMENT; PUBLIC EMPLOYMENT AND EMPLOYEES; UNEMPLOYMENT COMPENSATION; WAGES AND HOURS; WORKERS' COMPENSATION)

Commerce, discrimination-free, to include individuals and entities providing goods and services in keeping with freedom of religion: SB 5927

Developmental disabilities, persons with, instituting facility-based vocational training programs, labor provisions: SB 5470

Discrimination against employees, protections for employees: 2SHB 2333

Discrimination on basis of creed, prohibiting in regard to protected practices: SB 6433

Employee fair classification act, improving compliance with wage-related laws: HB 2334, SB 5526

Employment laws and contracts, local, preemption by state of Washington: SB 6307

Family and medical leave insurance program, implementing by amending provisions of family leave insurance program: SB 5292

Family leave insurance program, delaying implementation until funding and benefits payment authorized in law: ***HB 2044, CH 26 (2013)**

Family leave insurance program, establishing joint legislative task force on family and medical leave insurance: ESB 5903

Family leave insurance program, repealing family and medical leave insurance act: SB 5159

Family leave insurance program, repealing family and medical leave insurance act if not funded: ESB 5903

Farm internship pilot project, establishment: SB 5123

Industrial safety and health act, increasing employee protections under: EHB 1891

Leave, job leave provision for state legislators, requirements: HB 2473

Leave, paid sick and safe leave, establishing minimum standards: ESHB 1313, SB 5594

Leave, paid sick and safe leave, geographic limitations on local leave programs: ESB 5726

Leave, paid sick and safe leave, state preemption of local leave regulation: SB 5728

Liens against property of employer by employee, provisions of employee fair classification act: SB 5526

Minors, work permits for employing, master application procedures: ***SB 5056, CH 156 (2013)**

News business, independent contractors in, employment status: ***SB 5476, CH 141 (2013)**

Real estate brokers, independent contractor status when not under contract with firm: ***SHB 1853, CH 207 (2013)**, SB 5729

Religion, freedom from discrimination against, extending to include individuals and entities providing goods and services in keeping with freedom of religion: SB 5927

Retaliation against employees, protections for employees: 2SHB 2333

Retaliation, protecting employees from, for conduct promoting public policy: SB 5839

Right to work, prohibiting denial or abridging of employment based on labor union membership or nonmembership: SB 5935
 Social networking, accounts and profiles, prohibiting employer demand that employee provide information or access: SB 5211
 Underground economy, improving employer compliance with wage-related laws: HB 2334, SB 5526
 Unions, collecting or demanding fee from nonmember, prohibiting: SB 5935
 Unions, finances of, public disclosure of: SB 6300
 Unions, prohibiting denial or abridging of employment based on labor union membership or nonmembership: SB 5935
 Unions, public employee agency shop fees required by union security provision: SB 6053
 Wage-related laws, employer compliance with, improving: 2SHB 2333, HB 2334, SB 5526

LABOR AND INDUSTRIES, DEPARTMENT (See also CONTRACTORS; LABOR; WAGES AND HOURS; WORKERS' COMPENSATION)

Contractor infractions, administrative hearings, amending department of labor and industries appeal bonds provisions: ***SHB 2146, CH 190 (2014)**
 Electrical industry, whistleblowers in, protections for: SB 6037
 Electricians, journey level or residential specialty certificate of competency, apprenticeship program requirement: ESHB 2500
 Electricians, limited energy specialty certification, using telecommunications work experience for: ***HB 2253, CH 156 (2014)**, HB 2254, SB 6277
 Electricians, proof of licensing and identification, altering department display requirements: SB 6557
 Electricians, with certain certificates, photovoltaic electrical systems endorsement from department: SB 5189
 Employee fair classification act, department enforcement role: HB 2334, SB 5526
 Farm internship pilot project, establishment: SB 5123
 Interpreter services, authorizing purchase by department for doctors providing services to limited-English speaking or sensory-impaired injured workers or crimes victims: SB 5833
 Interpreter services, authorizing purchase by department for providers providing services to limited-English speaking injured workers or crimes victims: ESHB 1753, EHB 2617
 News business, independent contractors in, employment status for minimum wage and unemployment and worker's compensation purposes: ***SB 5476, CH 141 (2013)**
 Occupational disease, firefighters, mandatory exposure reporting requirement for, department to convene work group: SHB 2576
 Permitting decisions, enhancing transparency and predictability of process: ***E2SHB 2192, CH 68 (2014)**, SB 6045
 Prevailing wages, exemption from paying, prohibiting charging of fee when affidavit of wages paid is filed: ***SHB 1254, CH 148 (2014)**
 Prevailing wages, public works, determinations of prevailing wage rates, revising department role: SB 5685
 Prevailing wages, public works, exemption from requirements for certain distressed counties: SB 5727
 Prevailing wages, public works, industrial statistician to base on collective bargaining agreements or other methods: HB 2527
 Prevailing wages, public works, modifying prevailing wage survey provisions, department role: SB 5686
 Prevailing wages, public works, surveys to use stratified random sampling: SB 6317
 Public works certified payroll records collection pilot project, department role: SB 5823
 Rules, review of, department to conduct for streamlining purposes: SB 5679
 Scholarships offered by nonprofits, available to children and spouses of certain injured workers, information provided by department: ***HB 1863, CH 134 (2013)**
 Training wage, director to establish procedures allowing employers to pay for specified period: SB 5275
 Wage complaints and claims, collection procedures, department role: 2ESHB 1467, SB 5360
 Wage-related laws, employer compliance with, department role in improving: 2SHB 2333, HB 2334, SB 5526
 Workers' compensation, establishing joint legislative task force on private competition in industrial insurance: SB 5675
 Workers' compensation, high risk classifications in forest products industry, department to establish workers' compensation state fund high risk premium subsidy program: SB 5744
 Workers' compensation, introducing private competition in industrial insurance coverage: SB 5675
 Workers' compensation, permanent and total disability, limiting compensation to disabled worker's working years: SB 6526
 Workers' compensation, self-insurance plans, authorizing group plans, department role: SB 6179
 Workers' compensation, studies of, department to contract for multiple independent studies: SB 5128
 Workers' compensation, vocational rehabilitation subcommittee recommendations, department role: EHB 1470, SB 5362

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- Docks, "substantial development" exceptions, amending fair market value limit: ***ESHB 1090, CH 23 (2014)**
- Docks, boat ramps, and launches, adjusting dollar threshold under shoreline management act for substantial development for: SB 6368
- Floation devices used in state waters, requiring that polystyrene foam be encapsulated: SB 5546
- Hydraulic permits and projects, removal of sediment from freshwater by volunteers, exemption from permit requirement under certain conditions: SB 6027
- Invasive species, aquatic, infractions to include transporting watercraft into state without valid documentation: SB 5702
- Invasive species, integrated management approach and enforcement: SB 6040
- Lake and beach management districts, modifying provisions: ***ESB 6031, CH 85 (2014)**
- Lakes, with toxic algae blooms, allowing certain code cities to take action to address blooms in certain cases on state lands: ESB 5596
- Sediment, removal from freshwater by volunteers, exemption from hydraulic project permit requirement under certain conditions: SB 6027

LAND USE PLANNING AND DEVELOPMENT (See also BUILDING CODES/PERMITS; ECONOMIC DEVELOPMENT; GROWTH MANAGEMENT)

- Annexation, requiring approval of registered voters: SB 5013
- Brownfield properties, cleanup and reuse, providing state resources and oversight authority for local governments: SB 5201
- Brownfield properties, cleanup and reuse, using prioritized revenues under model toxics control act: SB 5296
- Comprehensive plans and development regulations, cities and counties, allowing more time before certain penalties are possible: SB 5399
- Eminent domain, prohibiting use for economic development: SB 6089
- Growth management act, county authority to withdraw from planning under: ***EHB 1224, CH 147 (2014)**, SB 5636, ESB 6194
- Growth management act, local government compliance, allowing a showing of working toward complying: SB 5406
- Growth management hearings board, land use law or planning practical application experience requirement for some members: SB 6372
- Growth management hearings board, land use law practice experience requirement for some members: SB 5133, SB 6372
- Land use decisions, appeals of, prevailing party fees and costs, modifying court role in determining and awarding: SB 6534
- Land use decisions, asserting claims in cases of damage caused by governmental acts, modifying deadline: SB 5579
- Land, agricultural, of long-term commercial significance, allowing certain compatible uses while prohibiting mitigation project siting: SB 5276
- Private property rights, protecting from United Nations Agenda 21 policies: SB 5011
- Undeveloped or underutilized lands, new industrial/manufacturing facility construction on, property tax exemption: SB 5816, SB 6096

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- Defective conditions, residential rental premises, tenant remedies in cases of: SB 6030, SB 6143
- Defendants under landlord-tenant acts, notified by alternative means of service, entering monetary judgments against: SB 5425
- Gangs, criminal street gang activity at rental properties, law enforcement agency provisions: SB 5280
- Human trafficking, at rental properties, law enforcement agency provisions: SB 5280
- Keys, dwelling unit, landlord to maintain and safeguard master and duplicate keys: ***ESHB 1647, CH 35 (2013)**
- Manufactured housing communities, manager training and certification requirements: SB 5233
- Manufactured housing communities, rental renewal agreements, specifying minimum term of one year: SB 5522
- Manufactured/mobile homes and park model trailers, ownership taken by park landlord, responsibility for property taxes: ***EHB 1493, CH 198 (2013)**
- Mobile and manufactured homes and park model trailers, ownership taken by park landlord, responsibility for property taxes: ***EHB 1493, CH 198 (2013)**
- Mobile homes and park model trailers, ownership taken by park landlord, responsibility for property taxes: SB 5523
- Tenant screening service providers, information disclosure by, restrictions: SHB 1529, SB 5568
- Tenants, at-will tenancies, when guilty of unlawful detainer: SB 5307
- Tenants, deceased, personal property in leased premises, landlord procedures before and after tenant's death: SB 5306
- Tenants, low-income, relocation assistance, modifying provisions: SB 6292

Tenants, screening reports, provisions: SHB 2537, SB 6291
 Trespass in first degree, criminal, at rental properties, protections for tenants: SB 5280
 Unlawful detainer, alternative means of service for plaintiff, procedures: ***HB 1607, CH 3 (2014)**
 Unlawful detainer, tenant guilt when in default in payment of fees other than rent: SB 5426
 Unlawful detainer, tenants and at-will tenancies, provisions: SB 5307

LAW ENFORCEMENT AND LAW ENFORCEMENT OFFICERS (See also CRIMINAL JUSTICE TRAINING COMMISSION; FIREARMS; RETIREMENT AND PENSIONS; UNIFORMED PERSONNEL)

Abuse or neglect of a child, by supervised persons, requiring various organizations to report to DSHS or law enforcement: ***SB 5359, CH 273 (2013)**
 Agencies, criminal history record information compliance audits of criminal justice agencies: HB 1531, ***SB 5466, CH 62 (2013)**
 Aircraft systems, public unmanned, establishing standards, protecting citizens, and reducing liability: SB 6172
 Alcohol poisoning, involving person under age 21, limited immunity when seeking medical assistance: ***HB 1404, CH 112 (2013)**
 Apartment owners' associations, speed limit enforcement by law enforcement personnel within communities: ***SB 5113, CH 269 (2013)**
 Apartment owners, associations of, speed limit enforcement by law enforcement personnel within communities: HB 1592
 Arresting without warrant, modifying provisions: ***SHB 2057, CH 5 (2014)**
 Biological material from criminal investigations, preservation, requirements and study of standards for: SB 6310
 Chemical dependency diversions, Snohomish county pilot program to study: ***2SHB 2627, CH 128 (2014)**
 Chemical dependency, arresting individual suffering from, police officer options: ***2SHB 2627, CH 128 (2014)**, SB 6345
 Collision reports by officers, information contained in reports as compiled and analyzed by state patrol, public disclosure: SB 5847
 Condominium associations, speed limit enforcement by law enforcement personnel within communities: HB 1592, ***SB 5113, CH 269 (2013)**
 Crisis intervention training for law enforcement officers, criminal justice training commission to provide: SB 5532
 Deaths in law enforcement contexts, removing confidentiality of autopsy and postmortem reports and records: SB 5256
 Domestic violence, felonious, responding officer authority to arrest certain juveniles for: SHB 2722
 Domestic violence, nonfelonious, responding officer placement options for certain juveniles arrested for: SB 6254
 Drivers' licenses, confidential, issuance for certain law enforcement purposes, including records provisions: SB 5591
 Emergency law enforcement information, allowing use of digital outdoor advertising signs along state highways: SB 5304
 Employees of law enforcement agencies, assault of employees in first and second degrees: SB 5058
 Endangered persons, missing, adding to missing children clearinghouse: SB 5556
 Explosive actuated tactical devices, transportation and storage, exemption from Washington state explosives act requirements: SB 5264
 Firearms, background checks, law enforcement role: SB 5282, SB 5625, SB 5711
 Firearms, delivery to law enforcement officer, requirements: SB 6416
 Firearms, sale by unlicensed person to another unlicensed person, law enforcement role in background check requirements: SB 5625, SB 5711
 Firearms, voluntary temporary safekeeping with law enforcement, establishing process for: SB 5479
 Foreign laws, prohibiting enforcement to avoid violating constitutional rights: SB 6118
 Gangs, criminal street gang activity at rental properties, law enforcement agency provisions: SB 5280
 Gangs, gang data bases, exemption from public inspection and copying: SHB 1298, SB 5171
 Global positioning system data showing criminal justice agency employee's or agent's residence, public records exemption for, exceptions: SB 6217
 Hospitals, requiring guarding of violent or sexual offenders or suspects by law enforcement: SB 5968
 Human trafficking, at rental properties, law enforcement agency provisions: SB 5280
 Identicards, confidential, issuance for certain law enforcement purposes, including records provisions: SB 5591
 Indian tribal members, hunting-related enforcement actions against, general authority peace officer use of training module on tribal hunting rights prepared by attorney general's office: ESHB 1496
 Informants, confidential, use by state or local law enforcement agencies: SB 5373
 Liquor control board, peace or enforcement officers of, law enforcement academy training provisions: SB 6130
 Marijuana, excise tax revenues, distribution to cities and counties for additional officers: SB 6393
 Metal theft, ongoing electronic statewide no-buy list database program, implementation by Washington association of sheriffs and police chiefs: ***ESHB 1552, CH 322 (2013) PV**

Metal theft, special enforcement efforts targeting, grant program to assist law enforcement to be established by Washington association of sheriffs and police chiefs: ***ESHB 1552, CH 322 (2013) PV**

Missing children clearinghouse, adding endangered persons: SB 5556

Motorcyclists, illegal profiling of, ending: SB 6432

Municipal officers, additional, funding with lodging tax revenue: SB 5049

Natural resources investigators, granting general law enforcement authority: ESHB 1399

Natural resources law enforcement, increasing law enforcement presence on recreational lands managed by department of natural resources: SB 5906

Officers, assault of officer in first and second degrees: SB 5058

Peace officers, removal or discharge for illegal act or act of dishonesty or untruthfulness, just cause provisions: SB 5668

Peace officers, revocation or denial of certification of, adding criteria for: SB 6218

Reserve peace officers, commissioned, evaluation and data collection concerning: SHB 2705

Sex crimes, exploitation of children and promoting prostitution, agency seizure and forfeiture of property connected with, use of proceeds: SB 6017

Sheriffs and police chiefs, Washington association of, jail register data to be available to: SB 6094

Sheriffs, duplicate receipts for payments, repealing requirement: ESHB 1274

Sheriffs, lethal removal of wolves declared an imminent threat to commercial livestock: SB 5188

Sheriffs, waiving fees for service of writ of habeas corpus for return of child: HB 1119

Silver alert plan, development and implementation by state patrol: SB 5602

Smoking in moving or parked motor vehicle carrying a minor, prohibiting, enforcement as secondary action with verbal warning: SB 5230

State patrol, collision report information as compiled and analyzed by, public disclosure: SB 5847

State patrol, competitive salaries and benefits, requiring: SB 6490

State patrol, consolidating mental health involuntary commitment information at department of licensing and state patrol for firearm background check purposes: SB 5282

State patrol, felony firearm offense convictions, provisions concerning information forwarding and maintaining of database of offenders: ***SHB 1612, CH 183 (2013)**

State patrol, identification and criminal history section, criminal history record information compliance audits of criminal justice agencies: HB 1531, ***SB 5466, CH 62 (2013)**

State patrol, officer salary and benefits, comparability with other law enforcement agencies: SB 6071

State patrol, participation in business license center: ***ESHB 1403, CH 111 (2013)**, SB 5680

State patrol, placing limits on tow truck operator private impound rates in connection with state patrol-originated calls: ***ESHB 1625, CH 37 (2013)**

State patrol, regulation of motor carriers transporting hazardous materials: ***HB 2137, CH 154 (2014)**, SB 5979

State patrol, role of chief in adopting standards to allow students to be in school buildings for before- and after-school programs: ***ESHB 1968, CH 227 (2013)**

State patrol, services provided for demonstration highway projects, overtime compensation to count as salary for retirement purposes: SB 5832

State patrol, to develop and implement "silver alert plan" for recovering certain senior citizens: SB 5602

Students, searching on school grounds, applying reasonable suspicion standard: SJR 8203

Students, searching on school grounds, warrantless search exception, to include school resource officers and local police school liaison officers: SB 5618, SB 6023

Vehicle accident reports, information contained in, confidentiality: SB 5847

LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT

Aerospace industry, certain sales and use tax exemption expansion and certain tax preference extensions, committee to review: SB 5952

Back-to-school clothing and school supply items sales and use tax exemptions, committee to conduct economic impact study: SB 5529

Beekeepers, tax relief for, committee to evaluate: SHB 1558

Committees, education, recommendations to committees by audit and review committee concerning school district compliance reports: SB 6241

Federal funding programs requiring changes in state law or rules, joint committee to report concerning: SB 6512

Habitat and recreation lands, acquisition by state, committee study of certain state agencies: SB 6052

Hog fuel, sales and use tax exemptions, committee to review performance of preference: 2SHB 1663, SB 5866

K-12 professional development for teachers and principals, committee to analyze: ESHB 1252

Outsourcing services to private sector or nonprofit, establishing taxpayer protection act concerning, joint committee role: 2SHB 2743, SB 6548

Tax preferences, implementing joint committee recommendations: SB 5041

Washington state health insurance pool, committee to review chapter 48.41 RCW and provide recommendations: SB 5449

Workers' compensation audit, including certain retrospective rating plan scheduling authority: SB 5112

LEGISLATIVE ETHICS BOARD

Complaints and investigations, modifying provisions: SB 5577

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Expenditure information web site, searchable state, links or access to annual state fee inventory, committee role: ***SB 5751, CH 63 (2013)**

State expenditure information web site, searchable, adding current and future capital project and transportation project investments: EHB 1733, ***HB 2058, CH 327 (2013), *HCR 4406 (2013)**

LEGISLATURE (See also BONDS; BUDGET; LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT; LEGISLATIVE ETHICS BOARD; LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE; NAMED ACTS; REDISTRICTING COMMISSION)

Adult behavioral health services, reform of, task force convened by legislature to examine: SB 5732

Aging and disability issues, joint legislative executive committee on, establishment: HB 1631, SB 5519

Ballot propositions, public hearings on, authorizing: SB 6164

Bills and other legislation, cutoff dates: ***HCR 4401 (2013)**

Bills and resolutions, requirements for fiscal notes prior to voting on final passage in certain cases: SB 5640

Bills, capital appropriations, disclosure of estimated state debt service costs: SB 5132

Bills, capital appropriations, requiring a summary for each legislative district with each: SB 5716

Bills, creating or extending tax preferences, requiring legislative intent provisions: ESB 5843

Bills, emergency clauses, requiring sixty percent majority vote of both houses: SJR 8206

Bills, memorials, and resolutions from 2013 first special session, returning to house of origin: ***HCR 4408 (2013)**

Bills, memorials, and resolutions from 2013 regular and first and second special sessions, reintroduction for 2013 third special session: ***HCR 4413 (2013)**

Bills, memorials, and resolutions from 2013 regular and first special sessions, reintroduction for 2013 second special session: ***HCR 4410 (2013)**

Bills, memorials, and resolutions from 2013 regular and special sessions, reintroduction for 2014 regular session: ***HCR 4415 (2014)**

Bills, memorials, and resolutions from 2013 regular session, reintroduction for 2013 first special session: ***HCR 4407 (2013)**

Bills, memorials, and resolutions from 2013 regular session, returning to house of origin: ***SCR 8404 (2013)**

Bills, memorials, and resolutions from 2013 second special session, returning to house of origin: ***HCR 4411 (2013)**

Bills, memorials, and resolutions from 2013 third special session, returning to house of origin: ***SCR 8406 (2013)**

Bills, memorials, and resolutions from 2014 regular session, returning to house of origin: ***SCR 8410 (2014)**

Bills, notice and waiting periods: SB 6560

Bills, title-only, prohibiting: SB 6560

Bills, with fiscal impacts, requiring expiration unless funding is provided: SB 5869

Bond authorization bill, governor role in preparing for debt issuance proposed in budget documents: SB 5138

Caucus political committees, accounts of, public disclosure commission audits and investigations: SB 6165

Child care improvements for the future, legislative task force on, establishment: SB 5595

Committee hearings, notice of, requirements: SB 6561

Committees, education, submission of school district compliance reports to: SB 6241

Committees, opening to the public: SB 6560

Cutoff dates: ***SCR 8408 (2014)**

Cutoff resolution, amending to exclude matters affecting state revenue: ***SCR 8402 (2013)**

Districts, legislative and congressional, redistricting plan deadline for approval by redistricting commission, advancing: SB 5795, SJR 8210

Districts, legislative and congressional, requiring competitive districts in redistricting plan: SB 5842

Economic development finance authority, legislative members to be nonvoting: SB 6169

- Economic resilience of maritime and manufacturing in Washington, joint task force on, establishment: ***E2SHB 2580, CH 127 (2014)**
- Education financing reform, local, joint task force on, creation: SB 6499
- Education funding, joint task force on, implementing first biennium spending plan recommendations of: SB 5573
- Educator compensation, joint select committee on, creating: SB 5901
- Elected officials, creating Washington elected officials retirement savings plan: SB 6305
- Elected officials, ethics defense trust funds, creation by state officer holding elective office: SB 6448
- Elected officials, retirement benefit calculations, modifying relevant PERS plans 2 and 3 compensation definitions: SB 6459
- Election campaign contributions, expanding applicability to legislators of limitations on soliciting or accepting: SB 5988
- Election campaign contributions, requesting U.S. constitutional amendment to return regulatory authority to congress and state legislatures: HJM 4001, SJM 8002
- Electrical code, joint legislative task force concerning, creating: SB 6019
- Emergencies and disasters, continuity of government and operations in the event of, constitutional amendment to clarify: SJR 8211
- Emergencies and disasters, continuity of government and operations in the event of, role of legislature: SB 5971, SJR 8211
- Energy supply and energy conservation, joint committee on, role in shaping state energy policy: SHB 2183
- Ethics, legislator newsletters and other public resource uses, exempting from prohibitions: SB 5019
- Facilities review council, creation as advisory group to legislature: SHB 2719
- Family leave insurance program, establishing joint legislative task force on family and medical leave insurance: ESB 5903
- Firearms safety and violence reduction in relation to public health and safety, task force on, legislature to convene: SB 5714
- Fiscal analysis, convening work group concerning establishment of nonpartisan fiscal analysis agency on behalf of legislature: SB 5638
- Fiscal notes, bills with, requiring expiration of legislative enactments with fiscal impacts unless funding is provided: SB 5869
- Fiscal notes, dealing with corrections, child welfare, and mental health issues, to include fiscal impacts on other program expenditures: SB 5638
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- Health care oversight, joint select committee on, establishing: ***E2SHB 2572, CH 223 (2014) PV**, SCR 8401
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- Grocery stores, changing criteria for beer and wine tasting endorsement: ***SHB 1422 (2013) V**, SB 5517
- Grocery stores, wine and beer licensees, sales of beer in purchaser's container: SHB 2371, SB 6136
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- Licenses, endorsements, sales of craft distillery products by beer and/or wine specialty shops: SB 5731
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- Marijuana, criminal acts by or with minors, new provisions: SHB 2706
- Marijuana, medical cannabis authorization card, board to study feasibility of issuing: SB 5528
- Marijuana, medical marijuana system, aligning with recreational marijuana system, board role: SB 6178
- Marijuana, medical, board regulation of, including provisions governing rule making and dispensary, processor, and producer licensing: SB 5887
- Marijuana, medical, revising Washington state medical use of cannabis act, board role: E2SHB 2149
- Marijuana, recreational industry, state cannabis industry coordinating committee, establishment: SB 6542
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Permitting decisions, board to enhance transparency and predictability of process: ***E2SHB 2192, CH 68 (2014)**, SB 6045

Spirits, caterer's license to sell, creating: ***ESHB 2680, CH 29 (2014)**

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Tobacconist shop, retail, special license endorsement for tobacco products retailer licensees, board role: SB 5070

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Wine, growlers of, regulating sales of: ***SHB 1742, CH 27 (2014)**, SB 6334

Wine, in original container for on-premises consumption, sales by special occasion licensees: SB 6131

Wine, offering to day spa customers, creating day spa permit to allow: SB 5045

Wine, tasting, changing criteria for beer and wine tasting endorsement for grocery stores: ***SHB 1422 (2013) V**, SB 5517

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- Defibrillators, medical emergency response and automated external defibrillator program for high schools: ***SHB 1556, CH 181 (2013)**, SB 5232, SB 5428
- Dextromethorphan, finished drug products containing, retail sale requirements: ***2SHB 2163, CH 64 (2014)**, SB 6032
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- Prescription drug manufacturers, participation in prescription donation for uninsured persons, including immunity provisions: SHB 1382, SB 5148
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Juveniles, mental health treatment assessments or screenings, statement admissibility: ***HB 1724, CH 110 (2014)**, SB 6261, SB 6492

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- Defendants under landlord-tenant acts, notified by alternative means of service, entering monetary judgments against: SB 5425
- Manufactured/mobile homes and park model trailers, ownership taken by park landlord, responsibility for property taxes: ***EHB 1493, CH 198 (2013)**
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Motorcycles, with stabilizing conversion kits, excluding from definition of motorcycle for sake of persons with disabilities: ***SHB 1334, CH 174 (2013)**

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 Discover pass, complimentary, for spouses doing collective agency-sanctioned volunteer work: ESB 5097
 Discover pass, discount for certain veterans with disabilities: SB 5084
 Discover pass, discount when purchased with certain hunting and fishing licenses, etc.: SB 5289
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 Discover pass, making pass voluntary and modifying additional provisions: SB 6293
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 Vehicle access pass, use for department of natural resources recreation sites access: SB 5080
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PARKING

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 Snowmobiles, special parking permits for winter recreational areas, snowmobile advisory committee to determine fee for issuance in certain cases: SB 5889
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 State, discover pass discount when purchased with certain hunting and fishing licenses, etc.: SB 5289

State, discover pass, bulk sales at reduced rate in certain cases: SB 5897
 State, discover pass, complimentary pass for certain veterans with disabilities: SB 5319
 State, discover pass, complimentary pass for spouses doing certain volunteer work: ESB 5097
 State, discover pass, discount for certain veterans with disabilities: SB 5084
 State, discover pass, making pass voluntary and modifying additional provisions: SB 6293
 State, discover pass, purchase option when applying for vehicle registration, procedures: SB 5266
 State, discover pass, removing penalty reduction for failure to display properly: SB 6378
 State, discover pass, requirements exemption for off-road vehicles with valid off-road vehicle permit: SB 5391
 State, discover pass, requiring for motor vehicle operation, exempting certain agency-managed roads: SB 5289
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 State, vehicle access pass, removing reduction of penalty for failure to display properly: SB 6378
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 State, Washington state parks foundation, membership and duties: SB 5653, SB 5897
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PARKS AND RECREATION COMMISSION (See also OUTDOOR RECREATION; PARKS; PUBLIC LANDS)

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 Artistic heritage, along with state's ethnic, cultural, and natural heritage, commission to increase appreciation of: SB 5897
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 Day-use permit, making permit voluntary and modifying additional provisions: SB 6293
 Discover pass, bulk sales at reduced rate in certain cases: SB 5897
 Discover pass, complimentary, for lifetime veteran's disability pass holders: SB 5319
 Discover pass, complimentary, for spouses doing collective agency-sanctioned volunteer work: ESB 5097
 Discover pass, discount, for lifetime veteran's disability pass holders: SB 5084
 Discover pass, making pass voluntary and modifying additional provisions: SB 6293
 Discover pass, purchase option when applying for vehicle registration, procedures: SB 5266
 Discover pass, requirements exemption for off-road vehicles with valid off-road vehicle permit: SB 5391
 Discover pass, requiring for motor vehicle operation, exempting certain agency-managed roads: SB 5289
 Discover pass, to be required for operating motor vehicle on any recreation site or lands: SB 5289
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- Real property, surplus governmental, selling or leasing by commission for affordable low-income housing: E2SHB 1563, SB 5598
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- State parks and recreation centennial act, provisions concerning funding, access, and the commission: SB 5657
- State parks renewal and stewardship account, funding operation and maintenance of state parks from, commission role: SB 5897
- State parks renewal and stewardship account, funding renovation and repair of state parks from, commission role: SB 5575
- State parks, agreements for lands or facilities management by public or private partner, commission to consider certain matters: SB 5897
- State parks, commercial advertising on lands or in buildings, commission authority to permit: ***ESB 6034, CH 86 (2014)**
- State parks, commission duties related to, modifying: SB 5653, SB 5897
- State parks, day-use permit, making permit voluntary and modifying additional provisions: SB 6293
- State parks, day-use permit, removing penalty reduction for failure to display properly: SB 6378
- State parks, discover pass, bulk sales at reduced rate in certain cases: SB 5897
- State parks, discover pass, making pass voluntary and modifying additional provisions: SB 6293
- State parks, discover pass, removing penalty reduction for failure to display properly: SB 6378
- State parks, interpretive activities involving natural, scenic, recreational, cultural, historical, ethnic, or artistic resources: SB 5897, ***ESB 6034, CH 86 (2014)**
- State parks, interpretive activities involving natural, scenic, recreational, cultural, or historical resources: SB 5653
- State parks, private sector entities to manage state camping areas, commission to conduct competitive procurement process: SB 6293
- State parks, public and private partnership agreements for stewardship and interpretation: ***ESB 6034, CH 86 (2014)**
- State parks, sale or exchange of state park lands, decision-making process: SB 5897
- State parks, vehicle access pass, removing reduction of penalty for failure to display properly: SB 6378
- State parks, Washington state parks foundation, membership and duties: SB 5653, SB 5897
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- Exchange facilitators, requirements and violations: SB 5082
- Firearms, sale by unlicensed person to another unlicensed person, background check requirements: SB 5625, SB 5711
- Foreclosures, distraint sales, county electronic public auctions: SHB 2592
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- Board of pharmacy, changing name to pharmacy quality assurance commission: ***HB 1609, CH 19 (2013)**

Compounding, drugs for distribution to licensed persons or commercial entities for resale or distribution, defining "manufacture" in relation to: ***HB 1800, CH 146 (2013)**

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Pharmacy benefits managers, provisions: SB 5700, SB 6137

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Superefficient airplanes, certain port district facilities used in manufacture of, extending tax exemption for leasehold interests in: SB 5952

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- Education, inmate postsecondary degree programs, implementation by department of corrections: 2SHB 2486, SB 6344
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- Emotional or behavioral distress in students, recognition and response, board to incorporate into course for teachers: ***ESHB 1336, CH 197 (2013)**, SB 5365
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- School districts, innovation grants, board to award to districts implementing effective educator and school leadership compensation systems: SB 5901
- Special education, training requirements for, including high school transition services for special education students: SB 5958
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- Suicide, youth screening and referral training for school nurses, social workers, counselors, and school psychologists: ***ESHB 1336, CH 197 (2013)**
- Teacher certification programs, alternative route program requirements, revising: SHB 2531, SB 6152
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- Teacher preparation and certification, articulated pathway for, board to convene work group to design: 2SHB 1680, SB 6529
- Teachers, unprofessional conduct, reprimand or certificate or permit revocation or suspension due to fraudulent test submission upon complaint from board: ***2ESB 5701, CH 163 (2013)**

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- Barbering, rules for online learning: ESHB 1038, SB 5779, SB 5996
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- Beekeeping, apiarists, immunity from civil liability, conditions and limitations: SB 5696
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Cosmetology, miscellaneous provisions, modifying: ESHB 2512, SB 6357
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Esthetics, miscellaneous provisions, modifying: ESHB 2512, SB 6357
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Exchange facilitators, requirements and violations: SB 5082
Fishing guides, food fish or game fish, expanding information and other requirements for licensure: SB 5786
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Language access providers, interpreter services from, authorizing direct purchase by certain state agencies and modifying collective bargaining provisions: ESHB 1753
Language access providers, interpreter services from, integrating purchase by certain state agencies and modifying collective bargaining provisions: EHB 2617, SB 5833
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Manicuring, miscellaneous provisions, modifying: ESHB 2512, SB 6357
Manicuring, rules for online learning: ESHB 1038, SB 5779, SB 5996
Manicuring, schools of, recognizing as institutions of postsecondary study for sake of federal financial aid, conditions: ***HB 1683, CH 201 (2013)**
Military training and experience, expanding use for satisfying requirements for professional license, certification, registration, or permit: HB 1859, SB 5970
Money transmitters, amending provisions of uniform money services act: ***SHB 1327, CH 106 (2013)**, SB 5209, SB 6273
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Private investigators, licensed, exempting from process server requirements: ***SB 6115, CH 203 (2014)**
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Real estate brokers, original license fee, extending: SB 6133
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Tour operators, preferential business and occupation tax rates, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038

Travel agents, preferential business and occupation tax rates, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038

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Involuntary treatment act, petition for initial detention, family filing of court review petition when professional decides not to file: SHB 2725, SB 6513

Sexual orientation change efforts, practice of, prohibiting when performed on patient under eighteen: ESHB 2451, SB 6449

PSYCHOLOGISTS (See also COUNSELORS AND COUNSELING; HEALTH CARE PROFESSIONS AND PROVIDERS; MENTAL HEALTH; PSYCHIATRY AND PSYCHIATRISTS)

Detention of certain persons who present substantial likelihood of serious harm or danger, standards: SB 6142

Involuntary treatment act, petition for initial detention, family filing of court review petition when professional decides not to file: SHB 2725, SB 6513

School psychologists, training requirements for, including high school transition services for special education students: SB 5958

School psychologists, youth suicide screening and referral training: *ESHB 1336, CH 197 (2013)

Sexual orientation change efforts, practice of, prohibiting when performed on patient under eighteen: ESHB 2451, SB 6449

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Aged, blind, or disabled program, effective date of modifications to, changing: *SB 6573, CH 218 (2014)

Aged, blind, or disabled program, persons with disability eligible for, continuation of safety net benefits: *SHB 2069, CH 10 (2013)

Background checks, unsupervised access to children, including persons seeking licensure for child welfare services: SB 5565

Basic Food, terminating benefits to incarcerated persons, strategies for: SB 6211

Behavioral health services, adult, using evidence- and research-based and promising practices to improve outcomes: E2SHB 1522, SB 5234, SB 5732

Benefit cards, electronic, adding photo identification: SB 6491

Benefit cards, electronic, use in spirits retailer point-of-sale machines, requirement to disable machines' ability to accept cards: SB 5279

Birth control, requiring dispensing of contraceptive drugs for medicaid enrollees: SB 5884

Chemical dependency services, adult, using evidence- and research-based and promising practices to improve outcomes: E2SHB 1522, SB 5234, SB 5732

Child care subsidy program, payment received to constitute authorization for child support enforcement services: SB 5157, SB 6181

Child welfare services, agreements with university-based child welfare research entity, state agency requirements: *ESHB 1774, CH 205 (2013)

Child welfare services, assessing character, suitability, and competence for unsupervised access to children: SB 5565

Child welfare services, caregiver prudent parent standard for childhood activities: SHB 2699, SB 6479

Child welfare services, charging fee for child abuse and neglect history request by out-of-state jurisdiction: SB 5565

Child welfare services, children involved in, eligibility for early childhood education and assistance: *ESHB 2519, CH 160 (2014)

Child welfare services, eligibility for early childhood education and assistance: SB 6538

Child welfare services, Indian children, purchase of care from tribes and tribal agencies: HB 1361, *SB 5235, CH 32 (2013)

Child welfare services, infants in out-of-home care, HIV testing: SB 5454

Child welfare services, safety assessment tool, institute for public policy to conduct empirical study: SB 5281

Child welfare services, service delivery measurements using certain indicators of success, developing: ***ESHB 1774, CH 205 (2013)**

Child welfare services, service delivery measurements, developing: SB 5531

Child welfare services, training and advancement program, collecting certain financial assistance payments: SB 5403

Child welfare services, youth in out-of-home care, improving educational outcomes: ***2SHB 1566, CH 182 (2013)**

Child welfare system, advisory committee on disproportionate representation of children of color in, membership rules: SHB 2665, SB 6429

Child welfare transformation design committee, suspending statute that established committee: ***ESHB 1774, CH 205 (2013)**

Children's services, domestic violence training for caseworkers: SB 5315

Electronic benefit cards, adding photo identification: SB 6491

Electronic benefit cards, use in spirits retailer point-of-sale machines, requirement to disable machines' ability to accept cards: SB 5279

Family support and related services, performance-based contracts for, modifying provisions: ***ESHB 1774, CH 205 (2013)**

Home and community-based medical services, program for military service members' dependents: SB 6351

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Hospital safety net assessment and fund, state to phase down during medicaid expansion and end reliance on: SB 5913

Hospital safety net assessments, adjusting timelines: HB 2790, SB 6570

Immigrants, restricting medical care services eligibility to certain legal immigrants: ***SHB 2069, CH 10 (2013)**

In-home care services, funding for, repealing nonresident sales tax exemption: SB 5346

In-home care services, hours, basing solely on objective assessment of need: SB 5346

In-home care services, medicaid, restoring funding: SB 6225

In-home personal care, agency electronic timekeeping, limited exemption: HB 2647, SB 6422

In-home personal care, agency electronic timekeeping, limited exemption when lacking a landline phone: HB 1362, SB 5509

Interpreter services, authorizing purchase by certain agencies for limited-English speaking or sensory-impaired public assistance applicants and recipients: SB 5833

Interpreter services, authorizing purchase by certain agencies for limited-English speaking public assistance applicants and recipients: ESHB 1753, EHB 2617

Medicaid enrollees, services to, allowing nurses and physicians to satisfy continuing education credits by performing: SB 5825

Medicaid or medigap, supplemental premiums, deduction from disposable income for senior citizen property tax exemption: SB 6132

Medicaid personal care services, refinancing under community first choice option: ***ESHB 2746, CH 166 (2014)**

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Medicaid, contraceptive drugs, requiring dispensing of: SB 5884

Medicaid, dual eligibility pilot project, compensation of various long-term care facilities and providers by health care service contractors: SB 6565

Medicaid, eligible adults and children, premium assistance for health benefit exchange coverage for: SB 5914

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Medicaid, enrollees in border communities, access to care through contractual agreements across state border: ***SB 6419, CH 39 (2014)**

Medicaid, expansion of, comprehensive modifications in order to implement: SB 5894

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Medicaid, hospital safety net assessment and fund, modifying provisions to pay for medicaid hospital services and grants: 2ESHB 2016, SB 5913

Medicaid, hospital safety net assessment and fund, state to phase down during medicaid expansion and end reliance on: SB 5913

Medicaid, in-home care services, restoring funding: SB 6225

Medicaid, managed care, enrollee prescription review process: SB 5213

- Medicaid, medicaid fraud penalty account, funding prescription monitoring program entirely from: ***HB 1565, CH 36 (2013)**, SB 5493
- Medicaid, nursing facility payment system, compensation by health care service contractors as part of dual eligibility pilot project: SB 6565
- Medicaid, nursing facility payment system, delaying rebase of certain rate components and extending certain rate add-ons: ***HB 2042, CH 3 (2013)**
- Medicaid, nursing facility payment system, establishing medicaid disproportionate share component rate allocation for each facility: SB 5838
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- Medicaid, wraparound with intensive services medicaid program of integrated home and community-based mental health services for children: SB 6558
- Medical assistance program, complex rehabilitation technology products and services, health care authority to establish separate recognition for: ***E2SHB 1445, CH 178 (2013)**
- Medical assistance, health care authority to establish low-income disproportionate share hospital payment mechanism: SHB 1635
- Medical assistance, hospital safety net assessment and fund, modifying provisions to pay for medicaid hospital services and grants: 2ESHB 2016, SB 5913
- Medical assistance, hospital safety net assessment and fund, state to phase down during medicaid expansion and end reliance on: SB 5913
- Medical assistance, managed care health systems, payments by health care authority to: ***HB 2798, CH 198 (2014)**
- Medical assistance, noncritical access hospitals, designing system of hospital quality incentive payments for: 2ESHB 2016, SB 5913
- Medical assistance, prospective payment system, psychiatric, and rehabilitation hospitals, designing system of hospital quality incentive payments for: SB 5913
- Medical care services, restricting eligibility to certain legal immigrants: ***SHB 2069, CH 10 (2013)**
- Nursing facilities, medicaid payment system, compensation by health care service contractors as part of dual eligibility pilot project: SB 6565
- Nursing facilities, medicaid payment system, various changes: ***HB 2042, CH 3 (2013)**, SB 5838
- Out-of-home care, youth residing in group care facility or foster family home, providing schooling support: ***2SHB 1566, CH 182 (2013)**
- Personal care services, medicaid, refinancing under community first choice option: ***ESHB 2746, CH 166 (2014)**
- Program of all-inclusive care (PACE), establishing certain long-term care client rules and program education plan: ***SHB 1499, CH 258 (2013)**
- Receiving care centers for children removed from parents or guardians, department of social and health services to license: SB 5475
- Resource and assessment centers, license for, short-term emergency and crisis care for child removed from home: ***SHB 1261, CH 105 (2013)**
- Respite care, agency electronic timekeeping, limited exemption: HB 2647, SB 6422
- Respite care, agency electronic timekeeping, limited exemption when lacking a landline phone: HB 1362, SB 5509
- Safety net benefits, continuation for certain persons with a disability: ***SHB 2069, CH 10 (2013)**
- Temporary assistance for needy families, benefits for a child, exempting fifty percent of caregiver's unearned income: ***HB 2585, CH 75 (2014)**, SB 6394
- Temporary assistance for needy families, drug testing for certain recipients: SB 5585
- Temporary assistance for needy families, family violence and hardship exemptions from sixty-month limit: SB 5643
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 Political advertising, sponsored by same committee, providing top five contributors information: ***SB 5258, CH 138 (2013)**
 Text message, campaign contributions via, commission rule making: SB 6097
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 Collective bargaining, uniformed personnel, interest arbitration panel determinations: SB 5733
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 County employees, salary and wage payments by electronic methods, to require approval by county legislative authority: EHB 2442, SB 6401
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Vital records, birth certificates, provisions concerning adopted persons and birth parents: ***SHB 1525, CH 321 (2013)**, SB 5118

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- Students, restraint or isolation of, reporting process for incidents of, office of superintendent role: ***ESHB 1688, CH 202 (2013)**, SB 5569
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- Troubled youth partnerships, task force to identify practices, programs, and strategies, office of superintendent to convene: SB 5365
- Urban school turnaround initiative grant, expenditure limitations for appropriations, office of superintendent expenditure agreement with school district: ***SHB 1812, CH 147 (2013)**
- Washington school recognition program, office of superintendent role: SB 5328
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- Youth suicide prevention activities, office of superintendent to assist schools, modifying duties and goals: SB 6431

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- Aquatic lands, floatation devices used on, requiring that polystyrene foam be encapsulated: SB 5546
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Aging and disability resource centers, information and evaluations of, reporting requirements for department of social and health services: SB 5519

Alzheimer's or dementia, senior citizens with, development and implementation of silver alert plan: SB 5602

Families preparing for long-term care costs and supports needs, outreach to and evaluation of support options: SB 5519

Liquor, senior center license: HB 1063, ***SB 5310, CH 78 (2014)**

Missing endangered persons, including senior citizens, adding to missing children clearinghouse: SB 5556

Program of all-inclusive care (PACE), establishing certain long-term care client rules and program education plan: ***SHB 1499, CH 258 (2013)**

Property tax deferral, senior citizens, creating task force to review program: SHB 1170, 2SHB 1170

Property tax deferral, senior citizens, raising qualifying income thresholds: SB 5108, SB 6084

Property tax exemption, senior citizens, creating task force to review program: SHB 1170, 2SHB 1170

Property tax exemption, senior citizens, health care deductions from disposable income: SB 5089

Property tax exemption, senior citizens, medicaid or medigap health care deductions from disposable income: SB 6132

Property tax exemption, senior citizens, raising qualifying income thresholds: SB 5108, SB 6084

Silver alert plan, development and implementation by state patrol for recovering senior citizens with Alzheimer's or dementia: SB 5602

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Alcohol, crime-related use or possession prohibitions, role in general sentencing provisions: SB 5966

Assault weapons, prohibitions and related requirements, seriousness levels and classifications of crimes associated with: SB 5737

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Assault, third degree, to include certain random assaults: SB 6011

Assaults, random and in public place without prior contact, class C felony: SB 6011

Body armor, crimes committed while wearing, enhancement for sentencing purposes: SB 5119, SB 6025

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Charter boat operators, unlawfully engaging in fishing guide activity, gross misdemeanor: HB 1896

Child molestation, victim under age eighteen, modifying statute of limitations: ***SHB 1352, CH 17 (2013)**, SB 5100

Cigarettes, electronic, selling or giving to minor, gross misdemeanor: ***HB 1937, CH 47 (2013)**, SB 5815

Clergy, indecent liberties by member of, felony: ESHB 2341

- Community custody, conditions, marijuana use by offender: SB 5010
- Community custody, supervision, when found guilty and mentally ill: SB 5151
- Community custody, violations of conditions, limiting confinement alternatives for certain offenders: SB 5140
- Community placement or supervision, amending mental status evaluation and treatment requirements: SHB 2205, SB 5967
- Conducting investigation or detainment of U.S. citizen or resident alien, armed forces member prohibited from, class C felony: SB 5511
- Contraband, introducing in first, second, and third degrees, to include secure facilities for sexually violent predators: ***SHB 1836, CH 43 (2013)**, SB 5404
- Controlled substances, crime-related use or possession prohibitions, role in general sentencing provisions: SB 5966
- Cooperating with armed forces member conducting investigation or detainment of U.S. citizen or resident alien, class C felony: SB 5511
- Costs of incarceration, requiring payment by convicted impaired driving offender: SB 5951
- Costs of incarceration, requiring payment by convicted offender: SB 5950
- Criminal assistance, rendering, revising provisions: SB 5059
- Cruelty to animals, animal fighting, to include causing minor to commit, class C felony: SB 5204
- Cruelty to animals, killing or harming another person's animals with malice, class C felony: SB 5204
- Cruelty to animals, pet animals, taking or killing, etc., modifying provisions: SB 5204
- Cruelty to animals, prohibiting sale or auction of animals on public property: SB 5203
- Cruelty to animals, second degree, modifying provisions: SB 5204
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- Custodial interference, first degree, in connection with court-ordered residential provisions for child, class C felony: SHB 2624, SB 6539
- Deadly weapons, certain sentencing enhancements to be doubled if body armor was worn: SB 5119, SB 6025
- Death penalty, eliminating: SB 5372
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- Domestic violence felony offenses, plead and proven, supervision of offenders by department of corrections: SB 6192
- Driving under the influence, creating statewide 24/7 sobriety program and 24/7 sobriety account: SB 5912
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- Driving under the influence, in connection with sentencing provisions for various crimes: SB 5912
- Driving under the influence, prior offense, expanding definition for sentencing: ***SB 6413, CH 100 (2014)**
- Driving under the influence, reducing prior offense threshold for class C felony: SB 6090
- Driving under the influence, requiring impaired driving offenders to pay costs of incarceration: SB 5951
- Driving under the influence, serving certain sentences consecutively with ignition-interlock device-related violations: ***SB 6415, CH 101 (2014)**
- Drug offenders, sentencing alternatives, modifying: SB 6282
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- Enhancements, mandatory multiple consecutive, sentence reduction option, conditions: SB 6389
- Financial fraud, unlawful possession of instruments of, class C felony: ESB 6248
- Finfish, genetically engineered, production in state waters, gross misdemeanor: SB 6184, SB 6343
- Firearms, allowing unauthorized access to a child under age fourteen, provisions: SB 5485
- Firearms, assault weapons, prohibitions and related requirements, seriousness levels and classifications of crimes associated with: SB 5737
- Firearms, certain sentencing enhancements to be doubled if body armor was worn: SB 5119, SB 6025
- Firearms, failure to register as a felony firearm offender, gross misdemeanor: ***SHB 1612, CH 183 (2013)**
- Firearms, juvenile firearms and weapons crimes, provisions: SB 5376
- Firearms, surrender requirements and prohibitions, certain persons subject to certain protection or related orders: ***ESHB 1840, CH 111 (2014)**
- Firearms, unlawful possession in second degree, to include certain persons subject to certain protection or related orders: ***ESHB 1840, CH 111 (2014)**
- Fish and wildlife department privileges, violating a suspension of, in first and second degrees: ***HB 1218, CH 102 (2013)**, SB 5137
- Fish, food fish or shellfish, unlawful misbranding of: ***SHB 1200, CH 290 (2013)**, SB 5037
- Fishing guides, unlawfully engaging in fishing guide activity, gross misdemeanor: HB 1896
- Fishing, by Indian tribal members, vacating convictions prior to 1975 for certain tribal fishing activities: ***SHB 2080, CH 176 (2014)**

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Indecent liberties, by member of clergy, felony: ESHB 2341
Indecent liberties, modifying definition to include spouses: *HB 1108, CH 94 (2013)
Indecent liberties, victim under age eighteen, modifying statute of limitations: *SHB 1352, CH 17 (2013), SB 5100
Involuntary servitude, coercion of, to include coercing to perform labor or services in certain cases, class C felony: SHB 2644, SB 6339
Juveniles, offenses committed before age eighteen, sentencing and release: SB 5064
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Metal property, theft in first and second degrees: *ESHB 1552, CH 322 (2013) PV
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Safe storage, requirements for, in relation to reckless endangerment: SB 5710
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Stalking, protection orders, stalking protection order act: SB 5452
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Theft and burglary, special allegation and additions to sentencing range for habitual property offenders: SB 6009
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Theft in first and second degrees, to include metal wire taken from a city: SB 5413
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 Commercial sale of sex, use of fine moneys for offender and victim programs and commercial sale of sex reduction: ***ESHB 1291, CH 121 (2013)**
 Commercial sexual abuse of minor crimes, use of fine moneys for department of commerce administration of statewide coordinating committee on sex trafficking: ***ESHB 1291, CH 121 (2013)**
 Commercial sexual abuse of minor crimes, use of fine moneys for offender and victim programs and commercial sale of sex reduction: ***ESHB 1291, CH 121 (2013)**
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 Community custody, conditions, refraining from contact with victim or their family: SB 6069
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 Indecent liberties, by member of clergy, felony: ESHB 2341
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 Sex trafficking, victims and offenders, rehabilitative services and education programs funded through fine paid by offenders: ***ESHB 1291, CH 121 (2013)**
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 Sexually violent predators, annual examinations and treatment, modifying requirements: SB 5965
 Sexually violent predators, certain facility residents, therapeutic occupational assignments on McNeil Island: SB 5402
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 Surname changes after solemnization of marriage, requirements and procedures for criminal offenders and sex offenders: ESHB 1838, SB 6410
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- Abuse or neglect of a child, suspected, interviewing of child with third party present: SB 5316
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- Adoption process improvements, implementing: 2ESHB 1675
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- Adult family homes, multiple, department acceptance and processing of applications for licensure of additional homes, conditions: ***EHB 1677, CH 185 (2013)**
- Aged, blind, or disabled program, effective date of modifications to, changing: ***SB 6573, CH 218 (2014)**
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- Child abuse or neglect, suspected, resource and assessment centers to provide short-term emergency and crisis care: ***SHB 1261, CH 105 (2013)**
- Child protective services, family assessment response services, eligibility of child for child care, preschool, and home visiting services: ***ESHB 2519, CH 160 (2014)**, SB 6538
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- Child welfare services, department to assess character, suitability, and competence for unsupervised access to children: SB 5565
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- Child welfare services, eligibility for early childhood education and assistance: SB 6538
- Child welfare services, Indian children, purchase of care from tribes and tribal agencies: HB 1361, ***SB 5235, CH 32 (2013)**

Child welfare services, infants in out-of-home care, HIV testing, department role: SB 5454

Child welfare services, safety assessment tool, institute for public policy to conduct empirical study: SB 5281

Child welfare services, service delivery measurements, department to cooperate with university-based child welfare research entity to establish: SB 5531

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Child welfare services, training and advancement program, collecting certain financial assistance payments: SB 5403

Child welfare services, youth in out-of-home care, department role in improving educational outcomes: ***2SHB 1566, CH 182 (2013)**

Child welfare system, advisory committee on disproportionate representation of children of color in, membership rules: SHB 2665, SB 6429

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Children's administration, hiring by agencies under contract with, department liability in certain cases: ESHB 2535

Children's administration, individuals with unsupervised access to children, disqualifying crimes and negative actions: ESHB 2535

Children's administration, licensing and employment decisions by, administrative review: SB 6168

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Developmental disabilities, service request list database, department to maintain for certain individuals: SB 6387

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Family support and related services, performance-based contracts for, modifying department role: ***ESHB 1774, CH 205 (2013)**

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Financial recovery, office of, recovery of various assistance or employee overpayments, procedures: SB 5403

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Interpreter services, authorizing purchase by department for limited-English speaking or sensory-impaired public assistance applicants and recipients: SB 5833

Interpreter services, authorizing purchase by department for limited-English speaking public assistance applicants and recipients: ESHB 1753, EHB 2617

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Long-term care, providers, personal protective equipment for, department role: ***SHB 2310, CH 70 (2014)**, SB 6111

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Medicaid, enrollees in border communities, access to care through contractual agreements across state border, department role: ***SB 6419, CH 39 (2014)**

Medicaid, nursing facility payment system, extending certain rate add-ons, department role: ***HB 2042, CH 3 (2013)**

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Mental health first aid, training for teachers and educational staff, department role: ***ESHB 1336, CH 197 (2013)**, SB 5333

Neglect or abuse of a child, by supervised persons, requiring various organizations to report to department or law enforcement: ***SB 5359, CH 273 (2013)**

Neglect or abuse of a child, substantiated, child protective services to notify school district: SB 5822

Neglect or abuse of a child, suspected, interviewing of child with third party present: SB 5316

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Exemptions, manufacturer by licensing agreement of products developed through state university research and development: SB 5251
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Exemptions, moneys received by hotel management company for covered employee costs: SB 5855
Exemptions, new businesses: SB 5109
Exemptions, nonprofit education service providers when contracted with charter school: SB 5863
Exemptions, patient services or sales of drugs by prescription by nonprofit organization, repealing exemption: SB 5041
Exemptions, paymaster services by employer of record, exemption for certain gross proceeds from affiliated business entity: SB 5808
Exemptions, sales of aerospace products in import commerce, exemption for, narrowing to provide basic education and higher education funding: ESHB 2038
Exemptions, Washington health benefit exchange for certain amounts received: ***ESHB 1947, CH 6 (2013)**, SB 5283
Family and medical leave insurance program, credit for certain employers in connection with program: SB 5292
Filing business and occupation tax return, raising threshold for small businesses: SB 6318
Gas distribution businesses, sales of compressed or liquefied natural gas for transportation use, taxation of: SB 6440
Health benefit exchange, Washington, exemption for certain amounts received: ***ESHB 1947, CH 6 (2013)**, SB 5283
Health security trust, repealing certain tax provisions in connection with creation of trust: SB 5224
Hospitals, surtax, extending to provide basic education and higher education funding: ESHB 2038
Hotel management companies, moneys received by company for covered employee costs, exemption: SB 5855
Investment and related income, deduction, limiting amount: SB 5042
Laboratory equipment for higher and vocational education, tax incentives for donating: SB 5131
Local and state business and occupation taxes, increasing uniformity between: SB 5688
Manufacturing, advanced, employers training interns, apprentices, and permanent employees in high-demand positions, credit: SB 5249
Marijuana, recreational use industry, delaying use of tax preferences by: ***SB 6505, CH 140 (2014)**
Medical services, provider-donated through certain community-based health care systems, deduction: SB 5214
Mint growers and processors, exemption: SB 5862
Municipal business and occupation tax, imposed by certain cities, requiring such cities to use business license center: SB 5656
New businesses, tax credit: SB 5382
Patient services or sales of drugs by prescription by nonprofit organization, repealing exemption: SB 5041
Paymaster services by employer of record, exemption for certain gross proceeds from affiliated business entity: SB 5808
Preferences, fiscal accountability and transparency standards: SHB 2201
Prescription drugs, warehousing and reselling, repealing preferential tax rate to provide basic education and higher education funding: ESHB 2034, ESHB 2038
Prescription drugs, warehousing and reselling, repealing preferential tax rate to provide basic education funding: SB 6574
Race meets, conducting, repealing exemption: SB 5041
Radio and television broadcasting, modifying provisions, including standard deduction: SB 5041
Real estate brokers, extending additional tax for basic education funding: SB 5039
Research and development tax credit, extending expiration date: SB 6267, SB 6430

- Research and development tax credit, modifying to provide basic education and higher education funding: ESHB 2034, ESHB 2038
- Research and development, products developed through, exemption for manufacturer with licensing agreement with a state university: SB 5251
- Scientific research and development services, surtax, extending to provide basic education and higher education funding: ESHB 2038
- Solar energy systems, manufacture and wholesale, extending expiration date for tax rate: SB 5752
- State and local business and occupation taxes, increasing uniformity between: SB 5688
- Surtax on certain business and service activities, extending to provide basic education and higher education funding: ESHB 2038
- Tour operators, preferential tax rates, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038
- Travel agents, preferential tax rates, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038
- Veterans, businesses hiring, credit for: SB 5812, SB 6049

TAXES - CIGARETTE TAX

- Health security trust, use of revenues for health care services and maintenance of trust: SB 5224

TAXES - ENHANCED FOOD FISH

- Sea cucumber enhancement assessment, extending current rate: SHB 1323

TAXES - ESTATE TAX

- Deductions, value of decedent's qualified family-owned business interests: ***EBH 2075, CH 2 (2013)**
- Preferences, legislative intent, review, and expiration provisions: ESB 5843
- State estate tax, increasing applicable exclusion amount and decreasing tax rate: SB 5939, SB 5940
- State estate tax, increasing top four estate tax rates: ***EBH 2075, CH 2 (2013)**
- State estate tax, personal representative liability, modifying: SHB 2064, ***EBH 2075, CH 2 (2013)**
- Transfer, reaffirming broadest possible meaning in estate and transfer tax to preserve certain education funding: EHB 1920, SHB 2064, ***EBH 2075, CH 2 (2013)**, SB 5939

TAXES - EXCISE TAX (See also ALCOHOLIC BEVERAGES; TAXES)

- Aerospace industry, supporting through tax preference extensions and an expanded sales and use tax exemption: SB 5952
- Airplane, commercial, amending definition to extend certain tax preferences to additional aircraft: SB 6545
- Bags, plastic shopping bags supplied by retailer at time of sale, tax: SB 5248
- Biotechnology and medical device manufacturing businesses, tax deferrals for investment projects, apprentice utilization requirement: SB 5393
- Biotechnology and medical device manufacturing businesses, tax deferrals for investment projects, prevailing wage requirement: SB 5395
- Biotechnology and medical device manufacturing businesses, tax deferrals for investment projects, resident workers requirement: SB 5394
- Business and occupation taxes, state and local, increasing uniformity between: SB 5688
- Business and occupation taxes, state classifications, reducing: SB 5688
- Cannabis, medical cannabis excise tax, wholesale sales of dried cannabis to processor or dispensary: SB 5887
- Capital gains tax, implementing to help fund educational programs and supplementing with extensions of certain other taxes: SB 5738
- Community empowerment zones, tax deferrals for investment projects in, apprentice utilization requirement: SB 5393
- Community empowerment zones, tax deferrals for investment projects in, prevailing wage requirement: SB 5395
- Community empowerment zones, tax deferrals for investment projects in, resident workers requirement: SB 5394
- Convention and trade center tax, exemption for certain lodging services: SB 6352
- County special events tax program, creating: SB 6188
- Deferrals, high technology businesses, ending issuance of sales and use tax deferral certificates to provide basic education and higher education funding: ESHB 2038
- Deferrals, high technology businesses, ending issuance of sales and use tax deferral certificates to provide funding for new economy scholars program: ESHB 2034
- Deferrals, high technology businesses, extending issuance of sales and use tax deferral certificates: SB 6430
- Deferrals, public works apprentice utilization: SB 5393

Deferrals, public works resident workers requirement: SB 5394
 Deferrals, subsidized public works prevailing wage requirement: SB 5395
 Employers with specific number of employees, excise tax on total payroll, providing local public transit revenue through:
 SB 6494
 Enhanced 911 excise tax, on prepaid wireless telecommunications services at point of sale: SB 5422
 Enhanced 911 excise tax, sellers of prepaid wireless telecommunications services to collect: ***2E2SHB 1971, CH 8 (2013)**, SB 5899, SB 5911
 Evasion by electronic means, prohibitions, revocation of taxpayer registration, and penalties: ***SB 5715, CH 309 (2013)**
 Exemptions, convention and trade center tax, exempting certain lodging services: SB 6352
 Exemptions, eliminating or modifying various exemptions: SB 5041
 Exemptions, increasing transparency and accountability: SB 6477
 Exemptions, public works apprentice utilization: SB 5393
 Exemptions, public works resident workers requirement: SB 5394
 Exemptions, subsidized public works prevailing wage requirement: SB 5395
 Exemptions, tax transparency and accountability act: SB 6477
 Expenditures, requiring net benefit to state in order to claim: SB 5174
 Fuel taxes, administration of, simplifying and updating through comprehensive revisions and consolidation: ***SHB 1883, CH 225 (2013)**
 Fuel, distribution of taxable fuel, economic and revenue forecast work group role: SB 5039
 Fuel, distribution of taxable fuel, tax for student transportation and associated deductions, credits, and exemptions: SB 5039
 Health security trust, employers to pay health security assessment to fund trust: SB 5224
 Health security trust, use of revenues for health care services and maintenance of trust: SB 5224
 High technology businesses, tax deferrals for investment projects, apprentice utilization requirement: SB 5393
 High technology businesses, tax deferrals for investment projects, ending issuance of sales and use tax deferral certificates:
 ESHB 2034, ESHB 2038
 High technology businesses, tax deferrals for investment projects, prevailing wage requirement: SB 5395
 High technology businesses, tax deferrals for investment projects, resident workers requirement: SB 5394
 Impact fees, process for payment through recorded covenant provisions: ***ESHB 1652 (2013) V**, SB 5664, SB 6461
 Income tax, establishing, including multiple excise tax credits: SB 5166, SB 5900, SB 6230
 Liquor excise tax, wholesale and retail sales, imposing to fund alcohol and drug treatment: SB 5949
 Liquor excise taxes, deposit in liquor excise tax fund and transfer to impaired driving safety account: SB 5917, SB 5929
 Liquor excise taxes, deposit in liquor excise tax fund and transfer to liquor revolving fund, modifying provisions: SB 5703
 Liquor excise taxes, deposit in liquor excise tax fund, increasing sales tax sum for: SB 6564
 Liquor excise taxes, increasing revenue with liquor license renewals: SB 5285
 Marijuana excise taxes, distribution of revenue to cities and counties: SB 6393
 Marijuana excise taxes, expanding applicability of taxes: ***ESHB 2304, CH 192 (2014)**
 Marijuana, medical cannabis excise tax, wholesale sales of dried cannabis to processor or dispensary: SB 5887
 Marijuana, recreational use industry, delaying use of tax preferences by: ***SB 6505, CH 140 (2014)**
 Natural gas, compressed or liquefied, various excise taxation provisions concerning use as transportation fuel: SB 6440
 Oil spill administration tax, modifying provisions: SB 6567, SB 6576
 Oil spill response tax, modifying provisions: SB 6567, SB 6576
 Oil spill response tax, modifying provisions to include liquid bulk crude oil: SB 6582
 Passenger-only ferry service districts, imposition of multiple taxes by: ESHB 1954, SB 6171
 Preferences, eliminating or modifying various exemptions: SB 5041
 Preferences, fiscal accountability and transparency standards: SHB 2201, SB 6477
 Preferences, legislative intent, review, and expiration provisions: ESB 5843
 Preferences, narrowing or eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038
 Preferences, narrowing or eliminating to provide basic education funding: SB 6574
 Preferences, narrowing or eliminating, technical amendments in connection with: ESHB 2038
 Preferences, requiring net benefit to state in order to claim: SB 5174
 Preferences, tax transparency and accountability act: SB 6477
 Preferences, various, delaying use by recreational marijuana industry: ***SB 6505, CH 140 (2014)**
 Refund requests, granting or denying, department of revenue deadline for judgment: SB 6379
 Reseller permits, fee to be imposed for: SB 5284
 Rural counties, tax deferrals for investment projects in, apprentice utilization requirement: SB 5393

Rural counties, tax deferrals for investment projects in, prevailing wage requirement: SB 5395
 Rural counties, tax deferrals for investment projects in, resident workers requirement: SB 5394
 Statute clarifications, simplifications, and technical corrections, various: SB 6333
 Taxpayer savings account, creation for voluntary contributions to state government: SB 5091
 Telecommunications relay service program, excise tax on switched access lines for funding, eliminating: ***2E2SHB 1971, CH 8 (2013)**, SB 5422, SB 5899, SB 5911
 Television set owners, reception improvement district tax, exemption, modifying provisions: ***SHB 1068, CH 191 (2013)**
 Timber harvesters, state excise tax on timber harvested by, adjusting rate and modifying distribution of revenue: SB 6478
 Timber harvesters, state excise tax on timber harvested by, credit, modifying provisions: SB 6478
 Transportation benefit districts, vehicle fee, requiring use for highway purposes: SB 5093
 Transportation system funding, increasing revenue through modified revenue distribution, new account, and certain local tax increases: SB 5920
 Transportation system funding, increasing revenue through modified revenue distribution, new accounts, and certain local tax increases: ESHB 1954
 Washington telephone assistance program, excise tax on switched access lines for funding, eliminating: ***2E2SHB 1971, CH 8 (2013)**, SB 5422, SB 5899, SB 5911

TAXES - HAZARDOUS SUBSTANCE TAX

Crop protection products, agricultural, exemption for, conditions: SB 6157

TAXES - LEASEHOLD EXCISE TAX

Indian tribes, land owned by, applying leasehold tax to leasehold interests on tribally owned property: EHB 1287, ***ESHB 1287, CH 207 (2014)**, SB 6162
 Preferences, fiscal accountability and transparency standards: SHB 2201
 Product lease, credit allowed in determining tax payable: SB 5444
 Superefficient airplanes, certain port district facilities used in manufacture of, extending exemption for leasehold interests in: SB 5952

TAXES - LITTER TAX

Waste and litter reduction, recycling, and composting efforts, using revenues to support programs: SHB 1309, SB 5357
 Waste reduction, recycling, and litter control account, funding state parks operation and maintenance from: SB 5897

TAXES - LOCAL OPTION TRANSPORTATION

Fuel, motor vehicle fuel and special fuel, taxation provisions concerning liquefied or compressed natural gas: SB 6440
 Motor vehicle excise tax, local, imposition by certain county to improve transportation system revenues: ESHB 1954, SB 5861, SB 5920, SB 5924, SB 6577
 Public transportation benefit areas, imposing local motor vehicle excise tax, conditions: SB 5773
 Transportation benefit districts, annual local option transportation tax fee, distribution of revenues: HB 1892, SB 6577
 Transportation benefit districts, annual local option transportation tax fee, impact of imposition on other fees: HB 1892
 Transportation benefit districts, imposing vehicle fee: ESHB 1954, SB 5861, SB 5920, SB 6577
 Transportation benefit districts, vehicle fee, requiring use for highway purposes: SB 5093, SB 6577
 Transportation system revenues, improving at local level through certain taxes and fees: ESHB 1954, SB 5920

TAXES - LODGING TAX

Bonds, general obligation or revenue issued by a municipality, using certain lodging tax revenues to repay: SB 5741
 Law enforcement officers, municipal, funding with lodging tax revenue: SB 5049
 Tourism promotion and economic development, expanded local jurisdiction use of revenues for, requirements: ***ESHB 1253, CH 196 (2013)**
 Tourism promotion, local jurisdictions, lodging tax advisory committee role: ***ESHB 1253, CH 196 (2013)**
 Tourism promotion, local jurisdictions, replacing economic impact reporting with certain estimates and a postevent report: SB 5262
 Tourism promotion, local jurisdictions, replacing economic impact reporting with certain estimates and subsequent reporting: ***ESHB 1253, CH 196 (2013)**
 Tourism promotion, use of certain revenues for: ***ESHB 1253, CH 196 (2013)**, SB 5741
 Tourist, modifying definition for purposes of lodging tax: SB 5468
 Workforce housing, affordable, use of certain revenues for grants or loans to nonprofit organizations or public housing authorities for: SB 5741

TAXES - MOTOR VEHICLE EXCISE TAX

Local motor vehicle excise tax, imposition by certain county to improve transportation system revenues: ESHB 1954, SB 5861, SB 5920, SB 5924

Local motor vehicle excise tax, imposition by local public transit providers to improve system revenues: SB 6494

Vehicle registration renewal, imposing of additional tax at time of, distributing revenues to improve transportation system infrastructure: ESHB 1954

TAXES - MOTOR VEHICLE FUEL TAX

Deductions, motor vehicle fuel handling losses, repealing deduction: ESHB 1954, 2SHB 2041, SB 6577

Distribution to certain accounts, tax rate used for calculating, revising: SB 5888, SB 6577

Fuel licensees, imposing additional and cumulative tax for multiple years: SB 6577

Fuel taxes, administration of, simplifying and updating through comprehensive revisions and consolidation: ***SHB 1883, CH 225 (2013)**

Local public transit revenue, imposing tax to provide: SB 6494

Motor vehicle fuel licensees, other than distributors, imposing additional and cumulative tax: SB 6577

Motor vehicle fuel licensees, other than distributors, imposing additional and cumulative tax for multiple years: ESHB 1954, SB 5920

Natural gas, compressed or liquefied, various provisions concerning taxation and use as transportation fuel: SB 6440

Refunds from motor vehicle fuel tax, increasing nonhighway fuel tax refunds: ESHB 1954, SB 5868, SB 6577

Revenues, distribution to new and existing accounts: ESHB 1954, SB 5920, SB 6577

TAXES - PROPERTY TAX

Abatements, not requiring refund, offsetting reimbursement of tax district with supplemental tax: SB 5705

Affordable housing, property tax incentive for creating in urban growth areas: SB 6330

Airplane company, excluding commuter air carrier from definition of for property tax purposes: HB 1710, ***SB 5627, CH 56 (2013)**

Airplanes, superefficient, extending exemption for certain port district facilities used in manufacture of: SB 5952

Airports, certain smaller airports, repealing exemption: SB 5041

Assessment notices, requiring assessor signature and contact and appeal information, and accredited appraiser's signature in certain cases: SB 5661

Assessors, county, authorizing electronic transmittal of notifications, conditions: ***HB 1576, CH 131 (2013)**, SB 5443

Churches, exemptions for nonprofit religious organization property, modifying: SB 5740

Commercial property, assessed value, filing petition to challenge: 2SHB 1217

Commuter air carriers, excluding from definition of airplane company for property tax purposes: HB 1710, ***SB 5627, CH 56 (2013)**

Commuter air carriers, exemption when aircraft excise tax has been paid for calendar year: HB 1710, ***SB 5627, CH 56 (2013)**

Counties, use of certain property tax revenues for fiscal relief: SB 5005

Credits, timber on public land, against property taxes paid on, repealing: ***SB 5806, CH 240 (2013)**

Cultural access programs, property tax provisions: SB 6151

Current use program, classification, removal of or withdrawal from, modifying interest rate charged on additional tax: SB 5776

Current use program, farm and agricultural land, classification to exclude certain tidelands used for aquaculture: SB 5327

Current use program, farm and agricultural land, conducting study to improve and consider small farms: ESHB 2306

Current use program, farm and agricultural land, revising definition: ***E2SHB 2493, CH 125 (2014)**, SB 6155, SB 6286

Current use program, farm and agricultural land, small farms: E2SHB 1437, SB 5327

Current use program, land used for commercial horticulture: ***E2SHB 2493, CH 125 (2014)**, SB 6286

Deferral program, expiring: SB 5750

Deferral, senior citizens and certain persons with disabilities, creating task force to review program: SHB 1170, 2SHB 1170

Deferral, senior citizens and certain persons with disabilities, raising qualifying income thresholds: SB 5108, SB 6084

Deferred property taxes, collection of, including department of revenue role, modifying various provisions: ***EHB 1421, CH 221 (2013)**, SB 5442

Deferred property taxes, collection of, requiring reimbursement of county foreclosure costs before paying state for deferred tax: ***EHB 1421, CH 221 (2013)**

Delinquencies, modifying collection practices: ESHB 1004

Delinquencies, partial payments: SB 5503

- Delinquencies, payment of tax foreclosure avoidance costs: ESHB 1004
- Delinquencies, waiving interest and penalties under certain conditions: ***SHB 2309, CH 13 (2014)**, SB 6475
- Developmental disabilities, persons with, exemption for certain property owned by facility-based vocational services: SB 5470
- Eliminating state property tax in connection with state income tax: SB 5166
- Exemption, land owned exclusively by Indian tribes: EHB 1287, ***ESHB 1287, CH 207 (2014)**, SB 6162
- Exemptions, certain port district facilities used in manufacture of superefficient airplanes, extending exemption from property taxes: SB 5952
- Exemptions, certain smaller airports, repealing exemption: SB 5041
- Exemptions, community benefit report requirement for certain nonprofit homes and hospitals: SB 5041
- Exemptions, commuter air carriers when aircraft excise tax has been paid for calendar year: HB 1710, ***SB 5627, CH 56 (2013)**
- Exemptions, for certain property owned by facility-based vocational services for persons with developmental disabilities: SB 5470
- Exemptions, intangible personal property, narrowing exemption: SB 5043
- Exemptions, new construction of industrial/manufacturing facilities on undeveloped or underutilized lands: SB 5816, SB 6096
- Exemptions, nonprofit fair associations, modifying provisions: SB 5078
- Exemptions, nonprofit religious organizations, modifying: SB 5740
- Exemptions, nonprofit small business incubators, in certain cases: EHB 2447
- Exemptions, property improvements benefitting fish and wildlife habitat or water quality or quantity, requirements: HB 1570, ***SB 5593, CH 236 (2013)**
- Exemptions, property leased by organization providing job training and related services: SB 6000
- Exemptions, senior citizens and veterans with disabilities, creating task force to review program: SHB 1170, 2SHB 1170
- Exemptions, senior citizens and veterans with disabilities, health care deductions from disposable income: SB 5089
- Exemptions, senior citizens and veterans with disabilities, raising qualifying income thresholds: SB 5108, SB 6084
- Fairs, nonprofit fair associations, modifying property tax exemption provisions: SB 5078
- Fish and wildlife habitat or water quality or quantity, property improvements benefitting, exemption: HB 1570, ***SB 5593, CH 236 (2013)**
- Foreclosure avoidance costs, collection by county treasurers: HB 1797, SB 5704
- Foreclosures, distraint sales, county electronic public auctions: SHB 2592
- Foreclosures, tax foreclosed property, disposing to city for affordable housing purposes: EHB 2558, SB 6324
- Foreclosures, tax lien sales, county electronic public auctions: SHB 2592, SB 6146
- Forest land, merging timber land classification with designated forest land program: SHB 1156, ***SB 6180, CH 137 (2014)**
- Forest land, purchasers of privately owned timber on, reporting requirements expiration: ***HB 2099, CH 152 (2014)**
- Game lands owned by department of fish and wildlife, property tax on, modifying in lieu payments provisions: HB 2045, SB 6446
- Game lands owned by department of fish and wildlife, property tax on, repealing or modifying certain in lieu payments provisions: SB 6551
- Government properties, tax-exempt, eliminating annual appraisal requirement: SB 5444
- Homes for sick or infirm, nonprofit, exemption requirements: SB 5041
- Hospitals for the sick, nonprofit, exemption requirements: SB 5041
- Indian tribes, land owned exclusively by, to be considered as publicly owned real property exempt from property tax: EHB 1287, ***ESHB 1287, CH 207 (2014)**, SB 6162
- Industrial/manufacturing facilities, new construction on undeveloped or underutilized lands, exemption: SB 5816, SB 6096
- Intangible personal property, narrowing exemption: SB 5043
- Irrigation districts, dropping from definition of "local government" in certain cases: ***2SHB 1416, CH 177 (2013)**, SB 5824
- Levies, for community developmental disability services, determining amount of levy allocation for: ***ESHB 1432, CH 123 (2013)**, SB 5418
- Levies, for community mental health services, determining amount of levy allocation for: ***ESHB 1432, CH 123 (2013)**, SB 5418
- Levies, for schools, depositing certain revenues in education legacy trust account: SB 5895
- Levies, for schools, including in district levy base those funds allocated to school in a state-tribal education compact district: ***E2SHB 1134, CH 242 (2013)**
- Levies, for schools, modifying maximum levy percentages to increase education funding: SB 5898

Levies, limit calculation, including value of certain energy facilities in: HB 1634, ***SHB 1634, CH 4 (2014)**
 Levies, metropolitan park districts: SB 5410, SB 5582
 Levies, school district bonds, requiring simple majority of voters voting to authorize: SB 5589, SJR 8208
 Levy reduction funds for school districts, certain increased salary allocations to be considered as: SB 6574
 Manufactured/mobile homes and park model trailers, ownership taken by park landlord, responsibility for property taxes: ***EHB 1493, CH 198 (2013)**
 Metropolitan park districts, benefit charge on real property, establishment, including exemption for certain persons: SHB 1960, E2SHB 1960
 Mobile and manufactured homes and park model trailers, ownership taken by park landlord, responsibility for property taxes: ***EHB 1493, CH 198 (2013)**
 Mobile homes and park model trailers, ownership taken by park landlord, responsibility for property taxes: SB 5523
 Nonprofit organizations, use of tax-exempt property for nonexempt uses: ***SB 6405, CH 99 (2014)**
 Parks and recreational land, county use of certain tax levies for maintenance and operation, conditions: SB 6076
 Payments, delinquent, waiving interest and penalties under certain conditions: ***SHB 2309, CH 13 (2014)**, SB 6475
 Payments, electronic: ESHB 1004, SB 6289
 Payments, partial, authorizing acceptance by county treasurers if made electronically, with usury limitations: SB 6289
 Payments, past due, partial payment: SB 5047, SB 5503
 Payments, past due, payment agreements for past due delinquencies: ESHB 1004
 Preferences, fiscal accountability and transparency standards: SHB 2201
 Preferences, legislative intent, review, and expiration provisions: ESB 5843
 Refunds, claims and orders for, authorizing county legislative authority to act upon its own motion: SB 5908
 Refunds, claims and orders for, removing requirement for certain cases: ***HB 2446, CH 16 (2014)**, SB 6210
 Religious organizations, nonprofit, modifying exemptions: SB 5740
 Residential opportunities in urban growth areas, property tax incentive for creating: SB 6330
 Retired due to physical disability, property tax deferral and exemption, creating task force to review program: SHB 1170, 2SHB 1170
 Retired due to physical disability, property tax deferral and exemption, raising qualifying income thresholds: SB 5108, SB 6084
 Retired due to physical disability, property tax exemption, health care deductions from disposable income: SB 5089
 Senior citizens, exemption, creating task force to review program: SHB 1170, 2SHB 1170
 Senior citizens, exemption, health care deductions from disposable income: SB 5089
 Senior citizens, exemption, medicaid or medigap health care deductions from disposable income: SB 6132
 Senior citizens, exemption, raising qualifying income thresholds: SB 5108, SB 6084
 Tax lien sales, county electronic public auctions: SHB 2592, SB 6146
 Timber harvesters, state excise tax on timber harvested by, adjusting rate and modifying distribution of revenue: SB 6478
 Timber harvesters, state excise tax on timber harvested by, credit, modifying provisions: SB 6478
 Timber land, classification, merging with designated forest land program, option: SHB 1156, ***SB 6180, CH 137 (2014)**
 Timber land, purchasers of privately owned timber on, reporting requirements expiration: ***HB 2099, CH 152 (2014)**
 Trailers, park model, responsibility for property taxes when ownership taken by park landlord: ***EHB 1493, CH 198 (2013)**, SB 5523
 Transfer of real property, Washington uniform real property transfer on death act provisions: ***2ESHB 1117, CH 58 (2014)**
 Treasurers, county, collection of tax foreclosure avoidance costs: HB 1797, SB 5704
 Valuation, real property, filing fee for certain commercial property assessment appeal petitions: SB 6521
 Valuation, real property, revising standard of evidence for appeals: SB 5336
 Valuation, tax-exempt government properties, eliminating annual appraisal requirement: SB 5444
 Veterans with disabilities, exemption, creating task force to review program: SHB 1170, 2SHB 1170
 Veterans with disabilities, exemption, health care deductions from disposable income: SB 5089
 Veterans with disabilities, exemption, raising qualifying income thresholds: SB 5108, SB 6084
 Veterans' assistance fund, levies for: SB 5490

TAXES - PUBLIC UTILITY TAX (See also UTILITIES)

Credits, allowing in connection with state income tax: SB 5166, SB 5900, SB 6230
 Credits, businesses hiring veterans: SB 6049
 Deductions, interstate hauls, deduction for, eliminating to provide basic education and higher education funding: ESHB 2038
 Education legacy trust account, depositing certain public utility tax revenues in: ***ESHB 2051, CH 9 (2013)**

Electric utility rural economic development revolving funds, expiration date for tax credit for contributions: SB 5032
 Gas distribution businesses, sales of compressed or liquefied natural gas for transportation use, exemption: SB 6440
 Interstate hauls, deduction for, eliminating to provide basic education and higher education funding: ESHB 2038
 Irrigation, modifying deduction provisions: SB 5041
 Light and power businesses, credits as part of renewable energy investment cost recovery incentive program: E2SHB 1301
 Light and power businesses, modifying credit provisions when qualifying utility-owned solar energy system participates in cost recovery incentive program: SB 5807
 Log transportation businesses, tax reduction: SB 6259
 Preferences, fiscal accountability and transparency standards: SHB 2201
 Renewable energy system cost recovery incentive program, creation as new program, including tax credits for participating utilities: SB 6541
 Renewable energy system cost recovery incentive program, modifying program and including leased-energy systems to promote clean energy jobs: SB 6541
 Renewable energy system cost recovery, allowing participation by qualifying utility-owned distributed solar energy systems on certain premises: SB 5807
 Renewable energy system cost recovery, incentives, measuring effectiveness through performance milestones: E2SHB 1301
 Sewerage collection businesses, depositing certain revenues into education legacy trust account: SB 5895
 Solar energy systems, distributed, allowing qualifying utility-owned system to participate in renewable energy system cost recovery incentive program: SB 5807
 Solar energy systems, electric company-owned and -operated, distributed solar energy system cost recovery: E2SHB 1301
 Transportation businesses, removing urban category: SB 5041
 Veterans, businesses hiring, credit for: SB 6049
 Water distribution businesses, depositing certain revenues into education legacy trust account: SB 5895

TAXES - REAL ESTATE EXCISE

Capital gains tax, provisions implementing, modifying real estate excise tax provisions in connection with: SB 5738
 Education legacy trust account, depositing certain real estate excise tax revenues in: ***ESHB 2051, CH 9 (2013)**
 Education legacy trust account, depositing certain revenues in, for basic education funding: SB 5895
 Local public transit revenue, provisions relevant to real estate excise tax: SB 6494
 Technology infrastructure, adding to "capital project" for revenue-use purposes: ***ESHB 2298, CH 44 (2014)**
 Transfer of real property, real estate excise tax affidavit, exemption from filing requirement: SB 5116
 Transfer of real property, Washington uniform real property transfer on death act provisions: ***2ESHB 1117, CH 58 (2014)**

TAXES - SALES TAX (See also TAXES - EXCISE TAX)

Aerospace products, sale in import commerce, exemption for, narrowing to provide basic education and higher education funding: ESHB 2038
 Airplane, commercial, amending definition to extend certain tax preferences to additional aircraft: SB 6545
 Airplanes, commercial, computer parts and software, extending exemption: SB 5952
 Airplanes, commercial, maintenance repair operator new building construction labor and services, exemption: SB 6452
 Airplanes, large private, certain sales involving, exemptions: SB 5622
 Airplanes, modifying certain provisions: SB 5041
 Airplanes, superefficient, manufacturing-related labor, services, and personal property, expanding exemption for: SB 5952
 Amusement services, simplifying taxation: SB 6472
 Anaerobic digesters, requirements for exemption: SB 5393, SB 5394, SB 5395
 Back-to-school clothing and school supply items, exemption: SB 5529
 Beekeepers, sale of honey bees to, adding expiration date to exemption: SHB 1558
 Beekeepers, sale of honey bees to, removing expiration date from exemption: SB 6366
 Beekeepers, sales of feed to, exemption: SHB 1558
 Beekeepers, sales of feed to, exemption, removing expiration date: SB 6366
 Biodiesel blend or E85 motor fuel-related sales and services, apprentice utilization requirement for exemption: SB 5393
 Biodiesel blend or E85 motor fuel-related sales and services, prevailing wage requirement for exemption: SB 5395
 Biodiesel blend or E85 motor fuel-related sales and services, resident workers requirement for exemption: SB 5394
 Cannabis, medical cannabis excise tax, wholesale sales of dried cannabis to processor or dispensary: SB 5887
 Cannabis, medical, exemption for sales by licensed dispensers to qualifying patients or designated providers: SB 5887
 Clay targets, purchased by nonprofit gun clubs, sales and use tax exemptions: SB 5831

Collection of sales tax debt, claim by seller against buyer, establishing deadline for: SB 6412
Computer data centers, sales and use tax exemption for certain equipment, modifying provisions: ESB 6550
Cultural access programs, retail sales and use tax provisions: SB 6151
Dancing, excluding charges made for opportunity to dance from sales taxes: SB 5613
Deferrals, high technology businesses, ending issuance of sales and use tax deferral certificates to provide basic education and higher education funding: ESHB 2034, ESHB 2038
Deferrals, high technology businesses, extending issuance of sales and use tax deferral certificates: SB 6430
Electricity generation from certain sources, extending expiration of sales and use tax exemptions for machinery and equipment: SB 5409, SB 5896
Exemption, beekeepers, sale of honey bees to, adding expiration date: SHB 1558
Exemption, beekeepers, sale of honey bees to, removing expiration date: SB 6366
Exemption, beekeepers, sales of feed to: SHB 1558
Exemption, beekeepers, sales of feed to, removing expiration date: SB 6366
Exemptions, add-on automotive adaptive equipment for veterans and armed forces members with disabilities: SB 5072
Exemptions, alternative fuel vehicle retail sales and use tax, clarifying application of: SB 6496
Exemptions, alternative fuel vehicle retail sales and use tax, extending: SB 6268
Exemptions, alternative fuel vehicle retail sales and use tax, extending application to range extended battery electric vehicles: SB 6562
Exemptions, auction sales of personal property used in farming, repealing exemption: SB 5041
Exemptions, bottled water, exemption for, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038
Exemptions, bottled water, exemption for, eliminating to provide basic education funding: SB 6574
Exemptions, certain computer data center equipment, modifying provisions: ESB 6550
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Exemptions, certain retail purchases by state or local governments using debt proceeds: SB 5993
Exemptions, commercial airplanes, amending definition to extend certain tax preferences to additional aircraft: SB 6545
Exemptions, expanding for labor, services, and personal property related to superefficient airplane manufacturing: SB 5952
Exemptions, extending for computer parts and software related to commercial airplane manufacturing: SB 5952
Exemptions, farmers, simplifying exemption certificate requirements: SB 6333
Exemptions, for large recreational vessels, partial exemption for residents and full exemption for nonresidents, conditions: SB 5817
Exemptions, hog fuel, extending when used for production of electricity, steam, heat, or biofuel: 2SHB 1663, SB 5866
Exemptions, large private airplanes, certain sales involving: SB 5622
Exemptions, machinery and equipment used by companies producing pipeline-quality natural gas using landfill gas: SB 6215
Exemptions, machinery and equipment used for electricity generation from certain sources, extending expiration of: SB 5409, SB 5896
Exemptions, manufacturing machinery and equipment, changing to tax deferral and requiring net benefit to state to claim: SB 5429
Exemptions, medical cannabis, for sales by licensed dispensers to qualifying patients or designated providers: SB 5887
Exemptions, mint growers and processors: SB 5862
Exemptions, new building construction labor and services by certain commercial airplane maintenance repair operators: SB 6452
Exemptions, newspapers, limiting eligibility for sales and use tax exemptions: SB 5041
Exemptions, nonresident sales tax exemption, modifying to create remittance program to provide basic education and higher education funding: EHB 2036, ESHB 2038
Exemptions, nonresident sales tax exemption, modifying to create remittance program to provide basic education funding: SB 6574
Exemptions, nonresident sales tax exemption, repealing: SB 5346
Exemptions, propane or natural gas sold to mint growers and processors for distilling mint oil: SB 5862
Exemptions, public works apprentice utilization: SB 5393
Exemptions, public works resident workers requirement: SB 5394
Exemptions, sale of clay targets purchased by nonprofit gun clubs: SB 5831

- Exemptions, sales of aerospace products in import commerce, exemption for, narrowing to provide basic education and higher education funding: ESHB 2038
- Exemptions, sales of back-to-school clothing and school supply items: SB 5529
- Exemptions, sales of financial information to international investment management companies: SB 5101
- Exemptions, sales of school instructional materials: SB 6486
- Exemptions, sales of vessel deconstruction performed at certain facilities or areas: ***2SHB 2457, CH 195 (2014)**
- Exemptions, sales to restaurants of flavor-imparting cooking products, including charcoal: SB 5342
- Exemptions, subsidized public works prevailing wage requirement: SB 5395
- Exemptions, telecommunications machinery and equipment: SB 6322
- Exemptions, telephone lines and pay phones, repealing: ***2E2SHB 1971, CH 8 (2013)**, SB 5422, SB 5899, SB 5911
- Exemptions, transportation projects, goods and services for capital construction: SB 5003
- Exemptions, vessel sales to nonresident persons, in certain cases: SB 5241, SB 6581
- Farmers, certain exemptions, simplifying exemption certificate requirements for: SB 6333
- Farming, personal property used in, repealing exemption for auction sales: SB 5041
- Governments, state and local, exemption for certain retail purchases using debt proceeds: SB 5993
- Health security trust, use of revenues for health care services and maintenance of trust: SB 5224
- Higher education, dedicating first one cent of state portion of dollar of sales tax for: SB 5693
- Highway projects, state, sales and use tax collected on, deposit in connecting Washington account: SB 6102
- Hog fuel, extending exemption when used for production of electricity, steam, heat, or biofuel: 2SHB 1663, SB 5866
- Instructional materials, school, exemption for sales of: SB 6486
- Investment management companies, international, exemption for financial information sales to companies: SB 5101
- Liquor sales, spirits, comprehensive sales tax reduction: SB 6547
- Liquor, sales tax on, deposit in liquor excise tax fund and transfer to impaired driving safety account: SB 5917, SB 5929
- Liquor, sales tax on, deposit in liquor excise tax fund and transfer to liquor revolving fund, modifying provisions: SB 5703
- Liquor, sales tax on, deposit in liquor excise tax fund, increasing sum for: SB 6564
- Local sales and use, authorizing counties to impose by ordinance: SB 5778
- Local sales and use, county use of certain revenues for fiscal relief: SB 5005
- Local sales and use, cultural access programs, use of revenues by: SB 6151
- Local sales and use, funding for therapeutic courts, authority of county to impose sales and use tax: ESHB 2556
- Local sales and use, imposed by public utilities district, tax to expire when bonds for certain facilities are retired: SB 5599
- Local sales and use, imposition by certain rural counties: SB 5325
- Local sales and use, imposition by certain rural counties for water rights purchases for water banking: SB 6239
- Local sales and use, imposition by cities for costs of services to newly annexed areas, restricting in certain case: SB 6487
- Local sales and use, imposition by legislative body of public transportation benefit area: ESHB 1954, SB 6577
- Local sales and use, imposition by local government in connection with local infrastructure financing tool program: ***E2SHB 1306, CH 21 (2013)**, SB 5293
- Local sales and use, imposition by local legislative entity after establishing enhanced public transportation zone: ESHB 1954, SB 5793, SB 5920
- Local sales and use, manufacturing machinery and equipment tax deferral, including net benefit to state requirement: SB 5429
- Local sales and use, provisions relevant to local public transit revenue: SB 6494
- Local sales and use, reducing frequency of tax changes: SB 5697
- Local sales and use, taxation of vessels: SB 5817
- Local sales, gambling activities, county or city use of certain revenues for fiscal relief: SB 5005
- Local sales, tourism-related uses, county or city use of certain revenues for fiscal relief: SB 5005
- Locomotives and railroad cars, modifying certain provisions: SB 5041
- Manufacturing machinery and equipment exemption, changing to tax deferral and requiring net benefit to state to claim: SB 5429
- Marijuana, marijuana excise taxes, expanding applicability of taxes: ***ESHB 2304, CH 192 (2014)**
- Marijuana, medical cannabis excise tax, wholesale sales of dried cannabis to processor or dispensary: SB 5887
- Marijuana, medical, exemption for sales by licensed dispensers to qualifying patients or designated providers: SB 5887
- Marijuana, recreational use industry, delaying use of tax preferences by: ***SB 6505, CH 140 (2014)**
- Mint growers and processors, exemption: SB 5862
- Natural gas, sales of, sales and use taxation provisions: SB 6440
- Newspapers, sales and use tax exemptions, limiting eligibility: SB 5041

Nonresident sales tax exemption, modifying to create remittance program to provide basic education and higher education funding: EHB 2036, ESHB 2038

Nonresident sales tax exemption, modifying to create remittance program to provide basic education funding: SB 6574

Passenger-only ferry service districts, imposition of sales and use tax by: ESHB 1954, SB 6171

Physical fitness services, simplifying taxation: SB 6472

Preferences, fiscal accountability and transparency standards: SHB 2201

Propane or natural gas, sales to mint growers and processors for distilling mint oil, exemption: SB 5862

Recreation services, simplifying taxation: SB 6472

Recreational vessels, large, partial exemption for residents and full exemption for nonresidents, conditions: SB 5817

Reducing state sales tax in connection with state income tax: SB 5166, SB 5900, SB 6230

Remote sellers, net increase in state sales tax revenues from, depositing in education legacy trust account: SB 5895, SB 6571

Restaurants, sales to, of flavor-imparting cooking products, including charcoal, exemption: SB 5342

Retail sales tax, exemption for certain retail purchases by state and local governments using debt proceeds: SB 5993

School construction and maintenance, certain purchases by public districts and charter schools using debt proceeds, exemption: SB 5994

Telephone lines and pay phones, exemption, repealing: ***2E2SHB 1971, CH 8 (2013)**, SB 5422, SB 5899, SB 5911

Transportation projects, exemption, goods and services for capital construction: SB 5003

Vehicles, powered by alternative fuel, clarifying application of retail sales and use tax exemption: SB 6496

Vehicles, powered by alternative fuel, extending application of retail sales and use tax exemption to range extended battery electric vehicles: SB 6562

Vehicles, powered by alternative fuel, extending retail sales and use tax exemption: SB 6268

Vessel sales, to nonresident persons, exemption in certain cases: SB 5241, SB 6581

Warehouse or grain elevator lessor or owner, apprentice utilization requirement for exemption: SB 5393

Warehouse or grain elevator lessor or owner, prevailing wage requirement for exemption: SB 5395

Warehouse or grain elevator lessor or owner, resident workers requirement for exemption: SB 5394

Water, bottled, exemption for, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038

Water, bottled, exemption for, eliminating to provide basic education funding: SB 6574

Watercraft, modifying provisions: SB 5041

TAXES - SOLID WASTE COLLECTION

Education legacy trust account, depositing certain revenues in: SB 5895

Education legacy trust account, depositing certain solid waste collection tax revenues in: ***ESHB 2051, CH 9 (2013)**

TAXES - SPECIAL FUEL TAX

Fuel licensees, imposing additional and cumulative tax for multiple years: SB 6577

Fuel taxes, administration of, simplifying and updating through comprehensive revisions and consolidation: ***SHB 1883, CH 225 (2013)**

Local public transit revenue, imposing tax to provide: SB 6494

Natural gas, compressed or liquefied, various provisions concerning taxation and use as transportation fuel: SB 6440

Revenues, distribution to new and existing accounts: ESHB 1954, SB 5920, SB 6577

Special fuel licensees, other than distributors, imposing additional and cumulative tax: SB 6577

Special fuel licensees, other than distributors, imposing additional and cumulative tax for multiple years: ESHB 1954, SB 5920

TAXES - TELEPHONE ACCESS LINE USE

Enhanced 911 excise tax, on prepaid wireless telecommunications services at point of sale: SB 5422

Enhanced 911 excise tax, sellers of prepaid wireless telecommunications services to collect: ***2E2SHB 1971, CH 8 (2013)**, SB 5899, SB 5911

TAXES - TOBACCO PRODUCTS

Health security trust, use of revenues for health care services and maintenance of trust: SB 5224

Tobacco substitutes, relationship to tobacco products, clarifying for taxation purposes: SB 6569

TAXES - USE TAX (See also TAXES - EXCISE TAX)

- Aerospace products, sale in import commerce, exemption for, narrowing to provide basic education and higher education funding: ESHB 2038
- Airplanes, commercial, computer parts and software, extending exemption: SB 5952
- Airplanes, commercial, maintenance repair operator new building construction tangible personal property use, exemption: SB 6452
- Airplanes, large private, use tax exemptions: SB 5622
- Airplanes, superefficient, manufacturing-related labor, services, and personal property, expanding exemption for: SB 5952
- Amusement services, simplifying taxation: SB 6472
- Anaerobic digesters, requirements for exemption: SB 5393, SB 5394
- Back-to-school clothing and school supply items, exemption: SB 5529
- Beekeepers, use of feed by, exemption: SHB 1558
- Beekeepers, use of honey bees by, adding expiration date to exemption: SHB 1558
- Beekeepers, use of honey bees by, removing expiration date from exemption: SB 6366
- Biodiesel blend or E85 motor fuel-related sales and services, apprentice utilization requirement for exemption: SB 5393
- Biodiesel blend or E85 motor fuel-related sales and services, prevailing wage requirement for exemption: SB 5395
- Biodiesel blend or E85 motor fuel-related sales and services, resident workers requirement for exemption: SB 5394
- Cannabis, medical, exemption for use when dispensed by licensed dispensaries to qualifying patients or designated providers: SB 5887
- Clay targets, provided by nonprofit gun clubs, sales and use tax exemptions: SB 5831
- Computer data centers, sales and use tax exemption for certain equipment, modifying provisions: ESB 6550
- Cultural access programs, retail sales and use tax provisions: SB 6151
- Deferrals, high technology businesses, ending issuance of sales and use tax deferral certificates to provide basic education and higher education funding: ESHB 2034, ESHB 2038
- Deferrals, high technology businesses, extending issuance of sales and use tax deferral certificates: SB 6430
- Electricity generation from certain sources, extending expiration of sales and use tax exemptions for machinery and equipment: SB 5409, SB 5896
- Exemption, beekeepers, use of feed by: SHB 1558
- Exemption, beekeepers, use of honey bees by, adding expiration date: SHB 1558
- Exemption, beekeepers, use of honey bees by, removing expiration date: SB 6366
- Exemptions, add-on automotive adaptive equipment for veterans and armed forces members with disabilities: SB 5072
- Exemptions, alternative fuel vehicle retail sales and use tax, clarifying application of: SB 6496
- Exemptions, alternative fuel vehicle retail sales and use tax, extending: SB 6268
- Exemptions, alternative fuel vehicle retail sales and use tax, extending application to range extended battery electric vehicles: SB 6562
- Exemptions, bottled water, exemption for, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038
- Exemptions, bottled water, exemption for, eliminating to provide basic education funding: SB 6574
- Exemptions, certain computer data center equipment, modifying provisions: ESB 6550
- Exemptions, expanding for labor, services, and personal property related to superefficient airplane manufacturing: SB 5952
- Exemptions, extending for computer parts and software related to commercial airplane manufacturing: SB 5952
- Exemptions, extracted fuels, modifying in connection with biomass fuel and refinery fuel gas: ESHB 2034, ESHB 2038, SB 6574
- Exemptions, farmers, simplifying exemption certificate requirements: SB 6333
- Exemptions, fire protection district vehicles, use tax exemption: SB 6306
- Exemptions, for large recreational vessels, partial exemption for residents and full exemption for nonresidents, conditions: SB 5817
- Exemptions, hog fuel, extending when used for production of electricity, steam, heat, or biofuel: 2SHB 1663, SB 5866
- Exemptions, large private airplanes, use and related matters: SB 5622
- Exemptions, machinery and equipment used by companies producing pipeline-quality natural gas using landfill gas: SB 6215
- Exemptions, machinery and equipment used for electricity generation from certain sources, extending expiration of: SB 5409, SB 5896
- Exemptions, manufacturing machinery and equipment, changing to tax deferral and requiring net benefit to state to claim: SB 5429

Exemptions, medical cannabis, for use when dispensed by licensed dispensaries to qualifying patients or designated providers: SB 5887

Exemptions, mint growers and processors: SB 5862

Exemptions, natural gas, including compressed and liquefied, when used as transportation fuel: SB 6440

Exemptions, new building construction tangible personal property use by certain commercial airplane maintenance repair operators: SB 6452

Exemptions, newspapers, limiting eligibility for sales and use tax exemptions: SB 5041

Exemptions, personal property purchased from nonprofit organization or library fund-raising activity, conditions: SB 5865

Exemptions, propane or natural gas used by mint growers and processors to distill mint oil: SB 5862

Exemptions, public works apprentice utilization: SB 5393

Exemptions, public works resident workers requirement: SB 5394

Exemptions, sales of aerospace products in import commerce, exemption for, narrowing to provide basic education and higher education funding: ESHB 2038

Exemptions, subsidized public works prevailing wage requirement: SB 5395

Exemptions, telecommunications machinery and equipment: SB 6322

Exemptions, transportation projects, goods and services for capital construction: SB 5003

Exemptions, use by restaurants of flavor-imparting cooking products, including charcoal: SB 5342

Exemptions, use by state and local governments of taxable items when purchased with debt proceeds: SB 5993

Exemptions, use of back-to-school clothing and school supply items: SB 5529

Exemptions, use of clay targets provided by nonprofit gun clubs: SB 5831

Exemptions, use of financial information sold to international investment management companies: SB 5101

Exemptions, use of vessel deconstruction services performed at certain facilities or areas: ***2SHB 2457, CH 195 (2014)**

Exemptions, use of vessels by nonresident persons, in certain cases: SB 5241, SB 6581

Exemptions, use taxable items for school construction and maintenance when purchased with debt proceeds: SB 5994

Extracted fuels, exemption for, modifying in connection with biomass fuel and refinery fuel gas: ESHB 2034, ESHB 2038, SB 6574

Farmers, certain exemptions, simplifying exemption certificate requirements for: SB 6333

Governments, state and local, exemption for taxable items when purchased with debt proceeds: SB 5993

Higher education, dedicating first one cent of state portion of dollar of use tax for: SB 5693

Highway projects, state, sales and use tax collected on, deposit in connecting Washington account: SB 6102

Hog fuel, extending exemption when used for production of electricity, steam, heat, or biofuel: 2SHB 1663, SB 5866

Investment management companies, international, exemption for use of financial information sold to companies: SB 5101

Libraries, fund-raising activity, exemption for personal property purchased from, conditions: SB 5865

Local sales and use, authorizing counties to impose by ordinance: SB 5778

Local sales and use, county use of certain revenues for fiscal relief: SB 5005

Local sales and use, cultural access programs, use of revenues by: SB 6151

Local sales and use, funding for therapeutic courts, authority of county to impose sales and use tax: ESHB 2556

Local sales and use, imposed by public utilities district, tax to expire when bonds for certain facilities are retired: SB 5599

Local sales and use, imposition by certain rural counties: SB 5325

Local sales and use, imposition by certain rural counties for water rights purchases for water banking: SB 6239

Local sales and use, imposition by cities for costs of services to newly annexed areas, restricting in certain case: SB 6487

Local sales and use, imposition by legislative body of public transportation benefit area: ESHB 1954, SB 6577

Local sales and use, imposition by local government in connection with local infrastructure financing tool program: ***E2SHB 1306, CH 21 (2013), SB 5293**

Local sales and use, imposition by local legislative entity after establishing enhanced public transportation zone: ESHB 1954, SB 5920

Local sales and use, manufacturing machinery and equipment tax deferral, including net benefit to state requirement: SB 5429

Local sales and use, provisions relevant to local public transit revenue: SB 6494

Local sales and use, reducing frequency of tax changes: SB 5697

Local sales and use, taxation of vessels: SB 5817

Manufacturing machinery and equipment exemption, changing to tax deferral and requiring net benefit to state to claim: SB 5429

Marijuana, medical, exemption for use when dispensed by licensed dispensaries to qualifying patients or designated providers: SB 5887

Marijuana, recreational use industry, delaying use of tax preferences by: ***SB 6505, CH 140 (2014)**
 Mint growers and processors, exemption: SB 5862
 Natural gas, including compressed and liquefied, taxation when used as transportation fuel: SB 6440
 Natural gas, sales of, sales and use taxation provisions: SB 6440
 Newspapers, sales and use tax exemptions, limiting eligibility: SB 5041
 Nonprofit organizations, fund-raising activity, exemption for personal property purchased from, conditions: SB 5865
 Passenger-only ferry service districts, imposition of sales and use tax by: ESHB 1954, SB 6171
 Physical fitness services, simplifying taxation: SB 6472
 Preferences, fiscal accountability and transparency standards: SHB 2201
 Propane or natural gas, use by mint growers and processors to distill mint oil, exemption: SB 5862
 Recreation services, simplifying taxation: SB 6472
 Recreational vessels, large, partial exemption for residents and full exemption for nonresidents, conditions: SB 5817
 Restaurants, use of flavor-imparting cooking products, including charcoal, exemption: SB 5342
 School construction and maintenance, taxable items used for, exemption when purchased with debt proceeds: SB 5994
 Transportation projects, exemption, goods and services for capital construction: SB 5003
 Vehicles, powered by alternative fuel, clarifying application of retail sales and use tax exemption: SB 6496
 Vehicles, powered by alternative fuel, extending application of retail sales and use tax exemption to range extended battery electric vehicles: SB 6562
 Vehicles, powered by alternative fuel, extending retail sales and use tax exemption: SB 6268
 Vessel use, by nonresident persons, exemption in certain cases: SB 5241, SB 6581
 Water, bottled, exemption for, eliminating to provide basic education and higher education funding: ESHB 2034, ESHB 2038
 Water, bottled, exemption for, eliminating to provide basic education funding: SB 6574

TAXES - WATERCRAFT EXCISE

Abandoned and derelict vessels, certain vessels for which tax is outstanding, penalties: ***2SHB 2457, CH 195 (2014)**

TECHNOLOGY (See also COMPUTERS; SCHOOLS AND SCHOOL DISTRICTS; SCIENCE)

Aerospace industry, appropriations for permitting and training: ***EHB 2088, CH 1 (2013)**, SB 5953
 Aerospace industry, supporting and expanding through multiple strategies: SB 5926
 Aerospace technology innovation, joint center for, extending by amending sunset termination and repeal provisions: ***SHB 1866, CH 24 (2013)**
 Aerospace technology innovation, joint center for, extending by repealing sunset termination and repeal provisions: SB 5784
 Biotechnology and medical device manufacturing businesses, tax deferrals for investment projects, apprentice utilization requirement: SB 5393
 Biotechnology and medical device manufacturing businesses, tax deferrals for investment projects, prevailing wage requirement: SB 5395
 Biotechnology and medical device manufacturing businesses, tax deferrals for investment projects, resident workers requirement: SB 5394
 Cultural access programs, creation by cultural access authorities in order to fund cultural organizations: SB 6151
 High technology businesses, issuance of sales and use tax deferral certificates for, ending to provide basic education and higher education funding: ESHB 2034, ESHB 2038
 High technology businesses, tax deferrals for investment projects, apprentice utilization requirement: SB 5393
 High technology businesses, tax deferrals for investment projects, prevailing wage requirement: SB 5395
 High technology businesses, tax deferrals for investment projects, resident workers requirement: SB 5394
 High-technology research and development investment working group, establishment: SB 6267
 Information services and telecommunications state agency network, assessment of model and consolidation of network into consolidated technology services agency: SB 5891
 Information technology expenditures in state budget process, evaluation and prioritization of: SB 5891
 Information technology expenditures, by higher education institutions and legislative and judicial agencies, evaluation and approval of: SB 5891
 Information technology expenditures, state agency, information technology business management program, implementing: SB 5891
 Information technology for state agencies, establishing information technology investment pool: SB 5891

Information technology for state agencies, production of consistent and usable web content, developing standards to enable:
 SB 5757
 Information technology networking equipment and services, agency purchases of, developing statewide standards: SB 5891
 Information technology services, contracting for, limiting to support of enterprise technology applications in certain cases:
 SB 5891
 Information technology systems, state executive branch, inventorying, modernizing, and funding of: SB 5891
 Sensing devices, extraordinary, requirements and prohibitions for government surveillance use: ***EHB 2789 (2014) V**
 STEM education in public schools, expanding to include the arts (STEAM): SB 5909
 Teachers, certification standards, expanding STEM requirements to include the arts (STEAM): SB 5909
 Technology or science center, zoo, and aquarium facilities, competitive grant program for acquiring or constructing: SB
 5146
 Washington global health technologies and product development competitiveness program, shifting management to life
 sciences discovery fund authority: ***E2SHB 2029, CH 112 (2014)**

TELECOMMUNICATIONS

Cell phone issuance, to state employees, restricting: SB 5381
 Cell phones, texting or use of hand-held mobile telephones by commercial vehicle drivers, adding to list of serious traffic
 violations: ***SHB 1752, CH 224 (2013)**, SB 5590
 Cell phones, using while operating a motor vehicle, modifying provisions concerning infractions and exemptions: SB 6227
 Electricians, limited energy specialty certification, using telecommunications work experience for: ***HB 2253, CH 156**
(2014), HB 2254, SB 6277
 Facilities, small cell networks, removing local government barriers in connection with: ***SHB 2175, CH 118 (2014)**
 Service outages, pro rate credits for consumers for: SB 6197
 State universal communications services program, adjusting expenditure limit for: SB 6572
 State universal communications services program, establishing: ***2E2SHB 1971, CH 8 (2013)**, SB 5351, SB 5899, SB 5911
 Telecommunications and information services state agency network, assessment of model and consolidation of network
 into consolidated technology services agency: SB 5891
 Telecommunications machinery and equipment, sales and use tax exemptions: SB 6322
 Telecommunications relay service program, excise tax on switched access lines for funding, eliminating: ***2E2SHB 1971,**
CH 8 (2013), SB 5422, SB 5899, SB 5911
 Telecommunications systems, definition of, in relation to certain installations: ***HB 2253, CH 156 (2014)**, SB 6206
 Telemedicine, health plan coverage and hospital procedures, requirements: 2ESHB 1448
 Telephone lines and pay phones, sales tax exemption, repealing: ***2E2SHB 1971, CH 8 (2013)**, SB 5422, SB 5899, SB
 5911
 Text message, campaign contributions via, regulating and facilitating: SB 6097
 Washington telephone assistance program, excise tax on switched access lines for funding, eliminating: SB 5422
 Washington telephone assistance program, excise tax on switched access lines for funding, eliminating and replacing with
 legislative appropriations for program: ***2E2SHB 1971, CH 8 (2013)**, SB 5899, SB 5911
 Wireless communications devices, electronic, texting or use of hand-held mobile telephones by commercial vehicle drivers,
 adding to list of serious traffic violations: ***SHB 1752, CH 224 (2013)**, SB 5590
 Wireless communications structures, modifying requirements for exemption from certain environmental policies: ***SHB**
1183, CH 317 (2013), SB 5098
 Wireless communications structures, removing local government barriers in connection with: ***SHB 2175, CH 118 (2014)**
 Wireless communications, prepaid services, imposing enhanced 911 excise tax at point of sale: SB 5422
 Wireless communications, prepaid services, sellers of services to collect enhanced 911 excise tax: ***2E2SHB 1971, CH 8**
(2013), SB 5899, SB 5911

TITLE ONLY BILLS

Driving under the influence act of 2013: SB 5902
 Education act: SB 5879, SB 5880
 Fiscal matters act: SB 5870, SB 5871
 Health care act: SB 5876, SB 5877
 Human services act: SB 5874, SB 5875
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TOBACCO AND TOBACCO PRODUCTS (See also TAXES - CIGARETTE TAX; TAXES - TOBACCO PRODUCTS)

Cigar lounge special license endorsement for tobacco products retailer licenses: SB 5070
 Cigarettes, electronic, prohibiting sale to minor: ***HB 1937, CH 47 (2013)**, SB 5815
 Smoking in moving or parked motor vehicle carrying a minor, prohibiting: SB 5230
 Tobacco products, selling to a minor, clarifying provisions: SB 6569
 Tobacco substitutes, relationship to tobacco products, clarifying for taxation purposes: SB 6569
 Tobacconist shop, retail, special license endorsement for tobacco products retailer licenses: SB 5070
 Vapor products, prohibiting selling or giving to minor: ***HB 1937, CH 47 (2013)**, SB 5815
 Water pipes, hookahs, and similar items, when solely designed for use with tobacco or shisha, prohibiting selling or giving to minor: SB 5815

TOURISM (See also TAXES - LODGING TAX; TOURISM COMMISSION)

Promotion of tourism, use of certain lodging tax revenues for: SB 5741
 State tourism marketing program, funding and governance structure: ***SHB 2229, CH 69 (2014)**, SB 6195
 Tourism stakeholder task force, convening for trade and economic development purposes: SB 5799
 Tourist, modifying definition for purposes of lodging tax: SB 5468
 Visa reforms, requesting that congress pass and the president sign legislation implementing certain reforms: SJM 8008

TOURISM COMMISSION (See also TOURISM)

Eliminating commission, tourism enterprise account, and competitive grant and development programs: ***E2SHB 2029, CH 112 (2014)**

TRAFFIC (See also TRAFFIC SAFETY EDUCATION)

Bicycles, vehicles overtaking and passing bicyclists, maintaining safe distance: SB 5564
 Biking and walking, safe routes to school program, funding for: SB 5506
 Clearance, load height and width, requirements for special permits and structures over public highways: SB 5944
 Collision reports by officers, information contained in reports as compiled and analyzed by state patrol, public disclosure: SB 5847
 Commute trip reduction programs, including motorcycles: ***SB 5142, CH 26 (2013)**
 Congestion relief and freight mobility improvement, revising transportation system "mobility" policy goal to include: SB 6100
 Golf cart zones, city and county authority to regulate: HB 2219
 Headlights, visibility threshold for required display: SB 6406
 High occupancy vehicle lanes, convening expert review panel for SR 520 bridge replacement and HOV project: ESHB 1957, SB 6051
 High occupancy vehicle lanes, including motorcycles: ***SB 5142, CH 26 (2013)**
 Limited access facilities, including motorcycles: ***SB 5142, CH 26 (2013)**
 Motorcycle road guard certificate, department of licensing to create and issue: SB 6256
 Motorcycles, helmets, limiting mandatory use to persons under age eighteen: SB 5143
 Motorcycles, helmets, modifying reference to manufacturing standards in definition: SB 6255, SB 6432
 Motorcycles, including in various commute trip reduction, high occupancy vehicle lane, and limited access facility arrangements: ***SB 5142, CH 26 (2013)**
 Motorcycles, overtaking and passing pedestrians and bicyclists in the same lane, allowing: SB 5263
 Motorcycles, stopping and proceeding through red light, allowing under certain conditions: ***SB 5141, CH 167 (2014)**
 Motorcyclists, illegal profiling of, ending: SB 6432
 Overtaking and passing bicyclists and pedestrians, vehicles to maintain safe distance: SB 5564
 Pedestrians, persons with disabilities in wheelchairs, using adjacent roadway when sidewalk not accessible: SB 6504
 Pedestrians, vehicles overtaking and passing, maintaining safe distance: SB 5564
 Primitive roads, actions for damages arising from vehicular traffic on, removing certain factors from consideration in: ***SB 6219, CH 205 (2014)**
 Safe routes to school program, funding with federal transportation funds and highway safety fund moneys: SB 5506
 Speed limits, nonarterial highways, city or town establishment of maximum limit: ***HB 1045, CH 264 (2013)**, SB 5066
 Studded tires, use of, issuance of permit and payment of annual permit fee to be used for highway preservation: SB 5583
 Tow truck operators, placing limits on private impound rates in connection with state patrol-originated calls: ***ESHB 1625, CH 37 (2013)**

Tow trucks, flatbed, allowing passengers in vehicle on deck: ***SB 5050, CH 155 (2013)**
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Railroad employees, passenger-carrying vehicles for, commission regulation of: **ESHB 1620**

Railroad employees, passenger-carrying vehicles for, commission to study and collect data on incidents and accidents:
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Railroad employees, passenger-carrying vehicles for, modifying commission rules and orders concerning: **SB 5720**

Railroad employees, yardmaster working hours, commission role in penalties for violations: **SB 5721**

Railroads, regulatory authority, commission to consolidate and assume: **SB 5722**

School buses, stopping at railroad grade crossings, commission role in determining exceptions: ***HB 2137, CH 154 (2014)**, **SB 5979**

Solid waste collection companies, commission to include certain taxes and fees imposed in base for collection rates: **ESHB 1954, SB 5920**

State universal communications services program, adjusting expenditure limit to include commission costs: **SB 6572**

State universal communications services program, commission to adopt rules and impose penalties: ***2E2SHB 1971, CH 8 (2013)**, **SB 5351, SB 5899, SB 5911**

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Benefit-related veterans' services, preserving integrity of, pension poacher prevention act: ***SB 6208, CH 67 (2014)**

Businesses hiring veterans, business and occupation tax and public utility tax credits for: **SB 6049**

Businesses hiring veterans, business and occupation tax credit for: **SB 5812**

Civil relief for service members, civil actions and proceedings: ***SHB 2171, CH 65 (2014)**, **SB 5989**

Department of veterans affairs, certifying and maintaining list of veteran-owned businesses: **2SHB 1909, SB 5834**

Department of veterans affairs, role in publicizing state lottery funding of veterans innovation program: **SB 5273**

Department of veterans affairs, submission to department of lists of military training and experience certified by professional licensing and similar authorities: **HB 1859, SB 5970**

Disabilities, nonresident veterans with, issuing combination fishing license or any hunting license at nondisabled resident cost: ***SHB 1192, CH 101 (2013)**

Disabilities, veterans with, creating task force to review property tax exemption program: **SHB 1170, 2SHB 1170**

Disabilities, veterans with, raising qualifying income thresholds for property tax exemption: **SB 5108, SB 6084**

Disabilities, veterans with, sales and use tax exemptions for add-on automotive adaptive equipment: **SB 5072**

Discover pass, complimentary, for certain veterans with disabilities: **SB 5319**

Discover pass, discount for certain veterans with disabilities: **SB 5084**

Driver's license or identicaid, authorizing veteran designation on, application process: ***SB 5775, CH 185 (2014)**

Higher education, early registration for veterans: ***HB 1109, CH 67 (2013)**

Higher education, resident tuition, veterans to receive: **EHB 1011, SB 5179, *SB 5318, CH 183 (2014)**

Hire our heroes tax credit program, providing business and occupation tax credit for businesses hiring veterans: **SB 5812**

Hiring preferences for veterans, for school district security activities: **SB 6466**

Medal of Honor, Congressional Medal of Honor special license plates, modifying provisions: ***EHB 2397, CH 181 (2014)**, **SHB 2420, SB 6150**

Property tax exemption, veterans with disabilities, creating task force to review program: **SHB 1170, 2SHB 1170**

Property tax exemption, veterans with disabilities, health care deductions from disposable income: **SB 5089**

Property tax exemption, veterans with disabilities, raising qualifying income thresholds: **SB 5108, SB 6084**

Public employment, examinations for, use of veteran scoring criteria status: ***SHB 1537, CH 83 (2013)**, **SB 5061**

Recreation lands, state, complimentary discover pass for certain veterans with disabilities: **SB 5319**

Recreation lands, state, discover pass discount for certain veterans with disabilities: **SB 5084**

Transportation workforce development, apprenticeship program, recruiting women, veterans, and persons of color: ESHB 1922

Veteran lottery raffle, repealing: ***SHB 1982, CH 136 (2013)**, SB 5273

Veteran's benefits, paid for child support, credit for veteran's support obligation: HB 1145

Veteran-owned businesses, certification and listing by department of veterans affairs and awarding of contracts by state agencies: 2SHB 1909, SB 5834

Veteran-owned businesses, certification and listing by department of veterans affairs, modifying qualifications for: ***HB 2744, CH 182 (2014)**

Veterans innovation program, state lottery account funding, modifying: SB 5273

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Veterans' assistance fund, county use for fiscal relief: SB 5005

Veterans' assistance fund, property tax levies for: SB 5490

Veterans' assistance programs, modifying definition of veteran for purposes of: ***SHB 1806, CH 42 (2013)**

Veterans' homes, modifying provisions: SB 5691, SB 5974

Veterans' treatment courts, establishment by chief justice of supreme court for veterans and armed forces members: SB 5129

Vietnam veterans, observing a welcome home Vietnam veterans day: ***HB 1319, CH 5 (2013)**

Walla Walla veterans' home, establishment: SB 5691, SB 5974

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Companion animal safety, population control, and spay/neuter assistance program, veterinarian participation: SB 5202

Cruelty to animals, veterinarian liability protections when reporting: HB 1186, ***SB 5102, CH 245 (2013)**

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Civil action against victim by offender imprisoned for serious violent offense, authorization by judge: ***SHB 2102, CH 113 (2014)**

Commercially sexually exploited children statewide coordinating committee, establishing: SB 5308

Crime victims' compensation, benefits, adding electronic means of payment: ***HB 1468, CH 125 (2013)**, SB 5361

Domestic violence victims, records concerning, restricting disclosure by tenant screening service providers: SHB 1529, SB 5568

Domestic violence, victims, paid sick and safe leave, establishing minimum standards: ESHB 1313, SB 5594

Domestic violence, victims, paid sick and safe leave, geographic limitations on local leave programs: ESB 5726

Domestic violence, victims, paid sick and safe leave, state preemption of local leave regulation: SB 5728

Prostitution convictions, vacating for victims of certain trafficking and related crimes: ***SHB 1292, CH 109 (2014)**

Rape, pregnant survivor of, assistance of court to avoid parenting interactions with rapist: SB 6364

Sex offender community custody, conditions, refraining from contact with victim or their family: SB 6069

Sex trade, victims, rehabilitative services funded through fine paid by prostitution offenders: ***ESHB 1291, CH 121 (2013)**

Sex trafficking, victims, rehabilitative services funded through fine paid by offenders: ***ESHB 1291, CH 121 (2013)**

Sex trafficking, victims, statewide coordinating committee on sex trafficking, establishment: ***ESHB 1291, CH 121 (2013)**

Sexual assault victims, records concerning, restricting disclosure by tenant screening service providers: SHB 1529, SB 5568

Sexual assault, victims, paid sick and safe leave, establishing minimum standards: ESHB 1313, SB 5594

Sexual assault, victims, paid sick and safe leave, geographic limitations on local leave programs: ESB 5726

Sexual assault, victims, paid sick and safe leave, state preemption of local leave regulation: SB 5728

Sexual exploitation of children, mandatory restitution for victim: SB 6435

Sexual offenses, with minor victim, including legal elements and conviction consequences in public school sexual health education: ***SHB 1397, CH 85 (2013)**

Stalking victims, records concerning, restricting disclosure by tenant screening service providers: SHB 1529, SB 5568

Stalking, victims, paid sick and safe leave, establishing minimum standards: ESHB 1313, SB 5594

Stalking, victims, paid sick and safe leave, geographic limitations on local leave programs: ESB 5726

Stalking, victims, paid sick and safe leave, state preemption of local leave regulation: SB 5728

Trafficking and related crimes, victim who is convicted prostitution offender, vacating of conviction: ***SHB 1292, CH 109 (2014)**

Trafficking, child victims of, adding involving children in trafficking to definition of "abuse or neglect": SB 5223

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Culinary or alcohol-related classes, postsecondary, permit to allow students under age 21 to taste alcoholic beverages in: SB 5774

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Washington customized employment training program, modifying provisions and adding expiration date: SB 5783

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Abuse and other investigations, definition of vulnerable adult, expanding to include person with developmental disability: SB 6420

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Cost-of-living increases, ongoing suspension for certain educational and academic employees: ***HB 2043, CH 5 (2013)**, SB 5194

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WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD (See also VOCATIONAL EDUCATION)

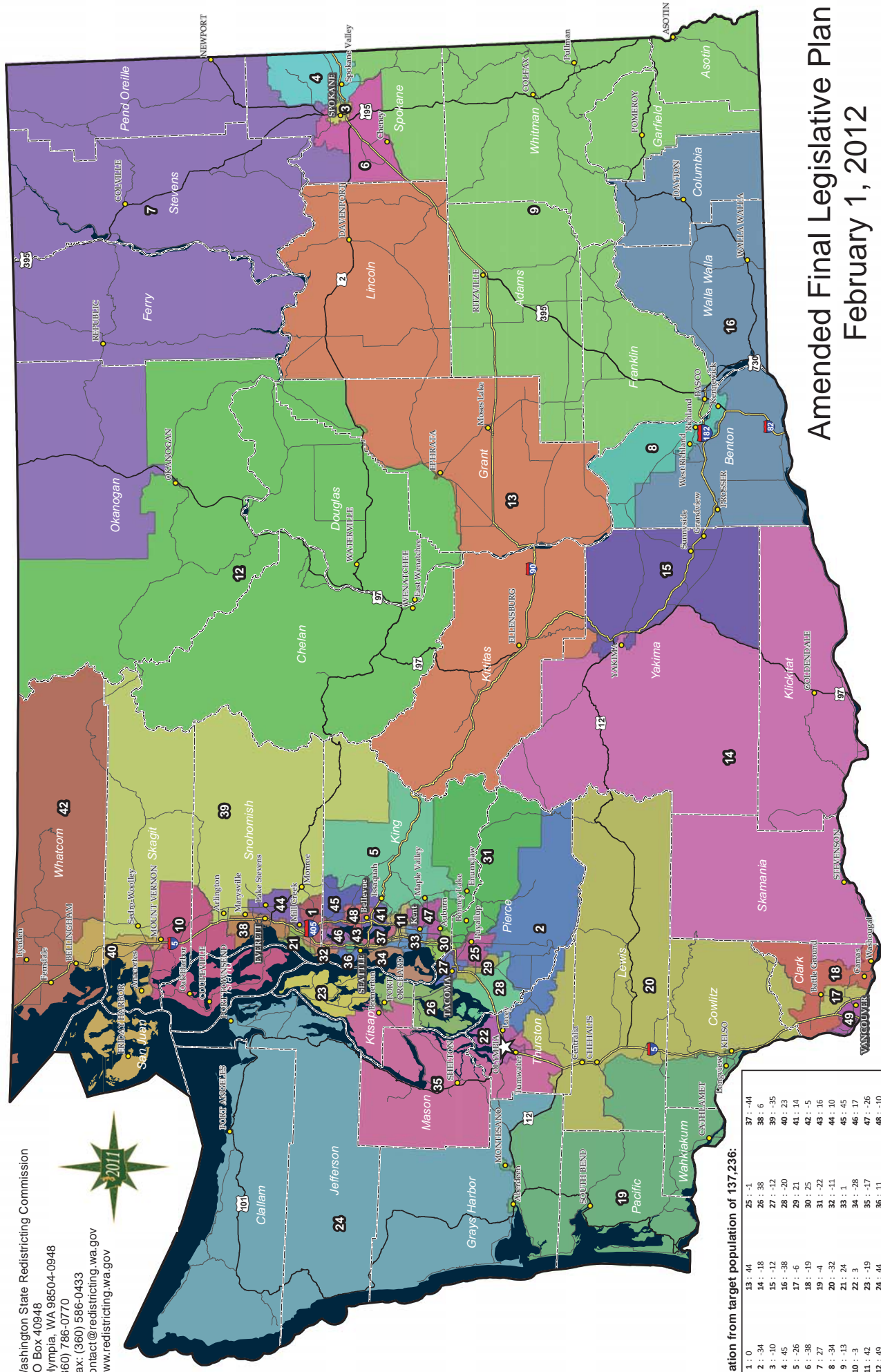
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Deviation from target population of 137,236:

1 : 0	13 : 44	25 : -1	37 : -44
2 : -34	14 : -18	26 : 38	38 : 6
3 : -10	15 : -12	27 : -12	39 : -35
4 : 45	16 : -38	28 : -20	40 : 23
5 : -26	17 : -6	29 : 21	41 : 14
6 : -38	18 : -19	30 : 25	42 : -5
7 : 27	19 : -4	31 : -22	43 : 16
8 : -34	20 : -32	32 : -11	44 : 10
9 : -13	21 : 24	33 : 1	45 : 45
10 : -3	22 : 3	34 : -28	46 : 17
11 : -42	23 : -19	35 : -17	47 : -26
12 : 49	24 : 44	36 : 11	48 : -10
			49 : 8

Amended Final Legislative Plan

February 1, 2012